

SENATE

Senate Bill No. 2244

Introduced by Senator M.A. Madrigal

EXPLANATORY NOTE

The right to education is recognized as a basic human right under Article 26 of the Universal Declaration of Human Rights.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), *“the right to education is a fundamental human right. It occupies a central place in Human Rights and is essential and indispensable for the exercise of all other human rights and for development. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty, and obtain the means to participate fully in their communities. None of the civil, political, economic and social rights can be exercised by individuals unless they have received a certain minimum education.”*

In the Philippines, however, the exorbitant tuition fee increases being imposed by private educational institutions and even, state colleges and universities have rendered inutile the right to education. For school year 2006 alone, seventy percent (70%) of private educational institutions in the National Capital Region are increasing their tuition fees.

Private education, by virtue of the policy of deregulation mandated by Batas Pambansa 232, otherwise known as the Education Act of 1982, has turned into a very profitable business indeed. In the past 14 years alone, 595 private Higher Education Institutions have been established.

The government agencies tasked to provide protection against profiteering by these institutions have failed miserably as increases in tuition, miscellaneous or other fees, some of which are even collected redundantly, continued without regard to the suffering of the students and their parents. In fact, since the enactment of Batas Pambansa Bilang 232 in 1982, tuition fees have risen 370% and with no end in sight.

The passage of this bill is not the final solution to the problems plaguing the education sector. The imposition of a three- year moratorium on all fees in all private educational institutions and state universities and colleges will however provide relief to the overburdened Filipino people.

In view of the foregoing, immediate approval thereof is sought.

M.A. MADRIGAL

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Second Regular Session }

SENATE

Senate Bill No. _____

Introduced by Senator M.A. Madrigal

**AN ACT IMPOSING A THREE-YEAR MORATORIUM ON TUITION AND OTHER
FEE INCREASES ON ALL EDUCATIONAL INSTITUTIONS**

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

SECTION 1: Title- This Act shall be known as the ***“TUITION FEE MORATORIUM ACT OF 2006”***

SECTION 2: Declaration of Basic Policy- It is the policy of the state to promote quality education that is accessible to all and to establish, maintain and support a complete, adequate and integrated education system relevant to the needs of the Filipino people.

SECTION 3: Definition of Terms – as used in this Act, the following terms shall mean:

(a) *“Private Educational Institutions”* – any school, college, university, company or corporation authorized by the state to grant education, either formal or informal; technical or non-technical; vocational or non-vocational; and whose subsistence relies significantly in it gaining profits, dividends or stocks from giving such.

(b) *“Tuition”* – is used to refer to the charges that all students pay to attend a private educational institution. These are composed of specific types: operating fees, building fees, services and activities fees and technology fees.

(c) *“Miscellaneous and other school fees”*- additional charges other than tuition fees collected for specific actual services rendered to students, as may be identified by the school authorities and certified by the recognized student council and faculty association such as but not limited to, medical and dental, athletic, audio-visual, guidance, insurance, laboratory fee, laboratory deposit, library fee, school publication, registration, and such other fees that refer to services.

SECTION 4: MANDATE: The Department of Education (DepEd) Commission on Higher Education (CHED), Technical Education and Skills Authority (TESDA) is hereby mandated to impose a three year moratorium on any school fee increase, whether it be tuition, miscellaneous and other school fees on all private educational institutions.

SECTION 5: EXEMPTIONS: A private educational institution may apply for an increase in tuition or other school fees, following existing rules and guidelines implemented by the DepEd, CHED and TESDA, provided it has posted no net profit or incurred losses

on the year preceding the application for fee increases according to its declaration of assets, income and liabilities, a copy of which should be filed together with the application for exemption.

SECTION 6: PENALTY CLAUSE: Any educational institution found in violation of this Act shall be punished with a fine of NOT LESS THAN 100,000 pesos (100,000 Php) and NOT MORE THAN 500,000 pesos (500,000Php) or imprisonment OF NOT MORE THAN SIX (6) YEARS or both, in the discretion of the court. The misrepresentation or misdeclaration of assets, incomes and liabilities shall be prima facie evidence as violating this Act.

SECTION 7: 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 or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE. – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY– This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,