

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'16 JUL 20 P5:19

SENATE

S.B. No. 722

RECEIVED BY: 

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT

PENALIZING THE IMPOSITION OF A "NO PERMIT, NO EXAM" POLICY OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATION OR OTHER SIMILAR ASSESSMENTS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

EXPLANATORY NOTE

To most Filipino parents, education is the most precious inheritance they can pass on to their children. Even to the poorest of families, they consider it imperative to send their children to school, and this comes with hope that the educated children can help in improving their quality of life to a level that is comfortable. In the Philippine setting, it is not peculiar that families mortgage a piece of their land or homes, and even sell a few of their possessions in order that their children could pursue college or tertiary education. In short, it is typical for Filipino parents to sacrifice so much so that their children could get education.

Unfortunately for students and their parents, schools can be quite exacting when it comes to tuition, and this could not be any more apparent than during examinations. While families understand that tuition and other fees are necessary for schools to provide the service required of them, they encounter unavoidable circumstances at times when they could not meet the obligation to pay the tuition fee on time. And while CHED has issued a Memorandum Order requiring colleges and universities to provide a Student Affairs and Services (SAS) office that will provide its students a package of services, including guidance and counseling, career and job placement, economic enterprise development and scholarship and financial assistance, it does not categorically prohibit the "no permit, no exam policy" and so this does not effectively stop schools from practicing it.

Not too long ago, in 2013, we were quite distressed when we heard the news about a promising student in a premier state university who allegedly committed suicide because she was not allowed to take her college examination due to her inability to pay the school fees. To my mind, this could have been avoided, if only we have in place a more considerate policy towards students undergoing financial difficulties.

The proposed legislation seeks to prohibit public/private higher education institutions (HEIs) and technical-vocational schools from enforcing the "No Permit, No Exam" policy which essentially denies students the right to take examinations unless tuition fee payments are updated. Parents and students, who are facing financial difficulties, time and again suffer emotional stress under this seemingly unfair practice.

In view of the foregoing, I recommend the passage of this bill.


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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,*
2 *No Exam' Act of 2016*".

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared unlawful for any
4 technical-vocational (tech-voc) institute or higher education institution (HEI), whether
5 public or private, to disallow any student of post-secondary and higher education
6 from taking any midterm or final examination, or other similar assessments, due to
7 non-payment of tuition and other school fees under the established terms of payment
8 prescribed by the concerned educational institution and approved by the Technical
9 Education and Skills Development Authority (TESDA) and the Commission on
10 Higher Education (CHED), respectively.

11 **SEC. 3. *Coverage.*** – This Act shall cover all public and private post-
12 secondary tech-voc institutes and HEIs, including local colleges and universities.

13 **SEC. 4. *Right of Students.*** – Students of post-secondary and higher
14 education shall have the right to take the midterm or final examinations, or other
15 similar assessments, notwithstanding the existence of unpaid financial obligations to
16 the school.

17 **SEC. 5. *Obligation of Students.*** – The students and/or their parents, unless
18 waived by the school authorities concerned, shall be obligated to pay an interest for
19 the unpaid tuition and other school fees, which shall not be more than five percent
20 (5%) per annum, computed from the date of the examination taken by the students
21 until the date when the overdue and unpaid tuition and other school fees are fully
22 liquidated.

1 **SEC. 6. *Rights of Schools.*** – The school authorities shall have the following
2 rights against students with financial obligations, which remain due and unsettled to
3 their schools:

4 (a) To withhold the release of the grades of a student with delinquent
5 account until the unpaid tuition and other school fees plus interest charges are
6 fully paid;

7 (b) To deny admission or enrolment of any student having unsettled tuition
8 or other school fees at the next succeeding semester classes, in the case of
9 higher education, or at the next succeeding short-term course, in the case of
10 post-secondary tech-voc education, as the case may be, until the previous
11 delinquencies are fully paid; and

12 (c) To refuse issuance of school clearance to students with financial
13 obligations to the school until all previous delinquencies are fully paid.

14 **SEC. 7. *Unlawful Acts.*** – In recognition of the students' right to take their
15 midterm and final examinations, the following acts by tech-voc institutes and HEIs
16 shall be considered unlawful:

17 (a) Disallowing students with due and unpaid tuition and other school fees
18 from taking the midterm or final examination;

19 (b) Requiring the students to secure a permit to take the midterm or final
20 examination from the school authorities prior to the administration of midterm
21 periodic or final examination; and

22 (c) Compelling the students to pay upon enrollment a down payment or
23 first installment equivalent to more than thirty percent (30%) of the total
24 amount of tuition and other school fees for the entire semester or duration of
25 the course.

26 **SEC. 8. *Penalties.*** – Any HEI or tech-voc institute official or employee,
27 including deans, coordinators, advisers, professors, instructors and other concerned
28 individuals found guilty of violating any of the unlawful acts enumerated in Section 7
29 of this Act shall be punished by a fine of not less than One hundred thousand pesos
30 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00).

31 **SEC. 9. *Implementing Guidelines.*** – The TESDA and the CHED shall
32 promulgate the implementing guidelines necessary to enforce the objectives of this
33 Act.

34 **SEC. 10. *Separability Clause.*** – If any provision or part of this Act is held
35 invalid or unconstitutional, the other sections or provisions hereof shall not be
36 affected thereby and shall remain in force and effect.

37 **SEC. 11. *Repealing Clause.*** – All laws, presidential decrees, executive
38 orders, proclamations, issuances, administrative orders, rules and regulations

1 contrary to or inconsistent with any provision of this Act are hereby amended,
2 repealed or modified accordingly.

3 **SEC. 12. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after
4 its publication in a newspaper of general circulation.

5 **Approved,**