

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 318



Introduced by **KABATAAN PARTY-LIST Representative Sarah Jane I. Elago,**
ACT TEACHERS PARTY-LIST Representative France L. Castro,
BAYAN MUNA PARTY-LIST Representatives Carlos Isagani T. Zarate,
Ferdinand Gaite and Eufemia C. Cullamat,
and GABRIELA WOMEN'S PARTY Representative Arlene D. Brosas

EXPLANATORY NOTE

The Philippines, as a party to the International Covenant on Economic, Social and Cultural Rights, agreed that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" and "that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups."

Article XIV, Section 3(2) of the 1987 Philippine Constitution mandates all educational institutions to "inculcate patriotism and nationalism, foster love and humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency."

The global phenomenon of neoliberalism has brought nothing but hardships for the people. One concrete manifestation of this is the deregulation and commercialization of education. Consequential to this global phenomenon, Philippine education is designed to serve the demands of the market. This is a direct affront to the youth's right to education.

The annual increase in tuition and other school fees in schools have rendered education a privilege, most especially in private universities. In the past six years, not only have tuition and other school fees almost doubled, but the profits of private universities as well. Data collected from the annual financial reports submitted to the Securities and Exchange Commission (SEC) show a steady increase in profitability of some of the country's most well-known private higher education institutions (HEIs), with some universities almost doubling their annual profit in a span of just five years. The rise in profits and revenues coincide with the upsurge in tuition and other school fee collections in private colleges and universities.

Despite being subsidized by the national government, state schools have been gradually increasing their tuition and other school fee rates in the past years, in compliance with the "self-sustaining" framework under the Roadmap for Public Higher Education Reform, Aquino's masterplan for public higher education. The cost of higher education, especially public higher education, is not only a local concern - but a national issue. The current state of college education in the country - which is highly unaffordable and inaccessible for the common Filipino - is the result of the Aquino administration's continued push to turn education into a business venture, a luxury commodity, rather than a right.

Consistent with the framework of neoliberalism, other fundamental democratic rights are being curbed. Many cases of discrimination, repression of freedom of speech and the right to organize have been reported. Schools have taken to the practice of having enrollees sign waivers against joining certain organizations and activities as a precondition for enrollment. Not a few schools disallow the formation of a student council and other organizations. In many cases, where they are allowed to exist, their autonomy and independence are assaulted by stringent school measures and other forms of repression that threaten the very material existence of these student organizations.

In addition, the decades-long militant actions and struggle of the youth-students for quality and free education bore fruits such as the Universal Access to Quality Tertiary Education (UAQTE) or also known as the Free Tertiary Education Law-- still an imperfect one but a proof that the youth-students' fight has advanced; however, the government grabs the credit for the said landmark legislation. The law then is being used by the government/ the administration to make the youth and students feel indebted to them thus the government and school administrators' self-proclaimed right to implement anti-student policies and to curtail all other students' rights. The youth's liberties as citizens of the Philippines seem taken away from them upon their entry of school

It's more unacceptable that students are powerless against these forms of attacks on education. Mechanisms to protect the students' rights are not working or are completely absent. This bill seeks to change that. Students, parents, teachers, and other school personnel are now empowered to take part in tuition increase deliberations/consultations. There are not a few cases where students are forced to accept tuition increase despite the fact that no consultation was done.

Twice in our nation's history we witnessed the youth, led by their organizations, march to the streets to demand a clean government and forced an allegedly corrupt president to step down. The historic role of the ferment youth in ousting fascist and corrupt leaders is testament to their latent power to effect social change.


This bill aims to harness the youth's collective strength. Furthermore, the bill challenges students, parents, educators, educators and legislators to recognize the fundamental right of the youth to accessible and quality education at all levels. Likewise, this bill, reiterates the fundamental rights of the youth, won through painstaking engagements in the parliament of the streets.

As legislators, it is our Constitutional obligation, to protect and uphold the basic democratic rights of the people. In the context that neoliberal attacks on education and the youth is intensifying, we should commit to defend their rights, alongside with them, through this legislation and beyond.

Approval of this bill is earnestly sought.



Rep. **SARAH JANE I. ELAGO**
KABATAAN Party-List



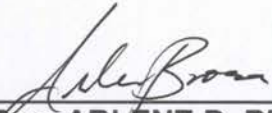
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Rep. **FRANCE L. CASTRO**
ACT Teachers Party-List

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AN ACT
DECLARING THE STUDENTS' RIGHTS

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

CHAPTER I
General Provisions

SECTION 1. Short Title. - This Act shall be known as the "**Students' Rights Act.**"

SECTION 2. Declaration of Policy. - It is the policy of the State to protect and promote the physical, mental, intellectual and social well-being of the youth. Towards this end, educational institutions shall inculcate in them patriotism and nationalism, encourage critical and creative thinking, strengthen ethical and spiritual values and teach the rights and duties of citizenship. The State shall likewise recognize the material and historical role of the youth in nation building and shall thus take steps to foster and support the youth, in solidarity with other sectors of society, in their collective pursuit for social change.

SECTION 3. Guiding Principles. - This Act declares the following as basic guiding principles:

- (a) Education is a right. It is the responsibility of the State to provide quality and accessible education at all levels. It is thus the responsibility of the Government to support and give priority to education as a basic right of all citizens;
- (b) Student organizations enhance democratic processes in the campus and rehearse students in their role as active members of society and future leaders of our nation. The right to organize, join and actively participate in student organizations, alliances, federations, and student

1 publications which promote and protect students' rights and welfare
2 and/or contribute to national development and social change shall be
3 guaranteed by the State and school authorities;

4
5 (c) Student organizations shall not be subject to rules and regulations that
6 unduly hamper their activities and are prejudicial to their objectives and
7 interests, and that undermine constitutionally protected rights and
8 freedoms (freedom of association, freedom of assembly, freedom of
9 expression, among others);

10
11 (d) Integral to the right of students to organize and actively participate in
12 social change is the fundamental right to expression. The right to
13 expression shall be unabridged and autonomous from the influences of
14 educational institutions; and

15
16 (e) Student publications shall serve as a principal medium for free
17 expression, and as a means of encouraging critical and creative
18 thinking among students. The State shall thus protect and promote free
19 journalism, re-open all closed student publications, establish student
20 publications in schools where there are none, and protect and uphold
21 freedom of the press at the campus level and the rights of campus
22 journalists at all times;

23
24 **SECTION 4. Definition of Terms.** - as used in this Act, the following terms
25 shall mean:

26
27 (a) "*Student*" - any person enrolled in the elementary, secondary, post-
28 secondary, tertiary, graduate and postgraduate levels, including
29 vocational and technical education. For purposes of this Act, this shall
30 include any person who has been separated from the school but
31 pursues a pending suit for violations under this Act;

32
33 (b) "*School*" - any private, public or government-run and funded academic
34 educational institution offering any or all courses in the above-
35 mentioned levels;

36
37 (c) "*School Campus*" - the totality of all contiguous or proximate buildings,
38 grounds, and other facilities designated by the school authorities as
39 areas or facilities for the curricular and extracurricular use of their
40 students;

41
42 (d) "*Governing Board*" - the highest policy making body of the school such
43 as the Board of Directors, Trustees or Regents;

44
45 (e) "*Student Council or Government*" - the body representing the whole
46 student population in one school or school campus whose officers are
47 annually elected at large by the whole student population pursuant to
48 its charter or constitution. This definition shall include student councils
49 or governments at the elementary, secondary and level of colleges,
50 campuses, etc.;

- 1
2 (f) "*Student Publication*" - the issue of any printed and/or online material
3 such as, but not limited to, newspapers, wall news, literary folios,
4 newsletters and other similar forms, independently published by, and
5 which meets the needs and interests of the students;
6
7 (g) "*Council of Leaders*" - the body composed of the heads of various
8 student organizations chaired by the President or Chairperson of the
9 Student Council or by any student duly elected by the student
10 organizations; and
11
12 (h) "*Tuition*" - the fee representing direct costs of instruction, training and
13 other related activities, and the use of school facilities. The term other
14 school fees refers to fees which cover other necessary costs
15 supportive of instruction, including but not limited to medical and
16 dental, athletic, library, laboratory and NSTP fees.
17
18

19 CHAPTER II

20 Right to Admission, Non-discrimination, and Quality Education

21
22 **SECTION 5. *Right to Admission and Non-Discrimination.*** - No student shall be
23 denied admission to nor be expelled from any school on account of his/her physical
24 handicap, socio-economic status, political or religious beliefs, sexual orientation or
25 membership in student s organizations, nor shall pregnant students, certified
26 reformed drug abusers, and those suffering from the acquired immune deficiency
27 syndrome be discriminated against. No student shall be punished with disciplinary
28 action and be denied services, scholarships and other privileges on account of the
29 same.
30

31 Failure of or refusal by a student to sign waiver documents related to
32 restrictions on student activities and those included in this Act, prepared by the
33 school administration, shall not constitute a ground for his/her non-admission.
34

35 **SECTION 6. *Right to choose field of study.*** - A student shall have the right to
36 freely choose his/her fields of study subject to existing curricula, and to continue
37 his/her course up to graduation, except in the case of academic deficiency or
38 violation of disciplinary regulations which do not infringe upon the exercise of
39 students' rights.
40

41 **SECTION 7. *Right to competent instruction and relevant quality education.*** -
42 Every student shall have the right to competent instruction and quality education
43 relevant to his/her personal and cultural development and that of the nation. To
44 achieve this goal, schools and education institutions are required to enforce a written
45 evaluation mechanism for students towards the end of the school term.
46

47 **SECTION 8. *Right to adequate welfare services and academic facilities.*** - It
48 shall be the responsibility of the school administration to provide the students with
49 adequate welfare services and academic facilities. These services and facilities shall
50 include:

- 1
2 (a) Adequate laboratory, library, research, recreation and physical
3 education facilities;
4
5 (b) Free annual physical check-up;
6
7 (c) Counseling;
8
9 (d) Communications system to ensure that students are promptly notified
10 of letters and other relevant information;
11
12 (e) Safe and clean student housing facilities such as dormitories. In case
13 the school has no in-campus dormitories or housing facilities, the
14 school administration and the student council or government shall be
15 required to accredit out-of-campus student housing facilities such as
16 boarding houses; and
17
18 (f) Legal assistance in cases involving the exercise and enjoyment of
19 rights and freedoms stipulated in this Act.
20

21 The denial of access to welfare services and academic facilities is prohibited.
22

23 24 **CHAPTER III** 25 **Right to Organize and Right of Association** 26

27 **SECTION 9.** *Right to organize and to associate.* - The right of students to
28 form, assist, join, and actively participate in any campus organization, unions,
29 societies, nationwide youth groups, alliances or federations, for purposes not
30 contrary to law shall not be abridged. Such student formations shall be treated as
31 independent from the school or any of its departments, and as separate and distinct
32 juridical entities.
33

34 The practice of making students sign waiver documents which state that they
35 are not members of and will not join certain organizations before being allowed to
36 enroll is hereby prohibited. Such waivers signed by students at the effectivity of this
37 Act shall be impaired and considered without effect.
38

39 **SECTION 10.** *Accreditation of student organizations.* - The student council or
40 government shall be in charge of the accreditation of student organizations, as a
41 purely student activity. The guidelines for accreditation of student organizations shall
42 be formulated by the student council and the heads of all student organizations
43 through the Council of Leaders. The Office of Student Affairs shall be informed of the
44 accreditation procedure and shall provide technical assistance to the student council
45 or government.
46

47 The process for seeking recognition shall begin upon the submission to the
48 student council or government by the organization concerned of its constitution and
49 by-laws; and a formal letter addressed to the student council or government's office
50 stating the organization's intent to be recognized.

1
2 The accreditation of a student organization shall not be denied unless the
3 same is created for purposes contrary to law in accordance with the 1987
4 Constitution.

5
6 The Office of Student Affairs or any other administration offices shall not
7 impose sanctions on student organizations that become temporarily inactive for
8 reasons beyond its control.
9

10 **SECTION 11. *Right to hold activities.*** - The rights of organizations to conduct
11 activities inside and outside campus for purposes not contrary to law shall not be
12 abridged.
13

14 The school administration shall provide, free of charge, a hall or building to
15 house the offices of student organizations within the premises of the school.
16 Furthermore, the school administration shall allow student organizations to use
17 school facilities free of charge on the basis that student activities are integral to the
18 holistic education of the students and on the basis that the maintenance and
19 operations of such facilities are deemed included in tuition and other fees.
20

21 **SECTION 12. *Prohibited acts of restraint against the right to organize and to***
22 ***associate.*** - Acts that impair the rights of students to organize are prohibited, such
23 as:
24

- 25 (a) Signing of waivers or similar documents that use membership to any
26 organization as a basis for admission to or expulsion from schools,
27 including the imposition of disciplinary actions;
28
29 (b) Imposition of unreasonable requirements on student organizations
30 seeking recognition, such as but are not limited to: the imposition of a
31 minimum size of membership and the imposition of unreasonable
32 community service duties;
33
34 (c) Discriminatory policies in the assignment of school facilities and in
35 granting other privileges to student organizations;
36
37 (d) Imposing any user fees and other charges for the use of school
38 facilities on the basis that such facilities are already being paid for
39 through tuition and other fees;
40
41 (e) Imposition of requirements for admission and continued membership to
42 a student organization that are contrary to law.
43

44 **SECTION 13. *Right to establish a student council or government.*** - There
45 shall be one university student council or government for each school, college or
46 university campus that shall be recognized by the schools, colleges and universities
47 concerned. It shall have its own set of officers elected in annual popular election;
48 Provided, that the previous practices in choosing student council or government
49 officers, except in cases of appointment by the school administration, prior to the
50 effectivity of this Act shall be recognized.

1
2 **SECTION 14.** *The student council constitution.* - There shall be a constitution
3 or charter of the student council or government crafted by the heads or
4 representatives of all accredited student organizations ratified by the simple majority
5 (50% plus 1) of students who cast their vote in the ratification that shall lay down
6 the rights, privileges, functions, and responsibilities of the student council or
7 government. To protect the right of unaffiliated students, the student council shall
8 devise a mechanism to ensure their representation and participation in the crafting of
9 the constitution.

10
11 Existing charters and/or constitutions of student councils or governments that
12 have been previously ratified by the students shall remain in effect.
13

14 **SECTION 15.** *Right to policy-making on student activities.* - Every student
15 council or government shall have the right to determine its policies and programs on
16 student activities subject to the student council or government charter or constitution
17 and to school rules and regulations; Provided, that the latter does not infringe on
18 basic rights and freedoms of students;
19

20 **SECTION 16.** *Student council elections.* - There shall be an independent
21 Commission on Elections (COMELEC) that shall oversee and facilitate the honest,
22 orderly, and peaceful conduct of election of officers of the student council or
23 government. The COMELEC shall be composed only of bona fide students and shall
24 be chosen by the Council of Leaders from the list of nominees provided by the
25 student organizations. The school must provide sufficient funds to the COMELEC to
26 ensure that it is able to function.
27

28 **SECTION 17.** *Student council funds.* - There shall be a fee to be collected
29 from students to finance the operations of the student council or government in
30 consultation with the student body. The school administration shall facilitate the
31 collection of the student council or government fee during enrollment period and
32 shall turn over the collected amount to the student council or government within
33 fifteen (15) days after the last day of enrollment.
34

35 If the student council or government concerned signifies to the school
36 administration that it shall collect on its own its fee, they should notify the school
37 administration. School administrations should recognize the student councils or
38 governments that collect the student council fees on its own prior to the effectivity of
39 this Act.
40

41 Likewise, if the student council or government previously collecting the fee on
42 its own signifies to the school administration its decision to let the school
43 administration facilitate the collection of the fee, the school administration shall thus
44 collect the fee during enrollment period and turn over the collected amount to the
45 student council or government within fifteen(15) days after the last day of enrollment.
46

47 For these purposes, the number of bona fide students enrolled for the current
48 semester or term shall be used as basis for the amount of the student council funds
49 that shall be released by the school administration who shall issue a list of the
50 students enrolled for the current semester or term to the student council.

1
2 The student council or government shall issue to the student body a financial
3 report at the end of its term. To take effect, a proposal to increase the student
4 council or government fee shall require a vote of simple majority by the student body.
5

6 Schools shall also allocate funding for student councils from their own
7 resources, apart from student council fee collected from the students, as their
8 contribution to the capacity-building of the youth and fulfillment of their mandate to
9 be vital instruments in the holistic development of the students;
10

11 **SECTION 18.** *Student council faculty adviser.* - The appointment of a faculty
12 adviser shall not be a requisite to the establishment and the recognition of a student
13 council. Should the students, through the student council constitution or charter,
14 decide to have a faculty adviser, the student council shall have the right to choose
15 the person to hold such position from among the school faculty, whose functions
16 shall be limited to technical assistance. The approval of the faculty adviser shall not
17 be a precondition to the execution of any student council activity.
18

19 **SECTION 19.** *Right to join student council alliances and similar formations.* -
20 No policy restricting the right of student councils or governments to join federations
21 or alliances of student councils or governments shall be imposed by the school
22 administration.
23

24 25 **CHAPTER IV** 26 **Right of Expression and Free Speech** 27

28 **SECTION 20.** *Right to freedom of expression.* - Students shall have the right
29 to freely exercise their constitutional rights to peaceful assembly and free speech
30 and expression, or petition the school authorities and the government for the redress
31 of grievances. No school regulation shall be imposed violating or abridging any of the
32 above stated rights. No student may be subjected to any disciplinary action solely on
33 the basis of any of the above mentioned rights unless it is outside the confines of
34 freedom of expression.
35

36 **SECTION 21.** *Right of access to mass media.* - Students shall have access to
37 print and broadcast media in their respective activities. They shall also have the right
38 to print, circulate and/or mount leaflets, newsletters, posters, wall news, petitions and
39 other such materials. School authorities shall ensure the provision of such facilities
40 such as bulletin boards for the mounting of the aforementioned materials.
41

42 **SECTION 22.** *Proportionality of offense and sanction.* - If the exercise of any
43 of such constitutional rights is determined to be outside of the confines of freedom of
44 expression upon compliance of due process, the concept of proportionality between
45 the offense committed and the sanction imposed shall be followed, Provided, that the
46 penalty of expulsion, exclusion or forced transfer and the like shall not be imposed
47 for any infraction or improper conduct that may arise by reason of the exercise of any
48 of such constitutional rights.
49

1 **SECTION 23. *Right to publish a student newspaper and other similar***
2 *publications.* - All educational institutions on the elementary, secondary and tertiary
3 levels, public or private, shall be mandated to establish an independent student
4 publication. Every school shall have at least one (1) student publication without
5 prejudice to other publications established within the campus. A student publication
6 shall be published by the student body through an editorial board and publication
7 staff composed of students selected through fair and competitive examinations.

8
9 **SECTION 24. *Revival of closed student publications.*** - All student publications
10 whose operations ceased upon the directives of the school administration shall be
11 revived and allowed to operate again. Once the publication is established or
12 reopened, the editorial board shall freely determine its editorial policies and manage
13 the publication's funds.

14
15 **SECTION 25. *Student publication funds.*** - Funding for the student publication
16 shall be sourced primarily from student publication fees collected by the school
17 administration. It shall be mandatory for the school administration to collect the
18 student publication/subscription fees during the enrollment period. The members of
19 the student publication can opt to collect the publication funds themselves upon their
20 initiative and under their full discretion and without administrative intervention. For
21 these purposes, the number of bona fide students enrolled for the current semester
22 or term shall be used as basis for the amount of the publication funds that shall be
23 released by the school administrator who shall issue a list of the students enrolled for
24 the current semester or term to the editorial board.

25
26 Schools shall also allocate funding for student publications from their own
27 resources, apart from student publication fees collected from the students, as their
28 contribution to the capacity-building of the youth and fulfillment of their mandate to
29 be vital instruments in the holistic development of the students;

30
31 The school administration shall effect the automatic release of the student
32 subscription fees to the student publication within fifteen (15) days after the last day
33 of enrollment. The publication funds shall be deposited through a trust fund or in the
34 account of the student publication in an authorized depository bank.

35
36 In no instance shall the Commission on Higher Education, Technical
37 Education and Skills Development Authority, and the Department of Education, as
38 the case may be, or the school administration concerned, withhold the release of
39 funds intended for the student publication.

40
41 **SECTION 26. *Student publication faculty adviser.*** - The editorial board shall
42 have the discretion whether or not they would appoint a faculty adviser. In case the
43 student publication decides to appoint a faculty adviser, the editorial board shall have
44 the power to choose its faculty adviser, whose functions shall be limited merely to
45 technical assistance. The approval of the faculty adviser shall not be a precondition
46 to the publication of written material or photographs.

47
48 **SECTION 27. *Independence of student journalists and freedom from***
49 *threat.* - Members of the student publications shall not be suspended, expelled or
50 punished with administrative sanctions solely on the basis of the articles he/she has

1 written except when such articles constitute a violation of the law. A student
2 journalist's academic performance as a student shall not be used as basis for his or
3 her dismissal from the student publication.
4

5 **SECTION 28. *Management of the student publication and its funds.*** - The
6 editorial board shall be primarily accountable with regard to the operation of the
7 student publication and the management of its funds. At the end of each semester or
8 term, as the case may be, the editorial board shall prepare a report on the
9 disbursement of funds subject to accounting and auditing rules. Such report shall be
10 posted at the school's bulletin board or published in the school publication.
11

12 **SECTION 29. *Printing of the student publication.*** - The printing of the student
13 publication shall be conducted by the editorial board and the student publication staff
14 through canvass or public bidding.
15

16 For public schools, the student publication shall be exempted from undergoing
17 formal bidding process under Republic Act 9184 also known as the Procurement
18 Reform Act with regard to the selection of a printing press and the purchase of
19 equipment and materials necessary for its operations.
20

21 The editorial board shall freely choose the printing press it wants to avail the
22 services of.
23

24 **CHAPTER V** 25 **Academic Freedom of Students** 26

27
28 **SECTION 30. *Academic Freedom.*** - Students' academic freedom shall consist
29 of, but not limited to, the following:
30

- 31 (a) To conduct research in connection with academic work, and to freely
32 discuss and publish their findings and recommendations;
33
- 34 (b) To conduct inquiry in curricular and extracurricular activities within the
35 campus and in appropriate circumstances;
36
- 37 (c) To choose a field of study for research and to pursue the quest for
38 truth; to express their opinion on any subject of public or general
39 concern which directly or indirectly affects the students or the
40 educational system;
41
- 42 (d) To invite off-campus speakers or resource persons to student
43 sponsored assemblies , for a, symposia, and other activities of similar
44 nature;²⁸
45
- 46 (e) To express contrary interpretations or dissenting opinions inside and
47 outside the classroom;
48
- 49 (f) To participate in the drafting of a new curriculum and in the review or
50 revision of the old;

(g) To participate in the drafting and/or revising of the student handbook which shall include the school rules and regulations, a copy of which shall be furnished the students upon admission to the school; and

(h) To freely discuss and criticize university policies and national policies.

CHAPTER VI

Right to Information

SECTION 31. *Right to be Informed.* - The right of the students to information on matters directly or indirectly affecting their welfare shall be recognized. Access to official records and other pertinent documents and papers pertaining to official acts, transactions or decisions shall be afforded the students subject only to reasonable regulations.

CHAPTER VII

Right to Participate in Policy-making

SECTION 32. *Participation in policy-making process in schools.* - There shall be a student representative in the Governing Board of the school. The chairman/president of the student council or any designated representative chosen by the heads of various local college student councils shall be the student representative and shall have the same rights as those of a regular member; Provided, that his/her privileges shall be limited to reimbursement for actual expenses incurred in attending meetings. The same rights shall be granted to the secondary level.

The students shall also be represented in other policy-making bodies which directly affect their welfare, especially in curriculum drafting, review and revision, student discipline, and academic standards. The representatives shall be designated by the student council.

SECTION 33. *Participation in national policy-making.* - Representatives of national student organizations shall actively participate and possess voting powers in the formulation of national policies by governmental agencies on matters affecting students rights and welfare including tuition.

SECTION 34. *Students' initiative and referendum.* - The student council/government through a majority vote of all its members shall have the right to initiate the formulation modification or reflection of a school policy affecting the students. The proposition for the formulation, modification or reflection of a school policy affecting the students shall be submitted to and approved by a majority of the votes cast by all the bona fide students of the school in a referendum called for the purpose.

SECTION 35. *Right to file an appeal.* - The student council or government through a majority vote of all its members shall have the right to file an appeal on a

1 decision of any policy-making body subordinate to the governing board. Such appeal
2 shall be filed with the governing board.

3
4 The student council or government with the same requisite number of votes
5 referred to in the previous paragraph may file a motion for reconsideration on any
6 decision of the governing board.

7
8 In case of any decision unfavorable to the students, the student council may
9 file an appeal with the Department of Education (DepEd), the Technical Education
10 and Skills Development Authority (TESDA) and the Commission on Higher
11 Education (CHED), insofar as the secondary, post-secondary technical-vocational
12 and tertiary students, respectively are concerned.

13
14 All appeals and motions for reconsideration referred to in the previous
15 paragraph must be filed within thirty (30) calendar days from the date of notice of
16 decision.

17
18 **SECTION 36. *School fees and other tariffs. -***

19
20 (a) All involuntary contributions shall be prohibited;

21
22 (b) In releasing documents, academic records, and similar certifications,
23 schools are prohibited from imposing fees beyond the actual cost of
24 reproducing the documents;

25
26 (c) It is hereby created a set of guidelines schools with proposed increases
27 in tuition and all other fees must follow:

28
29 (i) The school shall effectively inform the students, parents,
30 teachers and non-teaching personnel of the proposed tuition
31 and other fee increase and the place and date of the
32 consultation at least 30 days before the consultation proper. The
33 student council or government, heads of student organizations,
34 student publications shall be directly informed via formal
35 communication of pertinent details of the consultation. The same
36 communication shall be given to parents, faculty, and non-
37 teaching personnel organizations, if such exist;

38
39 (ii) All tuition consultations shall be made before February 28;

40
41 (iii) The school shall make easily available at least 30 days before
42 the consultation all pertinent documents including, but not
43 limited to, financial reports including a comprehensive report of
44 the incremental proceeds of the preceding year's increase,
45 administrative reports and the school's position paper for the
46 perusal of the students, parents, faculty, and non-teaching
47 personnel;
48

- 1 (iv) The school shall allow gatherings and activities of students,
2 parents, faculty and non-teaching personnel in preparation for
3 the consultation;
4
5 (v) The school shall furnish the students, parents, faculty and non-
6 teaching personnel copies of the suggested flow and agenda of
7 the tuition and all other fees consultation which the concerned
8 parties may amend to include proposals not limited to review,
9 refund and scrapping of existing fees;
10
11 (vi) The facilitating body of the consultation shall be composed of
12 one (1) representative from the school, students, parents, faculty
13 and non-teaching personnel;
14
15 (vii) The consultation shall be opened to all concerned students,
16 parents, faculty and non-teaching personnel;
17
18 (viii) The consultation must be attended by the President of the
19 school and at least one (1) member of the Governing Board;
20 (ix) The school publication shall be allowed to cover and report the
21 consultation proceedings;
22
23 (x) The school, students, parents, faculty and non-teaching
24 personnel shall agree on the rate of tuition increase based on a
25 consensus;
26
27 (xi) In the event that no consensus is made, the previous rate of
28 tuition and other fees shall apply.
29
30

31 CHAPTER VIII

32 Right to Due Process in Disciplinary Proceedings

33
34 **SECTION 37. *Right to Due Process.*** - The right to due process of students
35 subjected to disciplinary proceedings shall be observed and respected.
36

- 37 (a) He shall have the right to defend himself, to be heard and to present
38 evidence on his behalf before an impartial body;
39
40 (b) There shall be an independent Student Disciplinary Board to be
41 composed of one (1) faculty member , two (2) students and one (1)
42 non-academic employee to conduct investigations in to and decide on
43 cases of student violations of disciplinary standards committed in
44 relation to student activities, within campus premises or committed
45 against a fellow student or other members of the academic community.
46 For purposes of impartiality, the members of the SOB shall be chosen
47 from the list of nominees submitted by the student council or
48 government. The Student Disciplinary Board shall formulate the
49 guidelines for the imposition of the disciplinary proceedings. The

1 members of the board should not only be impartial but should also
2 appear to be impartial;

3
4 (c) Any disciplinary sanction shall not be valid unless the following rights
5 have been observed and accorded the student:

- 6
7 (i) The right to be informed in writing of the nature and cause of the
8 accusation against him/her;
- 9
10 (ii) The right to confront witnesses against him/her and to full
11 access to the evidence in the case;
- 12
13 (iii) The right to defend himself/herself and to be defended by a
14 representative or counsel of his/her choice, adequate time being
15 given to him/her for the preparation of his/her defense;
- 16
17 (iv) The right to a hearing before the Student Disciplinary Board;
- 18
19
20 (v) They shall be informed of the evidence against them;
- 21
22 (vi) They shall have the right to adduce evidence on their own
23 behalf;
- 24
25 (vii) The evidence must be duly considered by the student
26 disciplinary board;
- 27
28 (viii) The concept of proportionality between the offense committed
29 and the sanctions imposed shall be committed;
- 30
31 (ix) The right against self-incrimination;
- 32
33 (x) The right to appeal an adverse decision of the Student
34 Disciplinary Board to the governing board and ultimately to the
35 appropriate education agencies;
- 36
37 (xi) The right to confidentiality;
- 38
39 (xii) The decision in a disciplinary proceeding must be rendered on
40 the basis of relevant and substantial evidence presented at the
41 hearing, or at least contained in the record and disclosed to the
42 student affected.

43
44 (d) The deciding body should, in all controversial questions, render its
45 decision in such a manner that the issues involved, and the reasons for
46 any decision rendered are made clear to the student;

47
48 (e) No preventive suspension shall be imposed upon a student by reason
49 on the exercise of his constitutional rights; Provided, that in cases

1 where a preventive suspension may be imposed the same shall not be
2 beyond 5 days;

3
4 (f) Subject to existing laws, a decision on a case or complaint filed before
5 the Student Disciplinary Tribunal shall be resolved within 15 days after
6 the filing of the complaint;

7
8 (g) The Office of the Guidance Counselor of the respective schools in
9 consultation with the Student Disciplinary Board shall publish on a
10 periodic basis acts that are deemed violative of the school rules and
11 regulations and the corresponding disciplinary actions; Provided, that
12 such rules shall be reasonable, not arbitrary, and do not violate the
13 provisions of the Constitution;

14
15 (h) In cases where the school administration decides to file any case in
16 court, criminal or civil, against a student, it may do so only after the
17 Student Disciplinary Board or Tribunal has determined that the student
18 concerned has committed the same; Provided, however, should the
19 student found guilty thereof by the Student Disciplinary Board or
20 Tribunal decide to appeal the decision thereof to the governing board
21 of the school, DepEd, CHED, or TESDA, the school administration
22 cannot file the criminal or civil case based on the doctrine of exhaustion
23 of administrative remedies.

24
25 **SECTION 38. *Right against illegal searches and seizures.*** -Any form of
26 unlawful and unreasonable search and seizure shall be illegal. Articles seized in
27 violation of the herein above provided right shall be inadmissible in evidence against
28 the student in disciplinary action that may be brought against him/her.

29 30 31 **CHAPTER IX** 32 **Other Rights**

33
34 **SECTION 39. *Right of entry.*** - In case of violations of "No ID, No Entry" or
35 uniform policies, the student concerned shall not be denied entry provided that
36 he/she sufficiently provides proof that he/she is a bona fide student of the school.

37
38 Guests and visitors of the schools shall not be denied entry provided that
39 he/presents a valid identification card.

40
41 **SECTION 40. *Access to school records and issuance of official certificates.*** -
42 Subject to the provisions of the following section, every student shall have access to
43 his/her own school records, the confidentiality of which the school shall maintain. He/
44 She shall have the right to be issued official certificates, diplomas, transcripts of
45 records, grades, transfer credentials and other similar documents within thirty (30)
46 days from the filing of the request and accomplishment of all pertinent requirements.

47
48 **SECTION 41. *Unpaid tuition fees and examinations.*** - Students with
49 delinquent fees shall have the right to take an examination. No student shall be
50 prohibited from taking aperiodic or final examination because of unpaid tuition and

1 other school fees. Nevertheless, such students shall be subject to the right of the
2 school concerned to withhold the release or issuance of their school clearance prior
3 to their graduation until all prior delinquencies are fully paid.
4

5 **SECTION 42. *Prohibition against the militarization of the school campus and***
6 ***nearby premises*** - The pursuit of academic excellence and exercise of academic
7 freedom can be attained only in an atmosphere free from fear and unreasonable
8 restraint. Pursuant thereto, no military detachment shall be installed near and inside
9 the school premises.

10 Military elements and/or policemen in uniform or in plainclothes and school
11 security forces shall not interfere with student activities particularly mass actions
12 inside the school campus.
13

14 **SECTION 43. *Right to Privacy.*** - The privacy of communication and
15 correspondence of students shall remain inviolable.
16

17 **CHAPTER X**

18 **Final Provisions**

19
20

21 **SECTION 44. *Rules and Regulations.*** - The DepEd, TESDA, CHED and the
22 Commission on Human Rights (CHR), together with the representatives of national
23 student organizations, national student formations, representatives of school
24 administration and the National Youth Commission(NYC) shall promulgate the
25 necessary rules and regulations to implement the provisions of this act within ninety
26 (90) days from its approval.
27

28 **SECTION 45. *Administration and Enforcement.*** - National student
29 organizations and student councils or governments shall have the right to report to
30 and demand an investigation from the appropriate education agency into acts or acts
31 committed by school authorities and/or administrations violative of their rights as
32 provided for in this Act. As such, they shall have the right to an impartial speedy
33 resolution of the issue.
34

35 The appropriate education agency shall cause the suspension or revocation
36 of the license or permit of any school, college or university found to be guilty of
37 violating rights guaranteed under this Act. To protect the interests of the students,
38 the State shall, during the period of suspension or upon the cancellation of license,
39 and unless restrained by the proper Court, take over the operations of the school.
40

41 A fine not less than Two Hundred Thousand Pesos (P200,000.00) but not
42 more than Five Hundred Thousand Pesos (P500,000.00) shall be imposed on any
43 school, college or university found liable for violating this Act.
44

45 **SECTION 46. *Penal Provisions.*** - Any person who shall willfully interfere with,
46 restrain or coerce any student in the exercise of his/her rights guaranteed by this Act,
47 or who shall in any other manner commit any act to defeat any provision of this Act,
48 shall, upon conviction, be punished by a fine of not less than fifty thousand pesos
49 (P50,000.00) but not more than One Hundred Thousand Pesos(P100,000.00) or by

1 imprisonment of not less than one year but not more than five years, or both at the
2 discretion of the Court.

3
4 If the offender is an educational institution, or any juridical person, the penalty
5 shall be imposed upon the President, Treasurer, Secretary or any person or officer
6 responsible for the violation. If the offender is an alien, he shall, after service of
7 sentence, be deported immediately without further proceeding in the Bureau of
8 Immigration (BI). If the offender is a public officer or employee, the Civil Service
9 Commission or the Court shall, in addition to the penalties herein above provided,
10 order his dismissal from the government service.

11
12 Refusal of any government official, including those working in state colleges
13 and
14 universities, whose duty includes investigating or acting on any complaint for a
15 violation of this Act to perform his or her duty shall be considered as gross
16 negligence on the part of such official who shall suffer the appropriate penalty under
17 civil service laws, rules and regulations.

18
19 The DepEd, CHED and TESDA shall be empowered to investigate into the
20 violations of this Act or the rules and regulations issued thereunder and for this
21 purpose shall have the power to issue summons, writs, orders, subpoena and
22 subpoena duces tecum to secure the attendance of witnesses and the production of
23 documents in connection with the charges presented to the appropriate body. Any
24 student whose rights have been violated as stipulated in this Act may file
25 independent civil cases for damages against the offending persons, natural or
26 juridical. He/she shall be exempt from filing fees.

27
28 **SECTION 47. Separability Clause.** - If any part or provision of this Act is held
29 unconstitutional or parts thereof, other provisions hereof which are not affected
30 thereby shall continue to be in full force and effect.

31
32 **SECTION 48. Repealing Clause.** - All laws, decrees, orders, rules and
33 regulations or other issuances or parts thereof, inconsistent with the provisions of
34 this Act are hereby repealed or modified accordingly.

35
36 **SECTION 49. Effectivity.** - This Act shall take effect fifteen (15) days after its
37 publication in two (2) national newspapers of general circulation.

38
39
40 *Approved,*