

OFFICE OF THE SECRETARY  
JUL 15 2010

SENATE

S. No 291

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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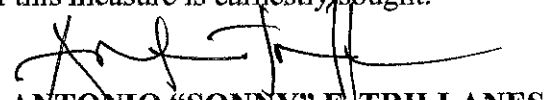
EXPLANATORY NOTE

Article XIV Section 1 provides that 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 to all. Thus, laws have been enacted to further this policy, wherein the Education Act of 1982 is among them. However, those who have crafted the aforementioned law failed to anticipate the exorbitant increase in tuitions that is to come in the years ahead. The Education Act of 1982 has in effect rendered our educational institutions inutile in safeguarding the interests of students and unable to regulate private educational institutions from increasing their tuition and other fees.

For the next academic year, 130 tertiary schools across the country revealed plans for tuition hikes. According to the Commission on Higher Education (CHED), the schools are reported to have asked an increase in their tuitions by 5, 7 or 10 percent (5-10%).<sup>1</sup> Private tertiary schools cater to almost 70 percent of the college students nationwide. This is a most unsolicited burden for our students and their parents, and will only seek to exacerbate their plight, especially in light of the current economic crunch.

In response to this, this measure mandates that every private school shall determine its rate of tuition and other school fees or charges subject to the regulation and approval of the Department of Education (DepEd), Commission on Higher Education (CHED), and the Technical Education and Skills Authority (TESDA). The universities and colleges may apply for an increase in their school fees provided that the increase does not go beyond the current inflation rate of the country. It is hoped that the passage of this bill shall provide teeth to the concerned educational institutions and bring back social justice to our students who have been and are in danger of being denied access to higher education.

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

  
ANTONIO "SONNY" F. TRILLANES  
Senator

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<sup>1</sup> Information retrieved from: <http://www.allvoices.com/contributed-news/3014228-philippines-kabataang-pinoy-ched-tuition>. Retrieved on 29 April 2009.

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AN ACT

AMENDING SECTION 42 OF BATAS PAMBANSA BLG. 232, OTHERWISE KNOWN AS THE "EDUCATION ACT OF 1982", AS AMENDED BY REPUBLIC ACT NO. 7798, BY REGULATING THE INCREASE OF TUITION AND OTHER SCHOOL FEES OF ALL PRIVATE EDUCATIONAL INSTITUTIONS, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

1           **SECTION 1.** Section 42 of Batas Pambansa Blg. 232, otherwise known as the Education  
2 Act of 1982, as amended by Republic Act No. 7798, is hereby amended to read as follows:

3  
4           Sec. 42.A. Each private school shall determine its rate of tuition and other  
5 school fees or charges **SUBJECT TO THE REGULATION AND**  
6 **APPROVAL OF THE DEPARTMENT OF EDUCATION (DepEd),**  
7 **COMMISSION ON HIGHER EDUCATION (CHED), AND THE**  
8 **TECHNICAL EDUCATION AND SKILLS AUTHORITY (TESDA).**  
9 **ALL PRIVATE EDUCATIONAL INSTITUTIONS MAY APPLY FOR**  
10 **AN INCREASE IN ANY SUCH FEE, PROVIDED THAT THE**  
11 **INCREASE DOES NOT EXCEED THE CURRENT INFLATION**  
12 **RATE OF THE COUNTRY AS OFFICIALLY DETERMINED BY**  
13 **THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY.**

14           The rates and charges adopted by schools pursuant to this provision shall be  
15 collectible, and their application or use authorized, subject to rules and  
16 regulations promulgated by the **DepEd, CHed, AND TESDA.**

1           **SEC. 42 (B). THE PRESIDENT, CHAIRMAN OR HEAD OF THE**  
2           **CONCERNED PRIVATE EDUCATIONAL INSTITUTION UPON**  
3           **CONVICTION FOR AN ACT IN VIOLATION OF SECTION 42 (A)**  
4           **ABOVE, SHALL BE PUNISHED WITH IMPRISONMENT OF NOT**  
5           **MORE THAN SIX (6) YEARS.**

6  
7           **SEC. 2. *Separability Clause.*** - If any part, section, or provision of this Act shall be held  
8           invalid or unconstitutional, the other provisions shall not be affected thereby.

9  
10           **SEC. 3. *Repealing Clause.*** - All laws, decrees, orders, issuances, rules and regulations or  
11           parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or  
12           modified accordingly.

13           **SEC. 4. *Effectivity Clause.*** - This Act shall take effect in the preceding school year  
14           immediately after the enactment of this Act, following its publication in the *Official Gazette* or in  
15           any two (2) newspapers of general circulation.

Approved,