

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE CLERK

10 AUG -2 1990

SENATE  
S. No. **2207**

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article XIV, Section 4, paragraph 1, provides:

The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

Under Section 42 of BP Blg. 232, otherwise known as Education Act of 1982, private learning institutions are free to determine their tuition and miscellaneous fees. However, tuition fees in colleges are subject to consultation with their student councils/governments, faculty, alumni, and/or non-teaching personnel associations. In the absence of a student council/government, the student organizations and societies recognized by it shall select not more than ten (10) representatives who will participate in the consultation (*Section 1 of CHED Memorandum Order No. 13 series of 1998, and pursuant to Section 18 of R.A. No. 7722, otherwise known as Higher Education Act of 1994, where the power of Department of Education on tertiary education, including the authority given by Section 57, par.3 and Section 70 of BP Blg. 232, and the power vested by Presidential Decree No. 451 authorizing the Secretary of Education to regulate imposition of tuition and other fees*).

Unfortunately, such consultations have become mere formalities because in reality, the process only involves the presentation of the planned increases and nothing more, thus defeating the essence for which consultations are conducted, which is to arrive at a consensus on the necessity and practicability of such hikes.

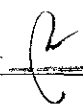
Since the said memorandum pertains only to tuition fees, the colleges and universities circumvent the law by increasing their miscellaneous and/or adding other fees without proper consultation with their student councils/governments, parents, faculty, and alumni.

Students have the right to know and be consulted on what they are paying for. This bill seeks to provide that all educational institutions, whether public or private, shall hold mandatory consultation with their student councils/governments, parents or guardians, alumni, faculty, and other non-teaching personnel associations, before increasing and/or adding miscellaneous fees, other fees, and paid services.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

10 AUG 1970

SENATE  
S. No. **2207**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT

2 PROVIDING THAT ALL EDUCATIONAL INSTITUTIONS, WHETHER PUBLIC OR  
3 PRIVATE, SHALL HOLD MANDATORY CONSULTATION WITH STUDENTS, PARENTS  
4 OR GUARDIANS, ALUMNI, TEACHERS, AND OTHER NON-TEACHING PERSONNEL  
5 ASSOCIATIONS, BEFORE INCREASING AND/OR ADDING MISCELLANEOUS FEES,  
6 OTHER FEES, AND PAID SERVICES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

7 SECTION 1. *Short Title.* – This Act shall be known as the “Miscellaneous and Other  
8 Fees Consultation Act.”

9 SECTION 2. *Declaration of Policy.* – It is the policy of the State to exercise reasonable  
10 supervision and regulation of all educational institutions.

11 SECTION 3. *Definition of Terms.* - As used in this Act, the term:

12 (A) “Student” means any person enrolled in elementary, high school, tertiary, graduate,  
13 and post graduate levels. It shall include any person include in a center.

14 (B) “Tuition fee” means the direct cost of:

- 15 (1) Instruction,  
16 (2) Training,  
17 (3) The use of school activities,  
18 (4) Other related activities.

19 (C) “Miscellaneous” means fees which cover other necessary cost supportive of  
20 instruction, including but not limited to medical and dental, athletic, library, laboratory, and  
21 National Service Training Program (NSTP) or Reserved Officers Training Corps (ROTC).

1 (D) "Other fees" means additional fees imposed by the school, center, and the HEI which  
2 are not included in the "miscellaneous fees".

3 (E) "Concerned Educational Institution" means either "School," or "HEI," or "Center."

4 (F) "Concerned Parties" means either student council/government or, in the absence of  
5 student council, representatives of student organizations, parents or guardians, alumni, teachers,  
6 and other non-teaching personnel associations.

7 (G) "School" means elementary and high school.

8 (H) "Higher Educational Institution or HEI" means colleges and universities.

9 (I) "Center" means learning centers that grant short-term courses.

10 (J) "Short-Term Courses" – courses offered for a duration of not greater than two (2)  
11 years but not less than six (6) months.

12 (K) "DepEd" means the Department of Education.

13 (L) "CHED" means the Commission on Higher Education.

14 (M) "TESDA" means the Technical Education and Skills Development Authority.

15 (N) "Private Schools" means those owned and operated by an individual or group of  
16 individuals distinct from the government.

17 (O) "Public Schools" means those owned, controlled, and operated by the government.

18 SECTION 4. *Consultation Requirement for School.* – All Schools proposing to increase  
19 their miscellaneous, and/or other fees, or add other paid services, which will result to other fees,  
20 for the ensuing School Year (SY) or Academic Year (AY), before submitting to the DepEd other  
21 required documents and notices, must hold mandatory consultation with their student  
22 councils/governments, parents or guardians, alumni, teachers, and non-teaching personnel  
23 associations. In the absence of a student council/government in an educational institution, the  
24 student organizations and societies recognized by the School, shall select not more than ten (10)  
25 representatives who will participate in the consultation.

26 SECTION 5. *Consultation Requirement for HEI.* – All Higher Educational Institutions  
27 proposing to increase their miscellaneous, and/or other fees, or add other paid services, which  
28 will result to other fees, for the ensuing Semester, School Year (SY) or Academic Year (AY),

1 before submitting to the CHED other required documents and notices, must hold mandatory  
2 consultation with their student councils/governments, alumni, teachers, and non-teaching  
3 personnel associations. In the absence of a student council/government in HEI, the student  
4 organizations and societies recognized by the School, shall select not more than ten (10)  
5 representatives who will participate in the consultation.

6 SECTION 6. *Consultation Requirement for Center.* – All Centers proposing to increase  
7 their miscellaneous, and/or other fees, or add other paid services, which will result to other fees,  
8 for the ensuing Semester, School Year (SY) or Academic Year (AY), before submitting to the  
9 TESDA other required documents and notices, must hold mandatory consultation with their  
10 student councils/governments, instructors, and non-teaching personnel associations. In the  
11 absence of a student council/government in Center, the student organizations and societies  
12 recognized by the Center, or in the absence of any student organizations, at least ten (10) student-  
13 representatives who will participate in the consultation.

14 SECTION 7. *Implementing Rules and Regulations.* – The DepEd, CHED, and TESDA  
15 are hereby authorized to promulgate the necessary rules and regulations for the effective  
16 implementation of this Act within thirty (30) days upon its approval.

17 SECTION 8. *Deadlock.* – In case no consensus is reached among the concerned  
18 educational institution and the concerned parties, the DepEd (for schools), CHED (for HEIs), or  
19 TESDA (Centers) is hereby authorized to decide in a summary proceeding whether the proposed  
20 increase or additional fee or paid services should be granted.

21 SECTION 9. *Sanctions.* – In case of violation of this Act and the rules and regulations for  
22 the effective implementation of this Act, the DepEd, CHED, and TESDA are hereby authorized  
23 to restrain and fine the School, HEI, and the Center, and cancel its application for miscellaneous  
24 and/or other fee increase, and/or application for adding other paid services, without prejudice to  
25 the filing of the administrative and criminal charges against the school and/or responsible  
26 officers under existing laws.

1           SECTION 10. *Scholarship Fund.* – The fine to be imposed by the DepED, CHED, and  
2   TESDA shall be constituted as a scholarship fund under a program to be established by the  
3   DepEd, CHED, and TESDA.

4           SECTION 11. *Separability Clause.* – If any provision or part hereof, is held invalid or  
5   unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain  
6   valid and subsisting.

7           SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
8   order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
9   with the provisions of this Act is hereby repealed, modified or amended accordingly.

10          SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
11   publication in at least two (2) newspapers of general circulation.

Approved,