

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3104**

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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

The type of future that awaits our youth is dependent, to a large degree, on their experience as students. This does not just refer to what happens within the confines of the classroom, but to what happens outside it, with their interactions with teachers and school administrators. These are the formative years of our citizens, in both the good and the bad. While the school environment will be the home of many wonderful memories for students, it is also where most Filipinos first experience conflicts with authority, inequality, and systemic injustice.

One of the roles of the State is to level the playing field in situations where conflict may arise between those unequal in power, to ensure that the rights of those more vulnerable are protected from abuse, and this applies to students within the school system in the same way as it applies to workers in the labor force. The enactment of a Magna Carta of rights for students, similar to the general Bill of Rights in our Constitution, will serve to elevate and clarify the rights of students as against authorities, as well as facilitate the learning and dissemination of these rights by collating them in a single statute.

Our students have repeatedly shown that they are willing to fight for what they believe is right for their nation. In this manner, with this bill -- filed as a counter part of Senate Bill No. 723 with the support of its author, Senator Cynthia Villar -- we hope to also fight for what is best for them.

Emmeline Y. Villar

EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

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AN ACT PROVIDING FOR A MAGNA CARTA OF STUDENTS

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

SECTION 1. *Short Title.* - This Act shall be known as “*The Magna Carta of Students*”.

SECTION 2. *General Principles.* - The State recognizes the crucial role of students in nation building. As such,

- (a) The State shall promote the active participation of students in effecting change and development in society.
- (b) The State shall promote and protect the right of all students to qualify education at all levels and shall take appropriate steps to make such education accessible to all.
- (c) The intrinsic value of the student as a person stands above other values. The personal right and dignity of individuals shall be held inviolate; it shall take precedence over any academic goal set by any school or learning institution.
- (d) The student shall be considered at all times a responsible person. He or she shall therefore be encouraged to make informed decisions with respect to his or her own education and to be involved in school decisions to the fullest extent possible.
- (e) The State recognizes the role of student councils, publications and other organizations in the promotion and protection of the students' democratic rights and welfare and in the inculcation of social awareness and responsibility.
- (f) Both the freedom to teach and the freedom to learn depend upon opportunities and conditions in the classrooms, on the campus and in the larger community. The responsibility to provide and maintain general conditions conducive to learning is shared by all members to the academic community.

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

- (a) "Student" means any person enrolled in school, even if on leave for the semester or with minimum course load, pursuing secondary, post secondary, vocational, technical, tertiary, graduate and post graduate studies;
- (b) "School" means any private, public or government run and funded academic institutions offering any or all courses in the above mentioned levels, and collectively those responsible for its control and operations;
- (c) "School Campus" means the totality of all contiguous or proximate buildings, grounds or other facilities designated by the school authorities as areas or facilities for the use of its students; a school may consists of more than one campus;
- (d) "Governing Board" means the highest policy making body of the school such as the Board of Directors, Trustees or Regents;
- (e) "Student Council/Government" means the body representing the whole student population in one campus whose officers are annually elected at large by the whole student population pursuant to its constitution and bylaws;
- (f) "Council of Leaders" means the body composed of the heads of various student organizations chaired by the President/Chairperson of the Student Council;
- (g) "Student Publications" means publications managed and published by students and autonomous and independent from sectors of the school;
- (h) "Students Organizations" means an association or group of students bonded by common ideals, principles, visions and interests and working toward achieving their goals and aspirations;
- (i) "Instructor" means any person hired by the school to conduct classroom activities;
- (j) "Tuition" means the fee representing direct costs of instruction, training and academically related activities, and the use of school facilities. The term "other school fees" refers to fees which cover the necessary costs directly supportive of instruction, such as medical and dental, athletic, library, laboratory, student council fees, publication fees, and Citizen Army Training (CAT) or Citizen Military Training (CMT) fees.

SECTION 4. *Freedom of Access to Education.* - Under no circumstances shall a student be denied admission to any school and of financial aid, scholarship and other educational privileges and opportunities because of physical disability, socio-economic status, political belief and affiliation, national origin, ancestry, race, religion sex, sexual orientation, marital

or parental status, and to the extent specified by law, age, or veteran status; nor shall pregnant students, reformed convicts and drug abusers and those suffering from the Acquired Immune Deficiency Syndrome be discriminated against. Students who are not allowed to enroll in any school have the right to appeal such ruling to the appropriate education agency.

Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the school.

SECTION 5. *Right to Organize and Freedom of Association.* - Students are free to form, join or participate in any group or organization within or outside of the school campus for any lawful purpose including, but not limited to religious, social, economic, political, intellectual, cultural or recreational purposes.

There shall be a central student council/government in every school that is autonomous and with annually popularly elected officers. The Committee on Elections constituted, to conduct the election of the officers shall be composed solely of *bona fide* students of the school. Every student council/government shall determine its policies and programs on student activities subject to its duly ratified charter and state policy.

Membership or affiliation to any legitimate student, community, socio-civic, religious, political, and other lawfully constituted organizations shall not be a condition to admission in any school. No student shall likewise be coerced not to join any organization as a condition for admission or as a ground for suspension or expulsion. Affiliation or disaffiliation with an extramural organization shall not disqualify the school-based branch or chapter from registering as a student organization.

No unreasonable requirements for accreditation shall be imposed upon any student organization. The Central Student Council/Government shall decide on the accreditation of student organizations in consultation with the Dean of Student Affairs.

Upon submission of their constitution and by-laws and a formal letter addressed to the Central Student Council/Government and for recognition shall be immediately processed and acted upon in ten (10) days but not more than twenty (20) days. *Provided*, That existing organizations shall only be required to submit the names of their newly elected officers and amendments to their constitution and by-laws, if any.

SECTION 6. *Freedom of Expression.* - Freedom of expression shall be interpreted to include all forms of written and oral expression, and all forms of dramatic and artistic expression, dissent or controversy.

- (a) Students shall have access to print and broadcast media in their information activities;

- (b) Students shall be free from censorship in the publication and dissemination of their view as long as these are not represented as the views of the school;
- (c) Student publications shall be free from any action controlling editorial policy in accordance with Republic Act No. 7079 otherwise known as the "Campus Journalism Act" and its amendments. Its editors, managers and contributors shall be protected from arbitrary sanctions originating from the outside the student press.
- (d) Subject to existing laws, students shall be free to assemble, to demonstrate, to protest, to communicate and to petition the government and school authorities for the redress of their grievances;
- (e) School authorities shall designate a certain area on every campus a freedom park where students can freely discuss issues directly and indirectly affecting them.

SECTION 7. *Academic Rights.* - Students' rights shall include, but not limited to the following:

- (a) A student has the right to choose a field of study and to pursue his course up to graduation.
- (b) A student has the right to be informed in reasonable detail in writing at the first or a second class meeting with the assigned instructor about nature/content of the course and to expect the course to correspond generally to its official description.
- (c) A student has the right to be informed writing at the first or a second class meeting with the assigned the criteria to be used in evaluating the student's performance and to expect that the grading system described by the school shall be followed;
- (d) A student has the right to legitimate discussions inside and outside the classroom and to express dissent or advocate alternative views and opinions without being penalized.
- (e) A student has the right to receive a grade based only upon a fair and just evaluation of performance in a course as measured by the standards announced by the instructor at the first or second meeting. The student will be evaluated on knowledge and academic performance for purpose and granting academic credit and not on the basis of personal and political beliefs.
- (f) A student has the freedom to conduct academic researches and to freely discuss and publish his/her findings and recommendations.
- (g) Students may invite and hear speakers of their choice on subjects of their choice, and the school for the purpose of censorship shall not withhold approval.
- (h) Students have the right to make a written evaluation of the performance of their teachers towards the end of the school term, to propose improvement in the quality of instruction

and in the screening of incoming faculty members, as well as to participate in curriculum development.

SECTION 8. *Right to Adequate Academic Facilities.* -

- (a) Students have the right to adequate academic facilities, such as library, research, laboratory and information technology equipment; sports and fitness, recreation and other basic facilities.
- (b) Students have the right to live in safe, descent accommodation with reasonable rent whether provided by the school, or the private sector. Letters and communications received by the school on behalf of the student shall be delivered promptly upon notification.
- (c) School authorities shall endeavor to provide free annual check-up to students and an on-campus infirmary clinic. They shall also ensure that a campus is rendered adequate for students with inability and other disabilities.
- (d) No school shall charge the students with excessive fees in the use or availing the above-mentioned facilities or services. Every school shall provide the students with clear guidelines on any additional costs which may be incurred while studying before they enter a school. These shall be rigorously monitored by the student council/government to prevent the charging of top-up fees.
- (e) Students/student organization have the right to access or use of campus facilities free from discrimination and subject only to regulations as to time and manner of governing the facility

SECTION 9. *Right to Student Employment.* - The school shall encourage opportunities for student summer and part-time employment. It shall develop career counseling and guidance in order to enhance student capability to join the workforce during and after his school years.

The Student Council shall support job and career development efforts creating among its student's organization and "Student Job Center" specifically for this purpose.

Government agencies such as DOLE, DTI, DSWD, NYC, PSC, POC, shall likewise provide support by giving students priority placement, following the out-of-school youth in availing of summer employment in government and public works.

Students have the right to protection in the workplace through health and safety conditions that are cognizant of their age and physical development.

SECTION 10. *Right to Consultation, Information and Participation in Policy Making.* -

Students have the right to be informed and consulted in the formation of school and calculation politics. No rule, regulation or policy that directly or indirectly affects the students' rights and welfare, including tuition fee increase, shall be implemented without prior consultations and information.

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 council shall be the representative.

Student shall be represented in other policy-making bodies, which directly affect their welfare especially in curriculum review, student discipline and academic standards. The student council shall designate the representatives.

The student council/government, through a majority vote of all its members, shall have the right to file an appeal on any decision of any policy making body subordinate to the Governing Board. Such appeal shall be filed with the Governing Board.

The Student Council/Government with the same requisite number of votes referred to in the previous paragraph may file a motion for reconsideration of any decision' of the Governing Board.

In case of any decision unfavorable to the students, the Student council/government may file an appeal with the Department of Education (DEPED), the Technical Education and Skills Development (TESDA), and the Commission on Higher Education (CHED), as the case may be.

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

SECTION 11. *Creation of Student Ethics Committee.* - Recognizing the values of student responsibility and self-regulation, as well as its own capacity to discipline in the aspect of students ethics, the school management shall refer to the Students Ethics Committee. Such committee shall be created for this purpose by the student government in consultation with the "Student Affairs Office."

All questions pertaining to plagiarism, falsification, copying, cheating and other forms of unethical student conduct shall be referred to the Students Ethics Committee, which may recommend appropriate disciplinary action to the Student Disciplinary Board.

SECTION 12. *Due Process in Disciplinary Proceedings.* - No student shall be suspended or summarily dismissed without proof or hearing. Witnesses may be called in the student's

defense. Witnesses should be identified and reference should be made to the school rule or regulation violated and the possible severity of such charges.

There shall be a Student Disciplinary Board in every school which shall hear and decide on disciplinary proceedings. It shall be composed of two (2) student members, two (2) faculty members and one (1) representative from the school administration. The Student Council shall endorse the student and faculty members.

The student has the right to appeal adverse decisions by the Student Disciplinary Board to the Governing Board and ultimately to the appropriate education agencies.

The Student Disciplinary Board, in coordination with the Dean of Student Affairs, shall publish and post on a periodic basis acts which are deemed violative of school rules and regulations and the corresponding disciplinary sanctions. Provide that such rules and regulations do not violate the students' rights herein and under the Constitution. *Provided, further,* That the disciplinary sanctions shall be corrective rather than punitive.

SECTION 13. *Right to Protection and Privacy of Official Educational Records* - A student has the right to inspect and to be issued his/her official records.

The student has the right to request the school to amend his or her records and, if that request is denied, the student has the right to a hearing to challenge the content of the student's official education records, to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights to students. If the school declines to amend the record following the hearing, the student has the right to submit a statement for inclusion in the education record commenting on the information in the record and the school's decision not to amend it. Provided the right to a hearing does not include any right on the part of the student to challenge the appropriateness of the grade as determined by an instructor.

Student's records shall not be released to persons other than the authorized school authorities without permissions of the student or through compliance with applicable laws.

Information about a student's views, beliefs and political associations acquired in the course of instruction, advising and counseling is confidential and shall not be disclosed to others unless by written consent of the student.

The school shall not act in derogation of the rights of students to be secure in their possessions. Students shall be secure against invasion of privacy and unreasonable search and seizure. Except for the following instances, no search and seizure of a student shall be deemed valid:

- a) searches made to a point of ingress by authorized personnel of the school;
- b) searches and seizures of illegal article or articles falling in the plain view of duly authorized personnel;

- c) searches and seizures of article that are illegal, discovered inadvertently duly authorized personnel;
- d) searches made when the student is about to commit, is committing or has committed a crime or a serious infraction of the school's rules and regulation
- e) searches made with a valid search warrant

Students shall have the right to study or practice without undue restriction or disruption.

The privacy of communication and correspondence among students shall remain inviolable.

SECTION 14. *Implementing Rules and Regulations.* - Within ninety (90) days, the DEPED, TESDA, and CHED, in consultation with the students and all concerned groups shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 15. *Penalty.* - Any person who shall willfully interfere with, restrain or coerce any student in the exercise of his or her right guaranteed by this Act, or who shall upon conviction, be punished by a fine of not less than twenty thousand pesos (P20, 000.00) nor more than one hundred thousand pesos (P100, 000.00) or by imprisonment of not less than one (1) year not more than five (5) years, or both such fine and imprisonment at the discretion of the Court. If the offender is an educational institution, a juridical person, the penalty shall be imposed upon the President, Treasurer, Secretary or any person or officer responsible for the violation. If the offender is an alien, he shall, after the service of sentence, be deported immediately without further proceeding in the Bureau of Immigration and Deportation (BID). If the offender is a public officer or employee, the Court

In this regard, the DEPED, the CHED, and the TESDA shall be empowered to investigate into the violations of this Act or the rules and regulations issued there under and for this purpose shall have the power to issue summons, writs, orders, subpoena and subpoena *duces tecum* to secure the attendance of witnesses and the presented to the appropriate body.

SECTION 15. *Repealing Clause.* All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act hereby repealed or modified accordingly.

SECTION 16. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in any newspapers of general circulation.

Approved,