

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4108**



Introduced by TEDDY BRAWNER BAGUILAT

EXPLANATORY NOTE

The 1987 Constitution as well as international agreements with the Philippines as a signatory such as the UN Declaration of Human Rights, International Convention on Civil and Political Rights, Convention on Elimination of All Forms of Discrimination Against Women, International Convention on Economic and Social Rights and Convention on the Rights of the Child, mandate the state to ensure that rights of students are to be protected and that access to quality education that is free and non-discriminatory shall be provided.

With an acknowledges that education is an important institution in ensuring that all Filipinos are able to participate fully in society and nation-building and in inculcating patriotism and nationalism, critical and creative thinking, and values necessary to promote civil liberties, human rights and fundamental freedoms and by the recognition that education as a right can only be exercised and enjoyed fully in a climate where the rights and welfare of students and young Filipinos are promoted and protected, it is therefore important to institutionalize students' rights and welfare.

Furthermore, the affirmation that students shall have the right to meaningful participation in the decision-making processes inside and outside educational institutions, especially in the crafting and formulation of policies affecting them has to be assured. As an integral part in the promotion of the democratic processes such as the right of students to organize—which encompasses the right to establish student organizations, student unions, and student councils and governments—and the fundamental right to expression of students, have to be unabridged and autonomous from the influences of educational institutions.

Although in recent years, several efforts made by government agencies to protect and promote students' rights and welfare such as the launch of a Students

Rights and Welfare (STRAW) Desk by the National Youth Commission (NYC) and the publication and distribution of a National Student Handbook by the NYC and the National Anti-Poverty Commission (NAPC). These efforts however proved inadequate to afford students the protection and the access to free and non-discriminatory environment as provided by the Constitution.

For these reasons, approval of this bill is therefore seriously sought.

A handwritten signature in black ink, consisting of several overlapping loops and horizontal strokes, positioned above the printed name.

REP. TEDDY B. BAGUILAT JR.

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HOUSE BILL NO. _____

Introduced by TEDDY BRAWNER BAGUILAT

**AN ACT PROVIDING FOR A NATIONAL POLICY
ON STUDENTS' RIGHTS AND WELFARE**

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

1 **SECTION 1. Short title.** - This Act shall be known as the *Students'*
2 *Rights and Welfare Act of 2016.*

3
4 **SECTION 2. Declaration of Policy.** – The State:

5
6 (a) In accordance with several international human rights agreements,
7 including the International Convention on Civil and Political Rights, International
8 Convention on Economic and Social Rights, the Universal Declaration on Human
9 Rights, International Convention on the Rights of the Child, Convention on the
10 Elimination of All Forms of Discrimination Against Women, declares its
11 commitment to protect and promote the rights and welfare of Filipino students;

12
13 (b) Recognizes that education is a right and as such it can only be
14 exercised and enjoyed fully in a climate where the rights and welfare of students
15 and young Filipinos are promoted and protected;

16
17 (c) Acknowledges that education is an important institution in ensuring that
18 all Filipinos are able to participate fully in nation-building and the society and in
19 inculcating patriotism and nationalism, critical and creative thinking, and values
20 necessary to promote civil liberties, human rights and fundamental freedoms;

21
22 (d) Affirms that students have the right to meaningful participation in
23 decision-making processes inside and outside educational institutions, especially
24 in the crafting and formulation of policies affecting students, and the promotion of
25 this right is an integral part of the nation's democratic processes;

(e) Affirms that the fundamental right to expression of students, and such right shall be unabridged and autonomous from the influences of educational institutions;

(f) Affirms the students' right to organize, which encompasses the right to establish student organizations, student unions, and student councils and governments.

SECTION 3. *Definition of Terms.* As used in this Act the following shall mean:

(a) *Student* - any person enrolled in the secondary, post secondary tertiary, graduate and post graduate levels, including those enrolled in vocational and technical education.

(b) *School* - any private, public or government-run and funded academic educational institution offering any or all courses in the above-mentioned levels.

(c) *School campus* - the totality of all contiguous or proximate buildings, grounds, and other facilities designated by the school authorities as areas or facilities for the use of their students.

(d) *Governing Board* - the highest policy making body of the school such as: Board of Directors, Trustees or Regents.

(e) *Student Council or Government* - the body representing the whole student population in one school or school campus whose officers are annually elected at large by the whole student population pursuant to its charter or constitution. This definition shall include student councils or governments at the level of colleges, campuses, etc.

(f) *Council of Leaders* - the body composed of the heads of various student organizations chaired by the President or Chairperson of the Student Council or by any student duly elected by the student organizations.

(g) *Tuition* - the fee representing direct costs of instruction, training and other related activities, and the use of school facilities. The term other school fees refers to fees which cover other necessary costs supportive of instruction, including but not limited to medical and dental, athletic, library, laboratory, and NSTP fees.

SECTION 4. *Right against discrimination in educational institutions* – No student shall be denied admission, expelled from an educational institution, punished with disciplinary action, including mandatory counseling, or denied welfare services, scholarships and other privileges on the basis of his/her physical handicap, socio-economic status, political and religious beliefs, sexual orientation, or membership in student organizations. Pregnant students, certified reformed drug abusers, and students with HIV/AIDS shall not be discriminated against.

SECTION 5. *Right to competent instruction and relevant quality education.* – Every student shall have the right to competent instruction and

1 quality education relevant to his/her personal and cultural development and that
2 of the nation. To achieve this goal, schools and educational institutions are
3 required to enforce a written evaluation of the performance of teachers by
4 students at the end of the school term.

5
6 **SECTION 6. *Right to organize.*** – (a) The right of students to form, assist,
7 or join organizations, alliance, or federations along their physical, intellectual,
8 moral, cultural, civic, spiritual, and political interests shall not be abridged.

9
10 (a) The Office of Student Affairs, in coordination with the student council or
11 government, shall take charge in the accreditation of student organizations. The
12 guidelines for accreditation of student organizations shall be formulated by the
13 student council and the heads of all student organizations.

14
15 (b) The Office of Student Affairs shall have the mandate to implement the
16 guidelines and mediate in conflicts emerging from the accreditation process.
17 Accreditation of student organizations shall be granted upon the submission of a
18 formal letter of application for accreditation, constitution, list of activities, and list
19 of officers. The Office of Student Affairs may impose sanctions on inactive
20 organizations.

21
22 (c) The Office of Student Affairs shall coordinate on and off campus
23 activities of student organizations.

24
25 (d) The school administration shall endeavor to provide, free of charge, a
26 hall or building to house the offices of student organizations within the premises
27 of the school. Furthermore, whenever possible, the school administration shall
28 allow student organizations to use school facilities free of charge;

29
30 (e) Acts that impair the right of students to organize are prohibited:

- 31
32 1. Signing of waivers or similar documents that use membership to any
33 organization as a basis for admission to or expulsion from schools,
34 including the imposition of disciplinary actions;
35 2. Imposition of unreasonable requirements on student organizations
36 seeking recognition;
37 3. Discriminatory policies in the assignment of school facilities and in
38 granting other privileges to student organizations;
39 4. Excessive charges for the use of school facilities;
40 5. Excessive fees imposed by student organizations to members, and;
41 6. Imposition of unnecessary requirements for admission and continued
42 membership to a student organization including, but not limited to,
43 hazing or other acts prohibited under RA 8049, or the Anti-hazing law.

44
45 **SECTION 7. *Right to establish a student council or government.*** – (a)
46 There shall be one (1) university student council or government for each school,

1 college, or university campus that shall be recognized by the schools, colleges
2 and universities concerned. It shall have its own set of officers elected in annual
3 popular elections.
4

5 (b) There shall be a Constitution or Charter of the Student Council or
6 Government crafted by the head or representatives of all student organizations in
7 a school and ratified through a two-thirds (2/3) vote by the student body that shall
8 lay down the organization, functions, and responsibilities of the student council or
9 government. Representation for unorganized students shall be ensured for the
10 crafting of the draft constitution or charter.
11

12 (c) Every student council or government shall have the right to determine
13 its policies and programs on student activities subject to the Student Council or
14 Government charter or constitution and to school rules and regulations provided
15 that the latter does not infringe on basic rights and freedoms of students;
16

17 (d) There shall be an independent Commission on Elections (COMELEC)
18 that shall oversee the honest, orderly, and peaceful conduct of election of officers
19 of the student council or government. The COMELEC shall be chosen from a list
20 of nominees provided by the heads of student organizations. The school must
21 provide sufficient funds to the COMELEC to ensure that it is able to function.
22

23 (e) There shall a fee to be collected from students to finance the
24 operations of the student council or government, the amount of which shall be
25 determined by the student council or government in consultation with the student
26 body. The school administration shall facilitate the collection of the student
27 council or government fee and shall turn over the collected amount to the student
28 council or government within fifteen (15) days after the start of the semester or
29 school period. The student council or government shall issue to the student body
30 a financial report at the end of its term. To take effect, a proposal to increase the
31 student council or government fee shall require a vote of simple majority by the
32 student body.
33

34 (f) No policy restricting the right of student councils or governments to join
35 federations or alliances of student councils or governments shall be imposed by
36 the school administration.
37

38 **SECTION 8. *Right to publish a student newspaper and other similar***
39 ***publications.*** – (a) In accordance with RA 7079 or the Campus Journalism Act
40 of 1991, students shall have the right to publish student newspaper and other
41 similar publications.
42

43 (b) The editorial staff of the student paper shall be comprised of students.
44 No person who is not a member of the publication shall determine its content.
45 The role of the faculty adviser in the student paper shall be limited to technical
46 assistance.

1 (c) The selection of the student Editor-in-Chief and the members of the
2 editorial board shall be conducted annually through a fair and competitive
3 examination to be administered by an impartial Board of Judges, which shall be
4 comprised of professional journalists, representatives from the faculty, the
5 student body.

6
7 (d) Ethics in journalism shall be observed by the editorial staff. It shall be
8 the responsibility of the editorial staff to ensure that the student paper is not used
9 for purposes contrary to law.

10
11 (e) Unless sooner removed for cause and with due process, the Editor-in-
12 Chief and editorial staff shall be assured of security of tenure for the duration of
13 his/her prescribed term;

14
15 (f) The student publication shall be financially autonomous from the school
16 administration. A fee for student publication shall be collected from students and
17 shall be held in trust by the school administration. No policy shall be imposed by
18 the school administration to hamper the access of the editorial board to the
19 student publication fund, subject to existing regulation in the disbursement of
20 funds. The school administration shall also be prohibited from using the
21 aforementioned fund. At the end of each term, the editorial board shall publish a
22 financial statement.

23
24 **SECTION 9. *Right to adequate welfare services and academic***
25 ***facilities.*** – Denial of access to adequate welfare services and academic
26 facilities shall be prohibited. These services and facilities shall include:

- 27
28 (a) Free annual physical check-up to the students;
29 (b) Legal assistance in cases involving the exercise and enjoyment of
30 rights and freedoms stipulated in this Act;
31 (c) Counseling;
32 (d) Adequate laboratory, library, research, recreation and physical
33 education facilities;
34 (e) Communications system to ensure that students are promptly notified
35 of letters and other relevant information, and;
36 (f) Adequate, safe and clean housing facilities, such as dormitories, for
37 students inside campuses. In case the school has no in-campus
38 dormitories or housing facilities, the school administration and the
39 student council or government shall be required to accredit out-of-
40 campus dormitories. Students shall be encouraged to stay in the
41 accredited dormitories.

42
43 **SECTION 10. *Representation in the school's highest policy-making***
44 ***body.*** – There shall be a student representative in the highest policy-making
45 body of the school. He or she shall be chosen through a selection process
46 formulated and crafted by the student council and government and shall have the

1 same rights as that of the regular members of the same body. Provided,
2 however, that his or her privileges shall be limited to the actual expenses
3 incurred in attending meetings of the aforementioned body. Provided, further,
4 that the aforementioned student representative is prohibited from taking any
5 other position in public offices or student council or government.
6

7 **SECTION 11. *Right to information.*** – The right of students to information
8 on matters affecting their welfare shall be recognized. Therefore, students shall
9 have access to the school's official acts, transactions or decisions relating to
10 students' rights and welfare subject only to reasonable regulations.
11

12 **SECTION 12. *Right to freedom of expression.*** – (a) Students shall have
13 the right to freely express their views and opinions. They shall have the right to
14 peaceably assemble and petition the government and school authorities for the
15 redress of their grievances. No school regulation shall be imposed violating or
16 abridging the student's right to assembly.
17

18 (b) Student shall have access to print and broadcast media in their
19 information activities. They shall also have the right to print, circulate and/or
20 mount leaflets, newsletters, posters, wall news, petitions and such other
21 materials. School authorities shall ensure the provision of facilities such as
22 bulletin boards for the mounting of the aforementioned materials.
23

24 (c) School authorities are required to designate a certain area within
25 school premises where students can express their grievances or organize
26 activities.
27

28 **SECTION 13. *Academic freedom.*** – Students' academic freedom shall
29 consist of, but not limited to, the following:
30

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

- 1 (f) To participate in the drafting of a new curriculum and in the review or
2 revision of the old;
3
4 (g) To participate in the drafting and/or revising of the student handbook
5 which shall include the school rules and regulations, a copy of which
6 shall be furnished the students upon admission to the school; and
7
8 (h) To be free from any form of indoctrination leading to imposed
9 ideological hegemony.
10

11 **SECTION 14. *Right to due process.*** – The right to due process of
12 students subjected to disciplinary proceedings shall be observed and respected.
13

14 (a) He shall have the right to defend himself, to be heard and to present
15 evidence on his behalf before an impartial body.
16

17 (b) There shall be an independent Student Disciplinary Board to be
18 composed of one (1) representative from the school administration, two (2)
19 faculty members and two (2) students to conduct investigations into and decide
20 on cases of student violations of disciplinary standards. The member from the
21 administration shall serve for five years, the members from the faculty for three
22 years, and the members from the student body for one year. The faculty and
23 student representatives shall be endorsed by the student council or government.
24 The Student Disciplinary Board shall formulate the guidelines for the imposition
25 of the disciplinary proceedings.
26

27 (c) The blacklisting, expulsion, suspension and other such disciplinary
28 sanctions that maybe taken against a student shall not be valid unless the
29 following rights have been observed and accorded the student:
30

- 31 1.) The right to be informed in writing of the nature and cause of the
32 accusation against him/her;
33 2.) The right to confront witness against him/her and to full access to the
34 evidence in the case;
35 3.) The right to defend himself/herself and to be defended by a
36 representative or counsel of his/her choice, adequate time being given
37 to him/her for the preparation of his/her defense;
38 4.) The right to a hearing before the Student Disciplinary Board;
39 5.) The right against self-incrimination; and
40 6.) The right to appeal adverse decision of the Student Disciplinary Board
41 to the governing board and ultimately to the appropriate education
42 agencies.
43 7.) The right to confidentiality
44

45 (d) The decision in any disciplinary proceeding must be rendered on the
46 basis of relevant and substantial evidence presented at the hearing, or at the

1 least contained in the record and disclosed to the student affected. The deciding
2 body should, in all controversial questions, render its decision in such a manner
3 that the issues involved, and the reasons for any decision rendered are made
4 clear to the student.

5
6 (e) Subject to existing laws, a decision on a case or complaint filed before
7 the Student Disciplinary Tribunal shall be resolved within three (3) months after
8 the filing of such a case or complaint.

9
10 (f) The Office of the Guidance Counselor of the respective schools in
11 consultation with the Student Disciplinary Board shall publish on a periodic basis
12 acts that are deemed violative of the school rules and regulations and the
13 corresponding disciplinary sanctions. Provided, that such rules and regulations
14 do not violate the rights guaranteed herein and under the Constitution.

15 **SECTION 15. *Right against illegal searches and seizures.*** – except for
16 the following instances, any form of unreasonable search and seizure shall be
17 illegal:

- 18
19 a) Searches made at the point of ingress and egress by authorized
20 personnel of the school;
21 b) Searches and seizure of articles deemed illegal under existing laws
22 falling in the plain view of duly authorized personnel;
23 c) Searches and seizures of articles that are illegal, discovered
24 inadvertently by duly authorized personnel;
25 d) Searches made when the student is about to commit, is committing or
26 has just committed a crime or a serious infraction of the school's rules
27 and regulations;
28 e) Searches made with a valid search warrant.

29
30 Articles seized in violation of the hereinabove provided rights shall not be
31 used as evidence against the student in any disciplinary action that may be
32 brought against him/her.

33
34 **SECTION 16. *Access to school records and issuance of official***
35 ***certificates.*** - Every student shall have access to his/her own school records, the
36 confidentiality of which the school shall maintain. He/She shall have the right to
37 be issued official certificates, diplomas, transcripts of records, grades, transfer
38 credentials and other similar documents within thirty (30) days from the filing of
39 request and accomplishment of all pertinent requirements.

40
41 **SECTION 17. *Right to privacy.*** – The privacy of communication and
42 correspondence of students shall remain inviolable.

43
44 **SECTION 18. *Firearms ban.*** – The carrying of firearms or explosives in
45 schools or campuses shall be banned.
46

1 **SECTION 19. *School fees and other tariffs.* –**

2 (a) All involuntary contributions shall be prohibited.

3
4 (b) In releasing documents, academic records, and similar certifications,
5 schools are prohibited from imposing fees beyond the actual cost of reproducing
6 the documents.

7
8 (c) Minimum standards in consultation shall be strictly observed in
9 imposing tuition fee increases. To this end, no tuition or other school fee increase
10 shall be allowed unless the following procedures are observed:

- 11
12 1.) Posting of notice of increase in tuition or other school fees in
13 conspicuous locations a year prior to the implementation of the
14 proposed increase. The heads of student organizations and student
15 council or government officers shall also be directly notified about the
16 proposed increase.
17 2.) At least one public meeting shall be held with students, heads of
18 student organizations and student council or government officers to
19 discuss the proposed increase. This shall be attended by the President
20 of the school and at least one member of the Governing board.
21 Parents of students shall be allowed to attend the public meetings.
22 3.) All documents pertaining to the proposed increase shall be made
23 available to the student council or government.
24 4.) Prior to the final approval of the proposed increase, the student body
25 shall be allowed to present their position to the Governing Board on the
26 proposed increase.

27
28 **SECTION 20. *Rules and Regulation.* –** The Department of Education,
29 TESDA, Commission on Higher Education, and Commission on Human Rights,
30 together with the representatives of national student organizations,
31 representatives of school administrations and the National Youth Commission
32 (NYC) shall promulgate the necessary rules and regulations to implement the
33 provisions of this Act with ninety (90) days from the approval of this Act.

34
35 **SECTION 21. *Administrative sanctions.* –** The Department of
36 Education, Commission on Higher Education, and TESDA are hereby vested
37 with powers necessary to investigate and impose administrative penalties to
38 ensure the enforcement of this Act. Any student, student council or government,
39 or national organization of student councils, governments, or organizations, may
40 file complaints before the aforementioned agencies.

41
42 The appropriate education agency shall cause the suspension or
43 revocation of the license or permit of any school, college or university found to be
44 guilty of violating rights guaranteed under this Act. A fine not less than two
45 hundred thousand pesos (P200,000.00) but not more than five hundred thousand

1 pesos (P500,000.00) shall be imposed on any school, college or university found
2 liable for violating this Act.

3
4 Upon final judgment, the appropriate education agency may recommend
5 to the Department of Justice the prosecution of any school, college or university
6 before a regular Court for violating the provisions of this Act.

7
8 If the offender is a student or a student organization, the school, college or
9 university shall cause, depending on the gravity of the offense, the suspension or
10 expulsion of the offending student and/or the suspension or revocation of the
11 accreditation of the offending organization, including other administrative
12 penalties, subject to the establishment of guidelines to be crafted by the school
13 administration with the student council or government, student organizations and
14 the student body.

15
16 **SECTION 22. *Penal Provisions.* –**

17
18 (a) Any person who shall willfully interfere with, restrain or coerce any
19 student in the exercise and enjoyment of rights guaranteed by this Act shall,
20 upon conviction, be punished by a fine of not less than Fifty Thousand Pesos
21 (P50,000.00) but not more than One Hundred Thousand (P100,000.00) Pesos or
22 by imprisonment for not less than one year but not more than five years, or both
23 at the discretion of the Court.

24
25 (b) If the offender is a juridical person, the penalty shall be imposed upon
26 the President, Treasurer, Secretary or any officer or person responsible for the
27 violation. If the offender is a public officer or employee, the Court shall, in
28 addition to the penalties above, order his or her dismissal from government
29 service.

30
31 (c) Refusal of any government official, including those working in state
32 colleges and universities, whose duty includes investigating or acting on any
33 complaint for a violation of this Act to perform his or her duty shall be considered
34 as gross negligence on the part of such official who shall suffer the appropriate
35 penalty under civil service laws, rules and regulations.

36 (d) Any student whose rights have been violated as stipulated in this Act
37 may file independent civil cases for damages against the offending persons,
38 natural or juridical. He or she shall be exempt from filing fees.

39
40
41
42 **SECTION 23. *Oversight.* –**

43
44 (a) The Department of Education, TESDA and Commission on Higher
45 Education shall monitor the implementation of this Act. They shall submit an

1 annual report to the Office of the President and Congress. For this purpose, the
2 aforementioned agencies may avail the support of national student organizations.
3

4 (b) An Oversight Committee is hereby created composed of two (2)
5 members each from the Committee on Basic Education and two (2) members
6 from the Committee on Higher Education of the Senate and House of
7 Representatives, to be constituted and co-chaired by the head of the committees
8 to evaluate and monitor the implementation of this Act. The Oversight Committee
9 shall automatically consider the reports of the concerned government agencies,
10 student organizations, and student councils and governments.
11

12 **SECTION 24. *Separability Clause.*** - If any part or provision of this Act is
13 held unconstitutional or invalid, other provisions hereof which are not affected
14 thereby shall continue to be in full force and effect.
15

16 **SECTION 24. *Repealing Clause.***- All laws, decrees, orders, rules, and
17 regulations or other issuances or parts thereof, inconsistent with the provisions of
18 this Act are hereby repealed or modified accordingly.
19

20 **SECTION 25. *Effectivity.*** - This Act shall take effect fifteen (15) days
21 after its complete publication in two (2) newspapers of general circulation.
22

23 Approved,