

Republic of the Philippines  
Congress of the Philippines  
**Senate**

Manila City

Seventeenth Congress

Second Regular Session



RESOLUTION No. 85

RESOLUTION EXPRESSING THE SENSE OF THE SENATE FOR THE IMMEDIATE IMPLEMENTATION OF THE PROVISIONS OF THE UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION ACT BY ADMINISTERING AND AFFORDING THE STUDENTS FREE TUITION AND OTHER SCHOOL FEES AT THE START OF THE SECOND SEMESTER OF ACADEMIC YEAR 2017-2018

WHEREAS, the Philippine Congress included an amount of P8 Billion to cover for free tuition for Academic Year (AY) 2017-2018 in the approved General Appropriations Act (GAA) as an interim while the provisions of Republic Act No. 10931, otherwise known as the "Universal Access to Quality Tertiary Education Act (UAQTEA)", were still undergoing plenary deliberations. Eventually, the budget allocated was adopted in the GAA of 2017;

WHEREAS, on 3 August 2017, the President signed Republic Act No. 10931 which institutionalized the free tuition in State Universities and Colleges (SUCs), Commission on Higher Education (CHED)-accredited Local Universities and Colleges (LUCs), and government-run Technical Vocational Institutions (TVIs), among others, and for the creation of the Tertiary Education Subsidy (TES), and remodeling of the National Student Loan Program (NSLP);

WHEREAS, Republic Act No. 10931 specifically provides that, "quality education is an inalienable right of all Filipinos and it is the policy of the State to protect and promote the rights of all students to quality education at all levels". Therefore, the State shall take appropriate steps to make such education accessible to all;

WHEREAS, Section 11 of UAQTEA expressly prohibits SUCs, LUCs and state-run TVIs from collecting tuition and other school fees from students except for students who voluntarily opt out of the tuition and other school fees subsidy or make a contribution to the school;

WHEREAS, accordingly, the law became effective on 18 August 2017, fifteen days after its publication in the *Official Gazette*;

WHEREAS, based on the deliberations on the provision of free tuition and other school fees during the meeting of the bicameral conference committee on UAQTEA last 24 March 2017, the members of both the Senate and House of Representatives panel expressly agreed on the legislative intent to implement the said measure by November 2017, or by the second semester of AY 2017-2018;

WHEREAS, in this year's GAA for 2018, the total amount allocated to fully implement the free education law is in the amount of P41 Billion. The CHED-UniFAST, in the course of the budget deliberations, made a positive declaration to the members of the Senate that this budget allocation was sufficient to cover the tuition and other fees in SUCs starting second semester of AY 2017-2018;

WHEREAS, in a recent statement, however, newly appointed Officer-in-Charge of CHED, Dr. Popoy de Vera, said


that the CHED aims to fully implement the provision of free tuition and other school fees only starting June 2018, for AY 2018-2019. The CHED is still in the process of finalizing the implementing rules and regulations (IRR);

WHEREAS, while it is true that the power to adopt the IRR lies in the Executive, the non-issuance of the IRR does not automatically prevent the Executive from ensuring that the laws be faithfully executed. The express provision on the issuance of the IRR does not delegate legislative powers to the Executive;

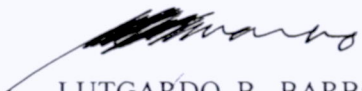
WHEREAS, with Republic Act No. 10931 now in effect and an approved budget to support its implementation, there is no reason for CHED not to attend to its immediate implementation. The government is duty-bound to enforce the provisions of the law, which should benefit the students whose hope lies in quality, accessible and free tertiary education in order to have a suitable employment to uplift their living conditions: Now, therefore, be it

*Resolved*, To express the sense of the Senate for the immediate implementation of the provisions of the Universal Access to Quality Tertiary Education Act by administering and affording the students free tuition and other school fees at the start of the second semester of Academic Year 2017-2018.

Adopted,

  
 AQUILINO "KOKO" PIMENTEL III  
*President of the Senate*

This Resolution was adopted by the Senate on February 12, 2018.

  
 LUTGARDO B. BARBO  
*Secretary of the Senate*