

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FOURTEENTH CONGRESS
Third Regular Session

House Bill No. 6799

Introduced by KABATAAN Party-list Representative Raymond V. Palatino

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIV, Section 1, states:

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 accessible to all.

Yet despite this constitutional guarantee, higher education in the country has remained largely inaccessible to poor students. Due to the government's long-standing policy as regards higher education, public tertiary schools, including state colleges and universities, are becoming more and more privatized resulting to the inevitable increase in tuition and other school fees. Private higher education institutions (HEIs), on the other hand, have become mostly run as profit-making enterprises with their routine imposition of higher or new school fees, unmindful of the economic situation of the students they are supposed to serve.

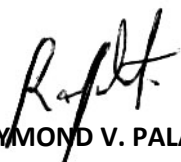
It has been repeatedly pointed out that the State is not doing enough to protect the Filipino's right to quality and accessible education. Given that the State can barely ensure quality public tertiary education, it has also not sufficiently exercised its regulatory role among private HEIs, as Article XIV, Section 4 of the Constitution 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.

Consequently, apart from the unabated increase in tuition and other school fees in private HEIs, many have also taken to imposing a 'no permit, no exam' policy, which prohibits students who have not partially or fully settled their financial obligations with the school from taking their periodic or final examinations. Such policy effectively bars unpaid students from graduating or obtaining an academic degree, regardless of how hard they have worked for it or how much they academically deserve it.

In light of this situation, it is the State's obligation to intervene and ensure that our young people's right to education is not compromised due to financial difficulties – most specially given the present economic situation of the country, in which millions of families struggle to meet even their most basic needs.

Therefore, this bill seeks to protect deserving students from prematurely halting their studies due to their understandable inability to pay high school fees on time. It upholds the State's right and responsibility to exercise reasonable regulation of private HEIs.


Rep. RAYMOND V. PALATINO
KABATAAN Party-list

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

*Be it enacted by the Senate and the 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 2009”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure the accessibility of quality tertiary education and, towards this end, to exercise reasonable regulation of private higher education institutions. This Act pursues this policy by penalizing private higher education institutions that impose a ‘no permit, no exam’ policy or any such policy that prohibits students from taking their periodic or final examinations due to unpaid tuition and other school fees.

SECTION 3. *Rights and Obligations of Students.* – Students with delinquent fees shall have the right to take an examination. Nevertheless, such students shall be subject to the right of the school concerned to withhold the release or issuance of their school clearance prior to their graduation until all prior delinquencies are fully paid.

SECTION 3. *Implementing Guidelines.* – The Commission on Higher Education shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SECTION 4. *Penalties.* – Violations of the provisions of this Act shall be punished by the suspension and/or cancellation of the permits of the offending schools and fine of not less than P30,000.00 but not more than P50,000.00

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

SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.