

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **658**



Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

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.


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.

In view of the foregoing, the passage of this bill is earnestly sought.



HON. SARAH JANE I. ELAGO
Representative, Kabataan Party-list

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 658

Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

1 **AN ACT**
2 **ESTABLISHING A MAGNA CARTA OF STUDENTS**

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

5 **CHAPTER I**
6 **GENERAL PROVISIONS**

7 **SECTION 1.** *Short Title.* – This Act shall be known as the “Students Rights Act.”

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

15 **SECTION 3.** *Guiding Principles.* – This Act declares the following as basic guiding
16 principles:

17 (a) Education is a right. It is the responsibility of the State to provide quality and
18 accessible education at all levels. It is thus a responsibility of the Government to
19 support and give priority to education as a basic right of all citizens;

20 (b) Student organizations enhance democratic processes in the campus and
21 rehearse students in their role as active members of society and future leaders of our
22 nation. The right to organize, join and actively participate in student organizations,
23 alliances, federations, and student publications which promote and protect students'
24 rights and welfare and/or contribute to national development and social change shall
25 be guaranteed by the State and school authorities;

26 (c) Student organizations shall not be subject to rules and regulations that unduly
27 hamper their activities and are prejudicial to their objectives and interests, and that

undermine constitutionally protected rights and freedoms (freedom of association, freedom of assembly, freedom of expression, among others);

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

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

SECTION 4. *Definition of Terms.* – as used in this Act, the following terms shall mean:

(a) “*Student*” – any person enrolled in the elementary, secondary, post-secondary, tertiary, graduate and post-graduate levels, including vocational and technical education. For purposes of this Act, this shall include any person who has been separated from the school but pursues a pending suit for violations under this Act.

(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 curricular and extracurricular use of their students.

(d) “*Governing Board*” – the highest policy making body of the school such as the 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 elementary, secondary and level of colleges, campuses, etc.

(f) “*Student Publication*” – the issue of any printed and/or online material such as, but not limited to, newspapers, wall news, literary folios, newsletters and other similar forms, independently published by, and which meets the needs and interests of the students.

(g) “*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.

(h) “*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.

CHAPTER II

1

2
3
4
5
6
7
8

9
10
11

12
13
14
15

16
17
18
19
20

21
22
23

- 24
25
26
27
28
29
30
31
32
33
34

35

36

1 **RIGHT TO ORGANIZE AND RIGHT OF ASSOCIATION**

2 **SECTION 9.** *Right to organize and to associate.* – The right of students to form, assist,
3 join, and actively participate in any campus organization, unions, societies, nationwide youth
4 groups, alliances or federations, for purposes not contrary to law shall not be abridged. Such
5 student formations shall be treated as independent from the school or any of its departments,
6 and as separate and distinct juridical entities.

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

11 **SECTION 10.** *Accreditation of student organizations.* – The student council or
12 government shall be in charge of the accreditation of student organizations, as a purely student
13 activity. The guidelines for accreditation of student organizations shall be formulated by the
14 student council and the heads of all student organizations through the Council of Leaders. The
15 Office of Student Affairs shall be informed of the accreditation procedure and shall provide
16 technical assistance to the student council or government.

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

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

23 The Office of Student Affairs or any other administration offices shall not impose
24 sanctions on student organizations that become temporarily inactive for reasons beyond its
25 control.

26 **SECTION 11.** *Right to hold activities.* – The rights of organizations to conduct activities
27 inside and outside campus for purposes not contrary to law shall not be abridged.

28 The school administration shall provide, free of charge, a hall or building to house the
29 offices of student organizations within premises of the school. Furthermore, the school
30 administration shall allow student organizations to use school facilities free of charge on the
31 basis that student activities are integral to the holistic education of the students and on the
32 basis that the maintenance and operations of such facilities are deemed included in tuition and
33 other fees.

34 **SECTION 12.** *Prohibited acts of restraint against the right to organize and to associate.*
35 – Acts that impair the rights of students to organize are prohibited, such as:

- 36 (a) Signing of waivers or similar documents that use membership to any
37 organization as a basis for admission to or expulsion from schools, including the
38 imposition of disciplinary actions;

1 (b) Imposition of unreasonable requirements on student organizations seeking
2 recognition, such as but are not limited to: the imposition of a minimum size of
3 membership and the imposition of unreasonable community service duties;

4 (c) Discriminatory policies in the assignment of school facilities and in granting
5 other privileges to student organizations;

6 (d) Imposing any user fees and other charges for the use of school facilities on the
7 basis that such facilities are already being paid for through tuition and other fees;

8 (e) Imposition of requirements for admission and continued membership to a
9 student organization that are contrary to law.

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

16 **SECTION 14.** *The student council constitution.* – There shall be a constitution or
17 charter of the student council or government crafted by the heads or representatives of all
18 accredited student organizations ratified by the simple majority (50% plus 1) of students who
19 cast their vote in the ratification that shall lay down the rights, privileges, functions, and
20 responsibilities of the student council or government. To protect the right of unaffiliated
21 students, the student council shall devise a mechanism to ensure their representation and
22 participation in the crafting of the constitution.

23 Existing charters and/or constitutions of student councils or governments that have
24 been previously ratified by the students shall remain in effect.

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

29 **SECTION 16.** *Student council elections.* – There shall be an independent
30 Commission on Elections (COMELEC) that shall oversee and facilitate the honest, orderly,
31 and peaceful conduct of election of officers of the student council or government. The
32 COMELEC shall be composed only of bona fide students and shall be chosen by the Council
33 of Leaders from the list of nominees provided by the student organizations. The school must
34 provide sufficient funds to the COMELEC to ensure that it is able to function.

35 **SECTION 17.** *Student council funds.* – There shall be a fee to be collected from
36 students to finance the operations of the student council or government in consultation with
37 student body. The school administration shall facilitate the collection of the student council or
38 government fee during enrollment period and shall turn over the collected amount to the
39 student council or government within fifteen (15) days after the last day of enrollment.

40 If the student council or government concerned signifies to the school administration
41 that it shall collect on its own its fee, they should notify the school administration. School

1 administrations should recognize the student councils or governments that collect the student
2 council fees on its own prior to the effectivity of this Act.

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

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

12 The student council or government shall issue to the student body a financial report at
13 the end of its term. To take effect, a proposal to increase the student council or government
14 fee shall require a vote of simple majority by the student body.

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

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

25 **CHAPTER IV**
26 **RIGHT OF EXPRESSION AND FREE SPEECH**

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

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

38 **SECTION 22.** *Proportionality of offense and sanction.* – If the exercise of any of such
39 constitutional rights is determined to be outside of the confines of freedom of expression upon
40 compliance of due process, the concept of the proportionality between the offense committed
41 and the sanction imposed shall be followed, *Provided*, that the penalty of expulsion, exclusion

or forced transfer and the like shall not be imposed for any infraction or improper conduct that may arise by reason of the exercise of any of such constitutional rights.

SECTION 23. *Right to publish a student newspaper and other similar publications.* –

All educational institutions on the elementary, secondary and tertiary levels, public or private, shall be mandated to establish an independent student publication. Every school shall have at least one (1) student publication without prejudice to other publications established within the campus. A student publication shall be published by the student body through an editorial board and publication staff composed of students selected through fair and competitive examinations.

SECTION 24. *Revival of closed student publications.* – All student publications whose

operations ceased upon the directives of the school administration shall be revived and allowed to operate again. Once the publication is established or reopened, the editorial board shall freely determine its editorial policies and manage the publication's funds.

SECTION 25. *Student publication funds.* – Funding for the student publication shall be

sourced primarily from student publication fees collected by the school administration. It shall be mandatory for the school administration to collect the student publication/subscription fees during the enrollment period. The members of the student publication can opt to collect the publication funds themselves upon their initiative and under their full discretion and without administrative intervention. For these purposes, the number of bona fide students enrolled for the current semester or term shall be used as basis for the amount of the publication funds that shall be released by the school administrator who shall issue a list of the students enrolled for the current semester or term to the editorial board.

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

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

SECTION 26. *Student publication faculty adviser.* – The editorial board shall have the

discretion whether or not they would appoint a faculty adviser. In case the student publication decides to appoint a faculty adviser, the editorial board shall have the power to choose its faculty adviser, whose functions shall be limited merely to technical assistance. The approval of the faculty adviser shall not be a precondition to the publication of written material or photographs.

SECTION 27. *Independence of student journalists and freedom from threat.* –

Members of the student publications shall not be suspended, expelled or punished with administrative sanctions solely on the basis of the articles he/she has written except when such articles constitute a violation of the law. A student journalist's academic performance as a student shall not be used as basis for his or her dismissal from the student publication.

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

7 **SECTION 29.** *Printing of the student publication.* – The printing of the student
8 publication shall be conducted by the editorial board and the student publication staff through
9 canvass or public bidding.

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

14 The editorial board shall freely choose the printing press it wants to avail the services
15 of.

16 **CHAPTER V** 17 **ACADEMIC FREEDOM OF STUDENTS**

18 **SECTION 30.** *Academic Freedom.* –Students' academic freedom shall consist of, but
19 not limited to, the following:

- 20 (a) To conduct research in connection with academic work, and to freely discuss and
21 publish their findings and recommendations;
- 22 (b) To conduct inquiry in curricular and extracurricular activities within the campus and
23 in appropriate circumstances;
- 24 (c) To choose a field of study for research and to pursue the quest for truth; to express
25 their opinion on any subject of public or general concern which directly or indirectly
26 affects the students or the educational system;
- 27 (d) To invite off-campus speakers or resource persons to student sponsored
28 assemblies, for a, symposia, and other activities of similar nature;
- 29 (e) To express contrary interpretations or dissenting opinions inside and outside the
30 classroom;
- 31 (f) To participate in the drafting of a new curriculum and in the review or revision of the
32 old;
- 33 (g) To participate in the drafting and/or revising of the student handbook which shall
34 include the school rules and regulations, a copy of which shall be furnished the
35 students upon admission to the school;
- 36 (h) To freely discuss and criticize university policies and national policies.

37 **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 reimbursements 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 refection of a school policy affecting the students. The proposition for the formulation, modification or refection 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 decision of any policy-making body subordinate to the governing board. Such appeal shall be filed with the governing board.

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

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

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

1 **SECTION 36. School fees and other tariffs.**

2 (a) All involuntary contributions shall be prohibited.

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

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

7 1. The school shall effectively inform the students, parents, teachers and nonteaching
8 personnel of the proposed tuition and other fee increase and the place and date of
9 the consultation at least 30 days before the consultation proper. The student council
10 or government, heads of student organizations, student publications shall be directly
11 informed via formal communication of pertinent details of the consultation. The same
12 communication shall be given to parents, faculty, and non-teaching personnel
13 organizations, if such exist;

14 2. All tuition consultations shall be made before February 28;

15 3. The school shall make easily available at least 30 days before the consultation all
16 pertinent documents including, but not be limited to, financial reports including a
17 comprehensive report of the incremental proceeds of the preceding year's increase,
18 administrative reports and the school's position paper for the perusal of the students,
19 parents, faculty, and non-teaching personnel;

20 4. The school shall allow gatherings and activities of student, parents, faculty and non-
21 teaching personnel in preparation for the consultation;

22 5. The school shall furnish the students, parents, faculty and non-teaching personnel
23 copies of the suggested flow and agenda of the tuition and all other fees consultation
24 which the concerned parties may amend to include proposals not limited to review,
25 refund and scrapping of existing fees;

26 6. The facilitating body of the consultation shall be composed of one (1) representative
27 from the school, students, parents, faculty and non-teaching personnel;

28 7. The consultation shall be opened to all concerned students, parents, faculty and
29 non-teaching personnel;

30 8. The consultation must be attended by the President of the school and at least one
31 (1) member of the Governing Board

32 9. The school publication shall be allowed to cover and report the consultation
33 proceedings;

34 10. The school, students, parents, faculty and non-teaching personnel shall agree
35 on the rate of tuition increase based on a consensus;

36 11. In the event that no consensus is made, the previous rate of tuition and other
37 fees shall apply.

CHAPTER VIII
RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

SECTION 37. *Right to Due Process.* –The right to due process of students subjected to disciplinary proceedings shall be observed and respected.

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

(b) There shall be an independent Student Disciplinary Board to be composed of one (1) faculty member, two (2) students and one (1) non-academic employee to conduct investigations in to and decide on cases of student violations of disciplinary standards committed in relation to student activities, within campus premises or committed against a fellow student or other members of the academic community. For purposes of impartiality, the members of the SDB shall be chosen from the list of the nominees submitted by the student council or government. The Student Disciplinary Board shall formulate the guidelines for the imposition of the disciplinary proceedings. The members of the board should not only be impartial but should also appear to be impartial.

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

1. The right to be informed in writing of the nature and cause of the accusation against him/her;
2. The right to confront witnesses against him/her and to full access to the evidence in the case;
3. The right to defend himself/herself and to be defended by a representative or counsel of his/her choice, adequate time being given to him/her for the preparation of his/her defense;
4. The right to a hearing before the Student Disciplinary Board;
5. They shall be informed of the evidence against them;
6. They shall have the right to adduce evidence on their own behalf;
7. The evidence must be duly considered by the student disciplinary board;
8. The concept of proportionality between the offense committed and the sanctions imposed shall be committed;
9. The right against self-incrimination;
10. The right to appeal adverse decision of the Student Disciplinary Board to the governing board and ultimately to the appropriate education agencies;
11. The right to confidentiality;
12. The decision in a disciplinary proceeding must be rendered on the basis of relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the student affected.

(d) The deciding body should, 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.

(e) No preventive suspension shall be imposed upon a student by reason on the exercise of his constitutional rights; *Provided*, that in cases where a preventive suspension may be imposed the same shall not be beyond 5 days.

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

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

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

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

CHAPTER IX OTHER RIGHTS

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

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

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

SECTION 41. *Unpaid tuition fees and examinations.* –Students with delinquent fees shall have the right to take an examination. No student shall be prohibited from taking a periodic or final examination because of unpaid tuition and other school fees. Nevertheless, such students shall be subject to the right of the school concerned to withhold the release or

1 issuance of their school clearance prior to their graduation until all prior delinquencies are fully
2 paid.

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

7 Military elements and/or policemen in uniform or in plainclothes and school security
8 forces shall not interfere with student activities particularly mass actions inside the school
9 campus.

10 **SECTION 43. *Right to Privacy.*** – The privacy of communication and correspondence
11 of students shall remain inviolable.

12 **CHAPTER X**
13 **FINAL PROVISIONS**

14 **SECTION 44. *Rules and Regulations.*** –The DepEd, TESDA, CHED and the
15 Commission on Human Rights (CHR), together with the representatives of national student
16 organizations, national student formations, representatives of school administrations and the
17 National Youth Commission(NYC) shall promulgate the necessary rules and regulations to
18 implement the provisions of this act within ninety (90) days from its approval.

19 **SECTION 45. *Administration and Enforcement.*** –National student organizations and
20 student councils or governments shall have the right to report to and demand an investigation
21 from the appropriate education agency into acts or acts committed by school authorities and/or
22 administrations violative of their rights as provided for in this Act. As such, they shall have the
23 right to an impartial speedy resolution of the issue.

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

29 A fine not less than two hundred thousand pesos (P200,000.00) but not more than five
30 hundred thousand pesos (P500,000.00) shall be imposed on any school, college or university
31 found liable for violating this Act.

32 **SECTION 46. *Penal Provisions.*** –Any person who shall willfully interfere with, restrain
33 or coerce any student in the exercise of his/her rights guaranteed by this Act, or who shall in
34 any other manner commit any act to defeat any provision of this Act, shall, upon conviction,
35 be punished by a fine of not less than fifty thousand pesos (P50,000.00) but not more than
36 one hundred thousand pesos(P100,000.00) or by imprisonment of not less than one year but
37 not more than five years, or both at the discretion of the Court.

38 If the offender is an educational institution, or any juridical person, the penalty shall be
39 imposed upon the President, Treasurer, Secretary or any person or officer responsible for the
40 violation. If the offender is an alien, he shall, after service of sentence, be deported
41 immediately without further proceeding in the Bureau of Immigration (BI). If the offender is a

1 public officer or employee, the Civil Service Commission or the Court shall, in addition to the
2 penalties herein above provided, order his dismissal from the government service.

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

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

14 **SECTION 47. Separability Clause.** – If any part or provision of this Act is held
15 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
16 continue to be in full force and effect.

17 **SECTION 48. Repealing Clause.** –All laws, decrees, orders, rules and regulations or
18 other issuances or parts thereof, inconsistent with the provisions of this Act are hereby
19 repealed or modified accordingly.

20 **SECTION 49. Effectivity.** – This Act shall take effect fifteen (15) days after its
21 publication in two (2) national newspapers of general circulation.

22 Approved,