


13 JUL -1 89:45

SENATE

RECEIVED BY: 

S.B. No. 33

Introduced by SENATOR CYNTHIA VILLAR

EXPLANATORY NOTE

To most Filipino parents, education is the most precious inheritance they can pass on to their children. Even to the poorest of families, they consider it imperative to send their children to school, and this comes with hope that the educated children can help in improving their quality of life to a level that is comfortable. In the Philippine setting, it is not peculiar that families mortgage a piece of their land or homes, and even sell a few of their possessions in order that their children could pursue college or tertiary education. In short, it is typical for Filipino parents to sacrifice so much so that their children could get education.

Unfortunately for students and their parents, schools can be quite exacting when it comes to tuition, and this could not be any more apparent than during examinations. While families understand that tuition and other fees are necessary for schools to provide the service required of them, they encounter unavoidable circumstances at times when they could not meet the obligation to pay the tuition fee on time. And while there appears to be a CHED Memorandum Order (CMO) which urge some degree of flexibility towards students with unsettled accounts, it is being reported that many schools still brazenly ignore it.

The proposed legislation seeks to prohibit public/private higher education institutions (HEIs) and technical-vocational schools from enforcing the "No Permit, No Exam" policy which essentially denies students the right to take examinations unless tuition fee payments are updated. Parents and students, who are facing financial difficulties, time and again suffer emotional stress under this seemingly unfair practice. Just this year, we were jolted by the news of a promising student in a premier state university who allegedly committed suicide death because she was not allowed to take her college examination due to her inability to pay the school fees. To my mind, this could have been avoided, if only we have in place a more considerate policy towards students undergoing financial difficulties.

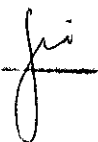
In view of the foregoing, I recommend the passage of this bill.


CYNTHIA A. VILLAR

'13 JUL -1 09:45

SENATE

S.B. No. 33

RECEIVED BY: 

Introduced by SENATOR CYNTHIA VILLAR

AN ACT

PENALIZING THE IMPOSITION OF A "NO PERMIT, NO EXAM" POLICY OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Anti-'No Permit, No Exam' Act of 2013".

SEC. 2. *Declaration of Policy.* – It is hereby declared unlawful for any technical-vocational (tech-voc) institute or higher education institution (HEI), whether public or private, to disallow any student of post-secondary and higher education from taking any midterm or final examination due to nonpayment of tuition and other school fees under the established terms of payment prescribed by the concerned educational institution and approved by the Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED), respectively.

SEC. 3. *Coverage.* – This Act shall cover all public and private post-secondary tech-voc institutes and HEIs, including local colleges and universities.

SEC. 4. *Right of Students.* – Students of post-secondary and higher education shall have the right to take the midterm or final examinations notwithstanding the existence of unpaid financial obligations to the school.

SEC. 5. *Obligation of Students.* – The students and/or their parents, unless waived by the school authorities concerned, shall be obligated to pay an interest for the unpaid tuition and other school fees, which shall not be more than five percent (5%) per annum, computed from the date of the examination taken by the students until the date when the overdue and unpaid tuition and other school fees are fully liquidated.

SEC. 6. *Rights of Schools.* – The school authorities shall have the following rights against students with financial obligations, which remain due and unsettled to their schools:

(a) To withhold the release of the grades of a student with delinquent account until the unpaid tuition and other school fees plus interest charges are fully paid;

1 (b) To deny admission or enrolment of any student having unsettled tuition or other
2 school fees at the next succeeding semester classes, in the case of higher education, or
3 at the next succeeding short-term course, in the case of post-secondary tech-voc
4 education, as the case may be, until the previous delinquencies are fully paid; and
5

6 (c) To refuse issuance of school clearance to students with financial obligations to
7 the school until all previous delinquencies are fully paid.
8

9 **SEC. 7. *Unlawful Acts.*** – In recognition of the students' right to take their midterm and
10 final examinations, the following acts by tech-voc institutes and HEIs shall be
11 considered unlawful:
12

13 (a) Disallowing students with due and unpaid tuition and other school fees from
14 taking the midterm or final examination;
15

16 (b) Requiring the students to secure a permit to take the midterm or final
17 examination from the school authorities prior to the administration of midterm periodic or
18 final examination; and
19

20 (c) Compelling the students to pay upon enrollment a down payment or first
21 installment equivalent to more than thirty percent (30%) of the total amount of tuition
22 and other school fees for the entire semester or duration of the course.
23

24 **SEC. 8. *Penalties.*** – Any HEI or tech-voc institute official or employee, including deans,
25 coordinators, advisers, professors, instructors and other concerned individuals found
26 guilty of violating any of the unlawful acts enumerated in Section 7 of this Act shall be
27 punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more
28 than Fifty thousand pesos (P50,000.00).
29

30 **SEC. 9. *Implementing Guidelines.*** – The TESDA and the CHED shall promulgate the
31 implementing guidelines necessary to enforce the objectives of this Act.
32

33 **SEC. 10. *Separability Clause.*** – If any provision or part of this Act is held invalid or
34 unconstitutional, the other sections or provisions hereof shall not be affected thereby
35 and shall remain in force and effect.
36

37 **SEC. 11. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
38 proclamations, issuances, administrative orders, rules and regulations contrary to or
39 inconsistent with any provision of this Act are hereby amended, repealed or modified
40 accordingly.
41

42 **SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
43 publication in a newspaper of general circulation.
44

45 Approved,