



SENATE

'19 JUL 16 P2:50

S.B. No. 560

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT
PENALIZING THE IMPOSITION OF A 'NO PERMIT, NO EXAM' POLICY OR
ANY SUCH POLICY THAT PROHIBITS STUDENTS IN ALL EDUCATIONAL
INSTITUTIONS FROM TAKING THEIR PERIODIC, PRELIMS, MIDTERM OR
FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL
FEES**

EXPLANATORY NOTE

The 1987 Constitution recognizes the duty of the State to protect and promote the right of all citizens to quality education. Moreover, it mandates the State to make such education accessible to all.

Despite this Constitutional protection, there have been numerous instances wherein students are barred by school authorities from taking examinations due to failure to settle their tuition and/or other school fees.

The existing system of scholarship grants and other student loan programs have proven to be inadequate to meet the needs of underprivileged but deserving students. Some unforeseeable circumstances hinder students from availing such financial assistance on time. In other cases, some students who are from families that are not necessarily poor but have suffered from sudden reversal of fortune or temporary setbacks may also cause the delay in the payment of tuition within the prescribed period by the school.

Prohibiting students from taking these examinations solely because of the non-payment of tuition and/or other school fees is a violation of the rights of students to education. The State has the urgent duty to protect these rights and provide students with the means to access quality education.

Hence, this measure seeks to protect the rights of students, while, at the same, aims to provide schools with the adequate protection to ensure the payment of tuition and other school fees.

In view of the foregoing, approval of this bill is earnestly sought.

EMMANUEL D. PACQUIAO



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

- 1 **Section 1. Short Title.** This Act shall be known as the "Anti 'No Permit, No Exam' Policy
2 Act of 2019."
3
- 4 **Section 2. Declaration of Policy.** It is the policy of the State to ensure the accessibility of
5 quality education and, towards this end, to exercise reasonable regulation of education
6 institutions.
7
- 8 It is hereby declared unlawful for any educational institution, whether private or
9 public, to prohibit any student from taking any examination, including but not limited to mid-
10 term or final examination, due to non-payment of tuition and other school fees.
11
- 12 **Section 3. Coverage.** This Act shall cover all educational institution, whether public or
13 private, primary, secondary, post-secondary, technical-vocational institutes and higher
14 educational institutions, including local colleges and universities.
15
- 16 **Section 4. Rights of Students.** Students shall have the right to take periodic school
17 examinations, including but not limited to mid-term or final examination, notwithstanding the
18 existence of unpaid financial obligations to the school.
19
- 20 **Section 5. Rights of Schools.** The school authorities shall have the right to refuse the issuance
21 of school clearance to students with financial obligations to the school until all previous
22 delinquencies are fully paid.
23
- 24 **Section 6. Unlawful Act.** In recognition of the rights of the students to take the school
25 examinations, the following acts by educational institutions shall be considered unlawful:

- 1 (a) Disallowing students with due and unpaid tuition and other school fees from taking
2 any examination, including but not limited to mid-term or final examination;
3
4 (b) Requiring the students to secure a permit from the school authorities to take school
5 examinations, including but not limited to mid-term or final exams, prior to the
6 administration of the periodic examinations; and
7
8 (c) Compelling the students to pay upon enrollment a down payment or first installment
9 equivalent to more than thirty percent (30%) of the total amount of tuition and other
10 school fees for the entire semester or duration of the course.
11

12 **Section 7. Penalties.** Any school official or employee, including deans, coordinators,
13 advisers, professors, instructors and other concerned individuals found guilty of violating any
14 of the unlawful acts enumerated in Section 6 of this Act shall be punished by a fine of not
15 less than Twenty Thousand pesos (PHP 20,000.00) but not more than Fifty Thousand pesos
16 (PHP 50,000.00).
17

18 Fines collected from erring schools shall be put into a special fund that shall be used for
19 scholarships administered by the Department of Education (DepEd), Commission on Higher
20 Education (CHED), and Technical Education and Skills Development Authority (TESDA).
21

22 **Section 8. Implementing Guidelines.** The DepEd, CHED, and TESDA, shall promulgate the
23 implementing guidelines necessary to enforce the objectives of this Act.
24

25 **Section 9. Separability Clause.** If, for any reason or reasons, any part of the provision of this
26 Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are
27 not affected thereby shall continue to be in full force and effect.
28

29 **Section 10. Repealing Clause.** Any law, presidential decree or issuance, executive order,
30 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with
31 the provisions of this Act is hereby repealed, modified or amended accordingly.
32

33 **Section 11. Effectivity.** This Act shall take effect fifteen (15) days after its publication in two
34 (2) national newspapers of general circulation. The publication shall not be later than seven
35 (7) days after the approval hereof.
36
37

38 *Approved,*