

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6540



Introduced by Representative CAMILLE A. VILLAR

AN ACT

PROHIBITING THE IMPOSITION OF A "NO PERMIT, NO EXAM" POLICY, OR ANY POLICY THAT PREVENTS STUDENTS ENROLLED IN PUBLIC OR PRIVATE EDUCATIONAL INSTITUTIONS FROM TAKING EXAMINATIONS OR ANY FORM OF EDUCATIONAL ASSESSMENT FOR REASONS OF OUTSTANDING FINANCIAL OR PROPERTY OBLIGATIONS, SUCH AS UNPAID TUITION AND OTHER SCHOOL FEES

EXPLANATORY NOTE

The 1987 Philippine Constitution is very explicit in promoting the right of all Filipinos to quality education, to wit: "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" (Article XIV, Section 1).

It is the right of all students to keep their education, no matter what their social and economic status is. However, this constitutionally guaranteed right was hampered and violated by very prohibitive school policies especially when it comes to taking examinations, thus affecting their right to education.

This legislation is put forward to make education accessible to all, especially to the underprivileged, and correct academic policies in contradiction with this constitutional provision.

Under the Commission on Higher Education's (CHED) Memorandum Order 9-2013, "there shall be mechanisms for higher educational institutions to institutionalize more compassionate policies and guidelines particularly for those students belonging to the vulnerable and marginalized sectors of our country." The CHED memorandum also states that "in no case shall the HEI implement a

'no permit, no examination' policy in case of financial incapacities of the students." This CHEd memorandum came in the wake of protests and criticisms following the death of a university student who was forced to take a leave of absence over unpaid tuition.

Although the no permit, no exam policy has been scrapped in most higher educational institutions, there are still others that practice such notorious policy to the detriment of students, as well as teachers. In some instances, students who have not paid their tuition were allowed to take the exams, but they are prohibited from viewing their grades online until they settled their unpaid school fees. Professors, for their part, have to prepare separate exams for the affected students, thus, eating up their time.

This legislation makes it unlawful for educational institutions to require students to secure a permit from school authorities before they could take an examination. This bill also imposes penalties against schools found violating the prohibition against the "no permit, no exam" policy, from P20,000 to P50,000 for each case.

Poverty should never be an issue in getting quality education. Parents or guardians sending students to school often find a difficult time processing payments on time due to unforeseen circumstances, and this should not hinder the student's access to quality education.

This legislation should have been passed several years ago, as this inhumane school policy had already affected several previous students.

In view of the foregoing, approval of this bill is eagerly sought.

Camille Villar
CAMILLE A. VILLAR

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

Section 1. Short Title. - This Act shall be known as the "'No Permit, No Exam' Prohibition Act of 2022".

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote the right of all citizens to quality education and to ensure access to educational services regardless of personal or socioeconomic circumstances.

Towards this end, it is hereby declared unlawful for any educational institution, public or private, to prevent any student from taking examinations or any form of educational assessment for reasons of financial or property obligations, including unpaid tuition and other school fees.

Sec. 3. Coverage. - This Act shall cover all public and private educational institutions, including elementary and secondary schools, post-secondary technical-vocational institutes, and higher educational institutions; and all individuals enrolled under the K to 12 Basic Educational Program, in certificate, diploma or degree programs of higher educational institutions, or in short-term courses offered

by technical-vocational training institutes.

Sec. 4. Prohibition Against 'No Permit, No Exam' Policy. - No public or private educational institutions shall impose any policy to prevent students with outstanding financial or property obligations, such as unpaid tuition and other school fees, from taking examinations or any form of educational assessment with the rest of the student body: Provided, That the students and/or their parents or legal guardians shall execute a promissory note addressed to the educational institution concerned or its duly authorized representative, indicating the amount of outstanding financial or property obligations and the date when such obligation would be settled:

Provided, further, That, unless waived by the educational institutions concerned, the outstanding financial or property obligations shall bear an interest rate not exceeding six percent (6%) per annum computed from the date of the examination taken by the students until the date when such obligations are paid.

Sec. 5. Authorized Interventions. - Educational institutions may enforce any of the following interventions against students with outstanding financial or property obligations until such time that such obligations have been settled:

(a) Withhold the release or issuance of grades, diplomas or certificates, whichever is applicable: Provided, That the grades, diploma, or certificates of students with outstanding financial or property obligations shall be processed and recorded together with the grades, diplomas and certificates of the rest of the student body;

(b) Deny admission or enrolment in the succeeding school year, short-term course, or semester, whichever is applicable;

(c) Refuse the issuance of applicable clearances; or

(d) Pursue the settlement of outstanding financial or property obligations through appropriate court action: Provided, That this subsection shall not be construed to prohibit either party from engaging in alternative modes of resolution to settle the outstanding financial or property obligations:

Provided, further, That the total fines, penalties, or interests that may be imposed against the students and/or their parents or legal guardians shall not exceed the maximum interest rate provided under Section 4 of this Act.

Sec. 6. Prohibited Acts. - The following acts committed by any educational institution shall be prohibited:

(a) Disallowing any student with outstanding financial or property obligations from taking examinations or any form of educational assessment with the rest of the student body;

(b) Requiring any student to secure a permit to take an examination or any form of education assessment from the school authorities prior to the administration of such examination or assessment;

(c) Compelling any student or his or her parents or legal guardians to pay a portion of the outstanding financial or property obligations prior to the administration of any examination or assessment; or

(d) Imposing fines, penalties or interests on outstanding financial or property obligations in excess of the maximum interest rate provided under Section 4 of this Act;

Sec. 7. Penalties. - Educational institutions found guilty of committing any of the prohibited acts enumerated in Section 6 of this Act shall be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00) for each case.

Sec. 8. Implementing Rules and Regulations (IRR). - Within thirty (30) days from the effectivity of this Act, the Commission on Higher Education (CHED), the Department of Education (DEPED), and the Technical Education and Skills Development Authority (TESDA) shall jointly promulgate the rules and regulations to effectively implement the provisions of this Act.

Sec. 9. Separability Clause. - If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Sec. 10. Repealing Clause. - All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 11. Effectivity. - This Act shall take effect immediately following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,