

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 97



Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

RESOLUTION

DIRECTING THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE CAPACITY OF THE COMMISSION ON HIGHER EDUCATION TO EFFECTIVELY REGULATE INCREASES IN TUITION AND OTHER SCHOOL FEES IMPOSED BY HIGHER EDUCATIONAL INSTITUTIONS AND THE INADEQUACIES AND LIMITATIONS OF CHED MEMORANDUM ORDER NO. 03 SERIES OF 2012, OTHERWISE KNOWN AS THE "ENHANCED POLICIES, GUIDELINES AND PROCEDURES GOVERNING INCREASES IN TUITION AND OTHER SCHOOL FEES, INTRODUCTION OF NEW FEES AND FOR OTHER PURPOSES," AS AMENDED BY CHED MEMORANDUM ORDER NO. 8 SERIES OF 2012, AND INTRODUCE MEASURES TO ENSURE THAT SUCH INCREASES ARE WARRANTED, JUSTIFIABLE, ACCOUNTABLE, AND TRANSPARENT.

WHEREAS, it is a declared policy under the 1987 Constitution to ensure the accessibility of quality education to all citizens, Article XIV Section 1 of which provides:

"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 education accessible to all;"

WHEREAS, it is a mandate of the State to supervise and regulate all educational institutions, whether public or private, to ensure accessibility of education to every Filipino, consistent with Article XIV Section 4 of the 1987 Constitution which states:

"The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions;"

WHEREAS, the Commission on Higher Education, pursuant to its mandate of supervision and regulation of higher education institutions, including the regulation of tuition and school fees, issued CHED Memorandum Circular No. 03 Series of 2012, otherwise referred to as *"Enhanced Policies, Guidelines and Procedures Governing Increases in Tuition and Other School Fees, Introduction of New Fees and for Other Purposes;"*

WHEREAS, despite the issuance of the abovementioned Memorandum Order, the Commission on Higher Education has been unable to effectively regulate increases in tuition and other school fees imposed by higher education institutions due to its inability to monitor and enforce strict compliance with the requirements for such increases;

WHEREAS, Section 7.2.2 of the said CHED Memorandum Circular, as amended by CHED Memorandum Order No. 08 Series of 2012, requires every higher education institution seeking approval to increase tuition fees to issue a Certificate of Intended Compliance (COIC), to be certified under oath by the school head, stating therein that *"seventy percent (70%) of the incremental proceeds of tuition fee increases shall be used for the benefit of teaching and non-teaching personnel and other staff, except those who are principal stockholders of the HEI,*

including such increases as may have been provided for in the Collective Bargaining Agreement (CBA), if any, existing or in force, at the time when Republic Act No. 6728 took effect;”

WHEREAS, as a supposed measure for ensuring compliance with the commitment made in the aforesaid Certificate of Intended Compliance (COIC), Section 7.2.3 of the same CHED Memorandum, as amended by CHED Memorandum Order No. 8 Series of 2012, requires every higher education institution whose application for increase in tuition has been approved to issue a Certificate of Compliance (COC), also to be certified under oath by the school head, stating therein that *“seventy percent (70%) of the incremental proceeds of tuition fee increases IS BEING used for the benefit of teaching and non-teaching personnel and other staff, except those who are principal stockholders of the HEI, including such increases as may have been provided for in the Collective Bargaining Agreement (CBA), if any, existing or in force, at the time when Republic Act No. 6728 took effect;”*

WHEREAS, Section 7.2.4 of the CHED Memorandum Order No. 03 Series of 2012, the foregoing certificate of intended compliance and certificate of compliance are required to be posted on the bulletin boards and/or appropriate locations in the campus of the higher education institution *“to ensure transparency and to facilitate adequate deliberations of issues and concerns;”*

WHEREAS, the foregoing certificates, namely, the Certificate of Intended Compliance and the Certificate of Compliance, are mere self-serving certificates that do not actually ensure compliance with the requirement to use seventy percent (70%) of the incremental proceeds of tuition fee increases for the benefit of teaching and non-teaching personnel;

WHEREAS, nowhere in the abovementioned CHED Memorandum Order does it require that the Certificate of Compliance be supported by such documents and records necessary to substantiate the claim that seventy percent (70%) of the incremental proceeds of tuition fee increases is actually being utilized for the benefit of teaching and non-teaching personnel;

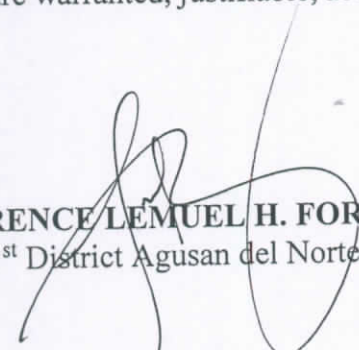
WHEREAS, while the Certificate of Intended Compliance and the Certificate of Compliance are required to be posted in appropriate locations in the campus of the higher education institution, the same does not and has not ensured transparency or facilitated adequate deliberations on the matter of tuition increases as the certificates do not contain anything except an expression of an intention to comply or a claim of compliance without any other documents to support the truthfulness and veracity of the certificates;

WHEREAS, while it is recognized that higher education institutions may increase tuition fees to meet with the demands of continuous improvement of quality of education they offer, it is incumbent upon the Commission on Higher Education to ensure strict compliance with the requirements and regulations therefor to protect students and parents from wanton and capricious increases in tuition and other school fees;

WHEREAS, it is urgent for Congress to introduce measures that will ensure that increases in tuition and other school fees are warranted, justifiable, accountable, and transparent;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Committee on Higher and Technical Education to conduct an inquiry, in aid of legislation, into the capacity of the Commission on Higher Education to effectively regulate increases in tuition and other school fees imposed by higher education institutions and the inadequacies and limitations of CHED Memorandum Order No. 03 Series of 2012, otherwise known as the “Enhanced Policies, Guidelines and Procedures Governing Increases in Tuition and Other School Fees, Introduction of New Fees and for Other Purposes,” as amended by CHED Memorandum Order No. 8 Series of 2012, and introduce measures to ensure that such increases are warranted, justifiable, accountable, and transparent.

Adopted.


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