

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 4361



Introduced by Hon. MARVIN C. RILLO
Representative, Fourth District, Quezon City

EXPLANATION NOTE

Under Section 17, Article II of the 1987 Philippine Constitution, it is the declared policy of the state to give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

Toward this end, the Constitution – no less, under Sections 1 and 2, Article XIV thereof, has mandated the State to protect and promote the right of all citizens to quality education at all levels by taking the appropriate steps to make such education accessible to all, and also by establishing, maintaining, and supporting a complete, adequate, and integrated system of education relevant to the needs of the people and society.

It is sad reality, however, that not all parents and/or students have the financial capability to pay the tuition fee on time all the time. This has created a long-established practice among educational institutions to bar or prevent students who are unable to timely pay their tuition fees from taking examinations and, thus, complete the requirements of the educational curriculum that they are enrolled in. This bad practice has hindered countless students from continuing their education and, thus, result to the invalidation of the exams and classes they have previously taken.

This practice, which is more commonly known as the “No Permit, No Exam” policy, has been previously addressed by the Commission on Higher Education (CHED) in 2013 through the implementation of a Student Affairs and Services (SAS) office to assist in providing qualified students coming from low-income households to receive scholarships and financial assistance. However, this measure is still insufficient to fully address or correct this problem.

Not only students from low-income households fail to timely pay their tuition fees, there are also instances when other students experience temporary financial difficulties in their homes and, hence, fail to provide money to pay for schooling from time to time.

In such cases, because of this “No Permit, No Exam” policy, students have no other option but to abandon their previous efforts for the particular academic year and drop out from school. This is especially true during this

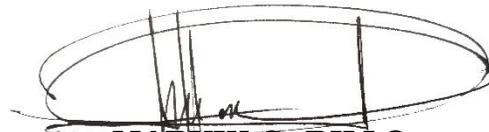
time of COVID-19 pandemic where a lot of students had no choice but to drop out of school due to their families' financial difficulties, even though they are not technically classified as low-income households.

Even now where the country is already veering towards post-pandemic period, a lot of families still have difficulty in sending out their children to schools. Based on the data collected by the Department of Education (DepEd), only 27.6 million primary school students out of the 28.6 million target enrolled for this 2022 school year.

As representatives of the people, we have the obligation to ensure that their voices are heard and that their rights are protected, as duly espoused by the Constitution. This "No Permit, No Exam" policy being prevalently implement in educational institutions clearly violates the people's Constitutional right to quality, continuous, and unimpeded education, and should, thus, be curtailed and completely stopped.

Consequently, through this proposed bill, this "No Permit, No Exam" policy or practice of disallowing the covered students from taking any examination due to non-payment of tuition and other school fees shall become unlawful and shall be punished accordingly - and as a result of which, the Constitutional right of all students covered by this Act to continue their schooling will be completely safeguarded. In the interest of justice and fair play, certain measures are likewise proposed to also safeguard the interests of the educational institutions covered by this Act.

On behalf of the people of the Fourth District of Quezon City, the approval of this Bill is earnestly sought.



MARVIN C. RILLO

Representative

4th District, Quezon City

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HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
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House Bill No. 4361

Introduced by REPRESENTATIVE MARVIN C. RILLO

“AN ACT DECLARING THE IMPLEMENTATION OF A “NO PERMIT, NO EXAM” POLICY OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF THE COVERED EDUCATIONAL INSTITUTIONS FROM TAKING THEIR MIDTERM OR FINAL EXAMINATION OR OTHER SIMILAR ASSESSMENTS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES AS UNLAWFUL, AND THEREBY PENALIZING THE SAME”

Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the “Anti-No Permit, No Exam Policy in Educational Institutions Act of 2022”.

SEC. 2. Declaration of Policy. - It is the declared policy of the State under Section 17, Article II of the 1987 Philippine Constitution to protect and promote the right of all the citizens to quality education at all levels. Toward this end, under Sections 1 and 2, Article XIV thereof, the State shall take appropriate steps to make such education accessible to all. In line with this Constitutional mandate, it is hereby declared unlawful - at the pain of penalty herein imposed, for any of the covered educational institutions to disallow any of its students from taking any examination due to non-payment of tuition and other school fees.

SEC. 3. Coverage. - This Act shall cover the following educational institutions:

- a) Private elementary schools;
- b) Private secondary schools;
- c) Public and private post-secondary technical -vocational institutes;
and
- d) Public and private Higher Education institutions (HEIs), including local colleges.

For the purpose of this Act, any mention of “school” or “schools” shall refer to schools and educational institutions covered under this Section.

SEC. 4. *Right of Students.* - Students by this Act shall have the right to take their midterm or final examinations, or other similar assessments, notwithstanding the existence of unpaid financial obligations to the schools.

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

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

- a) To withhold the release of the grades of a student with delinquent account until the unpaid tuition and other school fees plus interest charges are fully paid;
- b) To deny admission or enrolment of any student having unsettled tuition or other school fees at the next succeeding semester classes, in the case of higher education, or at the next succeeding short-term course, in the case of post-secondary technical-vocational education, as the case may be, until the previous delinquencies are fully paid; and
- c) To refuse issuance of school clearance to students with financial obligations to the school until all previous delinquencies are fully paid.

SEC. 7. *No Permit, No Exam Policy.* - The educational institutions covered by this Act shall be prohibited from adopting a “No Permit, No Exam Policy” which limits the right of every student to take examinations notwithstanding the existence of unpaid financial obligations to the school, provided, that the parents, the legal guardians or the self-supporting students of sufficient age themselves shall execute a promissory note, addressed to the school, indicating the amount and the date of payment. The school shall reserve the right to recover the unpaid tuition fees through proper court action where civil rights may be judicially established and liabilities collected. This shall not prohibit the concerned students, parents, or legal guardians to seek informal means of resolving tuition fee disputes or enter into an agreement with the school before proceeding to court.

SEC. 8. *Prohibited Acts.* - The following acts shall be prohibited:

- a) Disallowing students with due and unpaid tuition and other school fees from taking examinations or providing a different schedule of exam from the rest of the student body; and
- b) Requiring the students to secure a special permit to take the examinations from the school authorities prior to the administration of examinations.

SEC. 9. Penalties. - Any official or employee of the covered educational institutions, including deans, coordinators, advisers, professors, instructors, principals, teachers and other concerned individuals found guilty of violating any of the unlawful acts enumerated in Sections 7 and 8 of this Act shall be punished by a fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than One Hundred Thousand Pesos (Php 100,000.00).

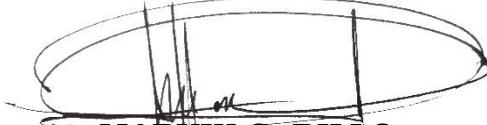
SEC. 10. Implementing Guidelines. -The Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA) and Commission on Higher Education (CHED) shall issue the rules and regulations necessary to implement the provisions of this Act within sixty (60) days from the date of its approval.

SEC. 11. Separability Clause. - If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 12. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 13. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.



MARVIN C. RILLO
Representative
4th District, Quezon City