

**SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session



Senate
Office of the Secretary

'13 AUG 29 P 4 :36

SENATE
SENATE BILL NO. 1423

RECEIVED BY: *ju*

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

The 1987 Philippine Constitution recognizes the importance of education and the corresponding educational system in the Philippines. Such prominences are embodied in Articles II, XIV and XV of the Constitution. Article II presents the declared policies of the State; Article XIV speaks of education, science and technology, arts, culture and sports while Article XV contains provisions for families and Filipino children.

Article II, Sections 17 of the Constitution in its declared policies of the State insofar as education is concerned provides that:

Section 17. *"The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."*

With these declared policies, the State is mandated to provide a system of education for the Filipino youth and children, that is "quality education," a "complete, adequate, and integrated system of education relevant to the needs of the people and society." Consistently, the State must at the same time ensure that all citizens can access this envisioned system of education. In order to achieve these goals, the Constitution further provided under Article XIV, Section 1 and 4 that:

Article XIV, Section 1: *"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible at all."*

Article XIV, Section 4. (1): *"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."*

However, notwithstanding these Constitutional provisions, education in the Philippines remains obscure to its citizens. Statistics shows that more than 6 million Filipino youth remains out of school, unable to enroll because they cant afford the cost of education.

As no less than CHED Commissioner Patricia Licuanan announced

last month that out of the 1,683 private HEIs in the country, 451 or 27 percent applied for tuition and other school fees increase and of them, 354 or 21 percent have been approved, the average percentage of increase in tuition therefore results in an 8.65 percent, with a peso equivalent of P48.55 per unit.

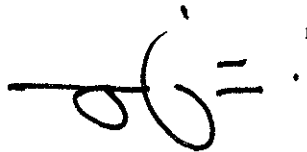
With this we can anticipate the number of out of school youth to increase as 356 colleges and universities and 260 elementary and secondary schools nationwide due to an increased tuition rates for the Academic Year 2013-2014.

Given the existing economic conditions in the Philippines, salaries and wages of parents remain insufficient to answer for the prices of basic commodities, there's still a constant struggle to keep up with the increasing tuition fees for the much-needed education. It will be meaningless if school despite this brawl continue to be insensitive by implementing and imposing a "No, Permit, No Exam" policy, prohibiting students with arrears from taking their examinations, and not finishing school regardless of how hard they have worked for it or how much academically deserving they are to finish it. It is thus unfortunate that a large number of educational institutions not only fail to do their duties as stated in the Constitution; they too willingly or unwillingly defy the constitutionally guaranteed rights of citizens to education.

Lastly, despite the issuance of CHED Memorandum No. 02-2010 and DEPED Order No, 15 series 2010, were proven useless, as still hundreds of schools nationwide incessantly ignore said directives and pursue their no permit, no exam policy. The only way for schools to stop imposing "No Permit No Exam" policies is through legislative enactment.

Therefore, in order to give meaning to what our Constitution has provided, every citizen rich or poor has the right to access education. This bill is thus being proposed with the intent to afford students of post-secondary and higher education to take the midterm or final examinations notwithstanding their unpaid financial obligations to the school subject to the latters corresponding rights to demand and collect, as provided for under the Implementing Guidelines issued by TESDA and CHED.

In view of the foregoing, the passage of this measure is earnestly sought



JOSEPH VICTOR G. EJERCITO

SENATE OF THE PHILIPPINES)
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Senate Bill No. 1423

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

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".

SECTION 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.

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

SECTION 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.

SECTION 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 six percent (6%) *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.

SECTION 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;

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

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

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

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

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

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

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

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

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

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

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

Approved,