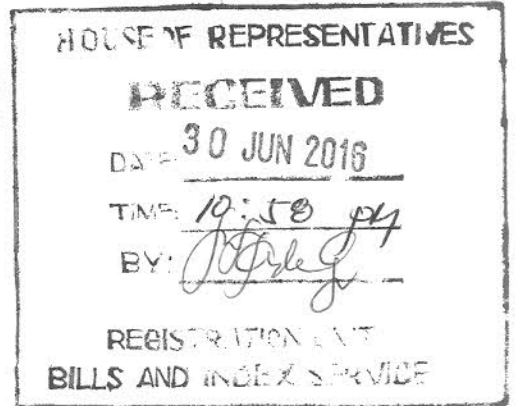


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 659



Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

EXPLANATORY NOTE

The Philippine Constitution proclaims 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 accessible to all".

However, despite this Constitutional provision, education remains to be elusive to its citizens. More than 6 million Filipino youth are unable to enroll due to the skyrocketing cost of education. We expect the number of out of school youth to increase as 356 colleges and universities and 260 elementary and secondary schools nationwide increased tuition rates for the Academic Year 2013-2014. According to Commission on Higher Education (CHED), the average increase of tuition for higher education institutions (HEIs) for 2013 is 8.3 percent or about P40 per unit.

The economic conditions in the Philippines remains dire and bleak; salaries and wages of parents remain stagnant while prices of basic commodities continue to rise. It is understandable that parents cannot pay full tuition at the start of the school year and struggle to meet deadlines for staggered payments. Adding burden to parents and students, schools—more commonly in private education institutions—have taken to imposing a "No, Permit, No Exam" policy, which prohibits students with arrears from taking their midterm 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.

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 education, it has also not sufficiently exercised its regulatory role among private schools, 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.

Kabataan Party-List filed a similar bill in the 14th Congress with a specific focus on higher educational institutions (HEIs). Though we were not able to see through the ratification of the said measure into law, we were able to convince the Commission on Higher Education to issue Memorandum No. 02-2010 enjoining all HEIs to allow students with delinquent accounts to take their final examinations. The Department of Education (DepEd) soon after took a similar stance for primary and secondary schools and issued DepEd Order No. 15 series 2010. More recently, CHED promulgated CHED Memorandum Order (CMO) No. 9 series of 2013 which states that the agency is set to implement “mechanisms for HEIs to institutionalize more compassionate policies and guidelines particularly for those students belonging to the vulnerable and/or marginalized sector of our society.” In the same section CHED particularly said, “In no case shall the [higher education institution] implement “no permit, no examination policy” in case of financial incapacities of the stated students.”

These memoranda, however, were proven to be useless paper tigers, and we witnessed how hundreds of schools nationwide ignored the directives. This strengthened our resolve that the only way for schools to stop imposing “No Permit No Exam” policies is through legislation.

The House of Representatives under the 15th Congress was able to pass on the Third Reading a version of this bill. Unfortunately, the Senate was not able to pass a counterpart bill. Now, under the 17th Congress, we refile our bill that we believe stands for the interest of the marginalized sector we represent. We also expanded the coverage of the bill to include primary and secondary education institutions.

It is imperative that the legislature immediately take action and make unlawful the callous and abominable practice of “No Permit No Exam”.



HON. SARAH JANE I. ELAGO
Representative, Kabataan Party-list

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1 AN ACT

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

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

7
8 **SECTION 1. Short Title.** – This act shall be known as the “Anti-‘No Permit, No Exam’
9 Act of 2016”

10 **SECTION 2. Declaration of Policy.** – It is the policy of the State to ensure the
11 accessibility of quality education and, towards this end, to exercise reasonable regulation of
12 education institutions.

13 It is hereby declared unlawful for any education institution, including primary,
14 secondary, higher education institution (HEI), and technical-vocational (tech-voc) institute,
15 whether public or private, to disallow any student from taking any midterm or final examination
16 due to nonpayment of tuition and other school fees.

17 **SECTION 3. Coverage.** – This Act shall cover all education institutions, whether public
18 or private, primary, post-secondary tech-voc institutes and HEIs, including local colleges and
19 universities.

20 **SECTION 4. Rights of Students.** – Students shall have the right to take the midterm or
21 final examinations notwithstanding the existence of unpaid financial obligations to the school.

22 **SECTION 5. Right of Schools.** – The school authorities shall have the right to refuse
23 issuance of school clearance to students with financial obligations to the school until all
24 previous delinquencies are fully paid.

25 **SECTION 6. Unlawful Acts.** – In recognition of the students’ right to take their midterm
26 and final examinations, the following acts by educational institutions shall be considered
27 unlawful:

- 1 (a) Disallowing students with due and unpaid tuition and other school fees from taking the
2 midterm or final examination;
- 3 (b) Requiring the students to secure a permit to take the midterm or final examination from
4 the school authorities prior to the administration of midterm periodic or final examination; and
- 5 (c) Compelling the students to pay upon enrollment a down payment or first installment
6 equivalent to more than thirty percent (30%) of the total amount of tuition and other school
7 fees for the entire semester or duration of the course.

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

13 Any school administration found guilty of violating a shall be punished by a fine of not
14 less than One hundred thousand pesos (P100,000) but not more than One million pesos
15 (P1,000,000).

16 Fines collected from erring schools shall be put into a special fund that shall be used
17 for scholarships.

18 **SECTION 8. Implementing Guidelines.** – The Department of Education, TESDA and
19 the Commission on Higher Education shall promulgate the implementing guidelines necessary
20 to enforce the objectives of this Act.

21 **SECTION 9. Separability Clause.** – If any provision or part hereof, is held invalid or
22 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
23 valid and subsisting.

24 **SECTION 10. Repealing Clause.** – Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
26 with the provisions of this Act is hereby repealed, modified or amended accordingly.

27 **SECTION 11. Effectivity.** – This Act shall take effect fifteen (15) days after its
28 publication in two (2) national newspapers of general circulation.

29

30 Approved,