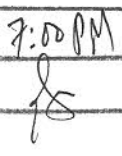


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2103

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representatives Tomasito S. Villarin (AKBAYAN Party)
and Jose "Ping-Ping" I. Tejada (3rd District, North Cotabato)

EXPLANATORY NOTE

The right to education is guaranteed by Article XIV (Education, Science and Technology, Arts, Culture, and Sports) of the 1987 Philippine Constitution. It is a right in the Universal Declaration of Human Rights, and recognized in international instruments like the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. That education is guaranteed by the Constitution and several other international instruments attest that education is important not only for an individual's personal development and empowerment but also for a more meaningful participation in society.

In education institutions, discriminatory policies and practices, rules that restrict student organizing, failure to deliver adequate services to students, lack of student participation and representation in governing bodies, imposition of unnecessary and unreasonable fees, and unjust disciplinary sanctions impair the exercise of the right to education. In the long run, such policies and actions threatens an individual to enjoy a life of dignity.

The suppression of the rights and welfare of students is furthered by the policy environment that governs the education sector. Due to the deregulation of the education sector, the State is gradually relinquishing its regulatory role to encourage private participation in the provision of education. By 2011, the number of private higher education institution reached 1,636 while state universities and colleges numbered 110.

The effect is that the enforcement and application of policies, especially those involving the rights and welfare of students, have become skewed, with the State's education agencies claiming that they have no power over PHEIs that have been granted deregulated status. On the other hand, SUCs have more policy handles in enforcing student's rights and welfare. Thus, while violations to students' rights and welfare happen both in PHEIs and SUCs, the

possibility of education agencies being pressured to act on complaints involving SUCs is higher than in cases involving PHEIs.

There is, therefore, a need to correct this anomaly.

Students' rights and welfare are human rights, and thus must be uniformly recognized, protected and promoted. The Commission on Higher Education and Technical Education and Skills Development Authority should also be given the mandate to ensure that students are able to enjoy and exercise their rights and freedoms.

Legislative action is necessary to introduce the following reforms and to strengthen students' rights and welfare, the recognition and promotion in campuses of rights and freedoms enshrined in the Constitution and affirmed by various international human rights instruments, regulation of tuition and other school fees increases by introducing minimum standards in consultation, penalization of students' rights violations, and strengthening the capacity and power of education agencies in ensuring that students' rights and welfare are protected and promoted.

This bill was filed by Akbayan's representatives during the 16th Congress but was not passed into law.

Immediate approval of this measure is, therefore, earnestly sought.



TOMASITO S. VILLARIN



JOSE "PING-PING" I. TEJADA

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AN ACT
PROVIDING A NATIONAL FRAMEWORK
FOR STUDENTS' RIGHTS AND WELFARE

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 "*Students' Rights and Welfare Act of 2016.*"

SECTION 2. Declaration of Policy.— Pursuant to Article II (Declaration of Principles and State Policies), Section 17 of the *1987 Philippine Constitution*, which makes it an obligation of the State to prioritize education, science and technology, arts, culture and sports with the end of fostering patriotism and nationalism, accelerating social progress, and promoting total human liberation and development; to Article III (Bill of Rights) of the *Constitution* which guarantees fundamental rights of every Filipino citizen; and in accordance with State obligations under international agreements, including the *International Convention on Civil and Political Rights*, *International Convention on Economic and Social Rights*, *International Convention on the Rights of the Child*, *Convention on the Elimination of All Forms of Discrimination Against Women*, it is hereby declared a policy of the State to protect and promote the welfare of Filipino students.

Pursuant to Article XIV (Education), Sections 1 and 5(1) of the *Constitution*, the State hereby recognizes its obligation to protect and promote the right of all citizens to quality education at all levels, shall take appropriate steps to make education accessible to all, and guarantees the enjoyment of academic freedom in all institutions of higher learning.

Towards this end, the State:

- (a) Recognizes that education is a right and as such it can only be exercised and enjoyed fully when rights and welfare of students and young Filipinos are promoted and protected.
- (b) Acknowledges that education is essential to the full participation of Filipinos in nation-building. It is also essential in instilling nationalism, critical and creative thinking, and values necessary to promote civil liberties, human rights, and fundamental freedoms.
- (c) Affirms that students have the right to meaningful participation in decision-making processes inside and outside educational institutions, especially in the crafting and formulation of policies directly affecting them. The promotion of this right to participate is an integral part of the nation's democratic processes.
- (d) Affirms that the fundamental right to expression of students shall be unabridged and autonomous from the influences of educational institutions.

SECTION 3. *Definition of terms.*—As used in this Act:

- (a) "*School*" refers to an institution for learning in all levels of education, regardless if privately or publicly-operated. For purposes of this Act, the term shall include institutions for vocational and technical education but excludes those institutions for enhanced basic education. A school is comprised of the studentry, administration, faculty and non-faculty personnel.
- (b) "*School campus*" refers to areas designated by school administration for use by students, which shall include, but not be limited to, facilities, contiguous or proximate buildings and the school grounds.
- (c) "*Student*" refers to any person enrolled in a particular school, as the latter is defined in subparagraph (a) of this Section.
- (d) "*Governing board*" refers to the highest policy-making body of the school such as a board of directors, regents or trustees.
- (e) "*Student council*" or "*student government*" is the collective term to refer to the representatives of students in a school or of students in different independent units in a school, like a college in a university. A designated student population annually elects members of the student council or of the student government at large following election rules in the charter or constitution of the student council or the student government.

"*Council of leaders*" refers to a duly constituted body composed of the heads of all, or almost all, of student organizations in a school. The chairperson or president of the student council or student government, or any student duly elected by the members of the council of leaders, shall preside over the council of leaders.

- (f) "*Tuition fee*" refers to amounts paid for the privilege to receive education in a school.

"*Other school fees*" refers to fees other than tuition fees, and includes library and athletic fees, laboratory fees, entrance fees, National Service Training Programs fees, student council or student government fees, graduation fees, medical and dental fees, and other similar fees.

SECTION 4. *Right against discrimination in educational institutions.*—

No student shall be denied admission or expelled from an educational institution, punished with disciplinary action, given mandatory counseling, or denied welfare services, scholarships and other student privileges solely on the basis of physical handicap, socio-economic status, political and religious beliefs, sexual orientation, or membership in organizations.

SECTION 5. *Right to competent instruction and accessible, quality, relevant education.*—

Students have the right to accessible, competent, holistic, quality and relevant education that is essential to personal development and to the development of the nation. The performance of teachers shall be assessed by students through written evaluations at the end of each school term. The conduct of such assessments shall be the obligation of the school administration.

SECTION 6. *Right to organize.*— The right of students to form, assist or join organizations, alliances, or federations shall not be abridged.

The student council or the student government and the council of leaders shall formulate guidelines for the accreditation of student organizations. Such guidelines shall be implemented by the office of student affairs, in coordination with the student council or student government, which shall adopt a mechanism to resolve issues that may be raised in the accreditation process.

The accreditation requirements shall not unduly restrict the right of students to organize and may include submission of documentary requirements such as, but not limited to, a written application for accreditation, a copy of the constitution and by-laws of the organization, a general plan of action or list of activities, list of incumbent officers, and a list of members.

Accredited student organizations shall coordinate with the office of student affairs for on- and off-campus activities. The school shall provide, free of charge, a hall or building within the school campus where a student organization may establish its office or permanent meeting area.

SECTION 7. *Right to establish a student council or government.*— There shall be a student council or student government recognized in every school, university or college, as the case may be.

The student council or student government shall adopt a constitution or a charter resulting from a consultative process involving the council of leaders and representatives of unaffiliated students. The constitution or charter shall be formally adopted after its ratification by at least two-thirds (2/3) of the designated student population. It shall contain provisions on the structure, functions and responsibilities of the student council or student government.

Every student council or student government shall have the right to determine its policies and programs on student activities subject to the provisions its charter or constitution and in consonant with school rules and regulations: *Provided*, That the latter does not infringe on basic rights and freedoms of students.

The election of the members or officers of the student council or the student government shall be conducted by an independent commission on elections which shall ensure that such elections are honest, orderly and peaceful. The members of commission of elections shall be chosen from a list of nominees from members of the council of leaders. The school concerned shall ensure that the commission on elections has sufficient funds to carry out its mandate.

A "*student council or student government fee*" may be collected from students to finance the operations of the student council or student government, the amount of which shall be determined by the student council or student government in consultation with the student body and should be consistent with the student council or student government's general plan of action or list of activities for a specific term. The school administration shall facilitate the collection of the student council or student government fee and shall turn over the collected amount to the student council or student government within fifteen (15) days after the start of the semester or school period. The student council or student government shall release a financial report at the end of its term. To take effect, a proposal to increase the student council or student government fee shall require a vote of simple majority by the designated student population.

No policy restricting the right of student councils or student governments to join federations or alliances of student councils shall be imposed by the school administration.

SECTION 8. *Right to publish a student newspaper and other similar publications.*— In accordance with Republic Act No. 7079 or the "*Campus Journalism Act of 1991*," students shall have the right to publish a student newspaper and other similar publications.

The editorial staff of the student paper shall be comprised of students. The editorial staff will have a faculty adviser who has the role of providing technical assistance.

The selection of the student editor-in-chief and the members of the editorial staff shall be conducted annually through fair and competitive examinations to be administered by an impartial board of judges, which shall be comprised of professional journalists, representatives from the faculty, and students.

Ethics in journalism shall be observed by the editorial staff. It shall be the responsibility of the editorial staff to ensure that the student paper is not used for purposes contrary to law.

Unless sooner removed for cause and with due process, the editor-in-chief and editorial staff shall have security of tenure.

The student publication shall be financially autonomous from the school administration. A "*student publication fee*" shall be collected from the students and shall be held in trust by the school administration. No policy shall be imposed by the school administration to hamper the access of the editorial staff to such fund, subject to existing school regulations in the disbursement of funds. The school administration shall also be prohibited from using such fund. At the end of each term, the editorial board shall publish a financial statement.

SECTION 9. *Right to adequate welfare services and academic facilities.*—The school administration shall endeavor to provide the following services:

- (a) Health services for students with at least one (1) functioning clinic and a registered nurse to provide basic care for common ailments;
- (b) Legal assistance in cases involving the exercise and enjoyment of rights and freedoms provided in this Act;
- (c) Counseling;
- (d) Adequate laboratory, library, research, recreation and physical education facilities;
- (e) Effective communications system to ensure that students are promptly notified and informed;
- (f) Adequate, safe and clean board and lodging facilities, such as dormitories, inside the school campus. In case the school has no in-campus dormitories, the school administration and the student council or government shall be required to accredit or recommend out-of-campus dormitories where students are encouraged to stay.

SECTION 10. *Representation in the school's highest policy-making body.*—There shall be a student representative in the governing board. The selection process for the student representative will be formulated by the student council or student government, but adopted through a referendum among the students.

The student representative shall have the same rights as the other members of the governing board: *Provided*, That no monetary compensation shall be given to the student representative except as reimbursement of actual and

necessary expenses incurred in attending meetings and representing the governing board.

SECTION 11. *Right to information.*—The right of students to information on matters affecting their welfare shall be recognized.

At the minimum, students shall have access to the following documents:

- (a) Official school acts embodying school policies;
- (b) The school's annual budget information, including pertinent transactions; and
- (c) Any other document that involves the rights and welfare of the students.

Any student who wishes to obtain information from the school administration shall simply forward a written request through mail or electronic means to the school registrar.

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

Students shall have access to print and broadcast media in their activities. They shall also have the right to print, circulate and/or mount leaflets, newsletters, posters, wall news, petitions and such other materials. School authorities shall ensure the provision of facilities such as bulletin boards.

SECTION 13. *Academic freedom.*—Students' academic freedom shall consist of, but not limited to, the following rights:

- (a) To conduct researches in connection with academic work, and to freely discuss and publish their findings and recommendations;
- (b) To conduct inquiry within the campus in relation to curricular and extra-curricular activities;
- (c) To choose a field of study and to pursue the quest for truth;
- (d) To express their opinion on any subject or public or general concern which directly or indirectly affects the students of the educational system;
- (e) To invite off-campus speakers or resource persons to student-sponsored assemblies, forums, symposia, and other similar activities;
- (f) To express contrary interpretations or dissenting opinions inside and outside the classroom;
- (g) To participate in the drafting of a new curriculum and in the review or revision of the old through consultations and invitations in working groups;
- (h) To participate in the process of revising the student handbook and school rules and regulations. A copy of the existing student handbook will be given to students upon admission to the school; and

- (i) To decide and choose actions according to personal and political beliefs, and be free from the imposition of any thought, ideology or principle.

SECTION 14. *Rights on Academic Procedure.*—

(a) *Syllabus.*

A syllabus should clearly define and reflect the contents of the curriculum. The course syllabus shall be provided to students before the start of classes to ensure that students are guided throughout the school term.

(b) *Class requirements and measures for evaluation.*

- (1) Criteria for grading should be formal and appropriately quantified.
- (2) Mere absences from scheduled classroom lectures should not be the sole basis for grading: *Provided*, That a maximum number of absences shall be prescribed.
- (3) A student shall have the right to do make-up work in the event that requirements were not accomplished because of excusable inability to be physically present.

(c) *Class performance.*

Students have a right to know their class performance data from submitted papers, quizzes, long or short examinations and other similar class requirements.

(d) *Consultations.*

Members of the school faculty shall have regular consultation hours and make themselves available to discuss relevant student concerns. These hours should be made known to the students at the beginning of the term.

SECTION 15. *Right to due process.*—The right of student to due process shall be observed and respected especially during disciplinary proceedings.

There shall be an independent student disciplinary board to be composed of one (1) representative from the school administration, two (2) faculty members and two (2) students: *Provided*, That the representatives from the faculty and the students shall have the written endorsement of the student council or student government.

The board shall conduct investigations and decide student disciplinary cases following the adopted guidelines for the proceedings. The representative from the administration shall sit in the board for five (5) years, the representative from the faculty for three (3) years, and the representative from the students for one (1) year.

Blacklisting, expulsion, suspension and other such disciplinary sanctions that may be imposed against an erring student shall be imposed only if the following rights have been observed and accorded the student:

- (a) To a hearing before the board, which includes the right to present one's case and submit evidence in support thereof;
- (b) Against self-incrimination;
- (c) To be defended by a representative or counsel of choice, adequate time being given for the preparation of the defense;
- (d) To have the decision rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- (e) To appeal adverse decisions of the student disciplinary board to the governing board and ultimately to the appropriate education agencies;
- (f) To have the deciding body, in all controversial questions, render its decision in such a manner that the issues involved, and the reasons for any decision rendered are made clear to the student;
- (g) To confidentiality; and
- (h) Any other rights as afforded and guaranteed to an accused under the Constitution.

Subject to existing laws, a decision on a case filed before a student disciplinary board shall be resolved within three (3) months after the filing of such a case or complaint.

The office of the guidance counselor of the concerned school, in consultation with the student disciplinary board, shall publish on a periodic basis a list of acts that violate school rules and regulations and their corresponding disciplinary sanctions: *Provided*, that such rules and regulations do not violate the rights guaranteed herein and under the *Constitution*.

SECTION 16. *Right against illegal searches and seizures.*—Except for the following, any other form of search and seizure shall be unreasonable and illegal:

- (a) Searches made with a valid search warrant;
- (b) Searches made at the point of ingress and egress by a person authorized by the school;
- (c) Seizure of articles deemed illegal under existing laws falling in the plain view of duly confiscating authority; and
- (d) Searches and seizures made when the student is about to commit, is committing, or has just committed a crime or a serious infraction of school rules and regulations.

Articles seized in violation of this Section shall be deemed fruits of an unlawful search and seizure and therefore cannot be used as evidence against the student in any disciplinary action.

SECTION 17. *Access to school records and issuance of official certificates.*—Students shall have access to their own school records, and

have the right to be issued official certificates, diplomas, copies of transcript of records, copies of grades, documents required as transfer credentials, and other similar documents within thirty (30) days from the filing of a written request together with other reasonable requirements.

The school shall strictly maintain the confidentiality of all school records.

SECTION 18. *Right to privacy.*—The right of students to the privacy of their communication and correspondence is affirmed and shall remain inviolable. This right to privacy also extends to the following:

- (a) The public use of a student's name or likeness;
- (b) A student's private affairs, including seclusion or solitude;
- (c) Personal circumstances, whether facts or otherwise, especially those which are, from the point of view of the student, will cause him to be embarrassed when made public; and
- (d) Those information which might put any person in false light and destroy good repute.

SECTION 19. *Ban on firearms.*—No person shall carry firearms or explosives in school campuses except if such person has the necessary permit to carry such firearm issued by appropriate government authorities by reason of his obligation to ensure peace and security of the school campus, such as that of a member of the Philippine National Police.

SECTION 20. *School fees and other tariffs.*—Contributions which do not pertain to the tuition or other fees, as well as to other fees allowed to be collected in this Act, shall *prima facie* be considered unnecessary and shall be prohibited from being collected.

To comply with student requests for information as provided in Section 17 of this Act, schools are prohibited from imposing fees beyond the actual cost of reproducing school records, official certificates, copies of transcript of records, copies of grades, and other documents required as transfer credentials.

No increase in the tuition fee or other school fees shall be allowed unless:

- (a) A notice of increase specifying the particular fee to be increased is public announced and posted in conspicuous locations a year prior before the proposed increase is planned to take effect. The council of leaders and the student council or student government shall be directly notified about the proposed increase.
- (b) At least one (1) public meeting was held where students, the council of leaders, and the student council or student government has an open discussion with the school administration as regards the proposed increase. The head of the governing board shall be present during this public meeting. Parents of students may be allowed to attend. The conduct of the public meeting shall not be interpreted as denying the students a continuous consultation process as regards the proposed increase.

- (c) All documents pertaining to the proposed increase is made available to the student council or student government.
- (d) The presentation of a counterproposal or position of the student to the governing board.

SECTION 21. *Implementing rules and regulations.*—The Commission on Higher Education, Technical Education and Skills Development Authority, Commission on Human Rights, in coordination with the Department of Education, together with the National Youth Commission, representatives of national student organizations and representatives of school administrations shall promulgate the necessary rules and regulations to implement the provisions of the Act with ninety (90) days from the approval of this Act.

SECTION 22. *Administrative bodies and remedies.*—The CHED and TESDA are hereby vested with powers necessary to investigate and impose administrative penalties to ensure the enforcement of this Act. Any student, member of a student council or student government, or a national organization of student councils or student governments, or youth organization may file written complaints before the CHED and TESDA.

- (a) Upon a finding that a school is guilty of violating rights guaranteed under this Act, either CHED or TESDA, as the case may be, may cause the suspension or revocation of the license or permit to operate of any school, college or university.
- (b) The order of suspension or revocation of license or permit to operate may carry with it a fine of not less than two hundred thousand Philippine pesos (PhP200,000.00) but not more than five hundred thousand Philippine pesos (PhP500,000.00).
- (c) If the person violating the provisions of this Act is a student or student organization, the CHED or TESDA, may issue a recommendation for the suspension or expulsion of the student or the suspension or revocation of the accreditation of the school organization.

SECTION 23. *Penal Provisions.*—Any person who shall willfully interfere with, restrain or coerce any student in the exercise and enjoyment of rights guaranteed by this Act shall, upon conviction, be punished by imprisonment for not less than one (1) year but not more than five (5) years, or a fine of not less than fifty thousand Philippine pesos (PhP 50,000.000) but not more than one hundred thousand Philippine pesos, or both, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon the president, treasurer, secretary or any officer or person responsible for the violation. If the offender is a public officer or employee, the Court shall, in addition to the penalties above, order his or her dismissal from government service.

Refusal of any government official, including those working in state colleges and universities, whose duty includes investigating or acting on any

complaint for a violation of this Act to perform his or her duty shall be considered as gross negligence on the part of such official who shall suffer the appropriate penalty under civil service laws, rules and regulations.

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

SECTION 24. Oversight Committee.--The CHED and TESDA shall monitor the implementation of this Act and shall submit an annual report of the results of its monitoring to the Office of the President and to the Philippine Congress.

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

SECTION 25. Separability Clause.--If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

SECTION 26. Repealing Clause.--All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, including inconsistent provisions of the *Education Act of 1982*, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SECTION 27. Effectivity Clause.--This Act shall take effect immediately after the completion of its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,