

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4842**

Introduced by Kabataan Party-List Representative Raymond V. Palatino

EXPLANATORY NOTE

It is a matter of truism that the education system should aid the holistic development of our youth. An integral part of this holistic development is their right to organize and join youth organizations, to exercise their freedom of speech and of expression, and to exercise their academic freedoms within our nation's campuses. These rights are mandated by no less than the Constitution itself, Section 13 of Article II of which states that the State should protect and promote the youth's physical, moral, spiritual, intellectual and social well-being. The same section furthers that the State should encourage the youth's involvement in public and civic affairs.

Historically, school organizations and publications have served as venues through which our students realize this involvement. What is more, it is also through these student organizations where they gain added knowledge and skills beyond the four walls of a classroom. During Martial Law, for instance, student organizations served as a concrete venue through which the youth defied tyranny and courageously advanced social justice and democracy. The historic existence of student organizations is testament to their latent power to affect and effect social change.

It is therefore alarming that despite – or, one is even tempted to say, due to – the noble role of student organizations, their existence is increasingly repressed in many of our schools. This repression comes in various forms. For instance, many of our 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.

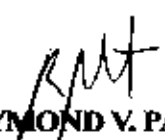
This is unfortunate for it appears that our educational institutions, instead of nurturing student organizations and student activities, are the ones stifling them. In effect, many of our students are

essentially denied of their constitutional rights.

It is worth noting that when a student becomes a member of an academic community, he or she should not be stripped off of his or her rights. Often cited is a quotation from an American case, "Students do not shed their rights at the schoolhouse gates." Unfortunately, the reverse is fast becoming the common experience of many of our students. It is this repressive condition, therefore, that necessitates the creation of a measure to re-affirm the rights of our students. The creation of this measure, in effect, aims also instigate the cultivation of a free studentry whose welfare and interests are protected and advanced.

It is along along these lines that the immediate approval of this bill is sought.

Adopted,



HON. RAYMOND V. PALATINO
Representative, Kabataan Party-list

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4842**

Introduced by **Kabataan Party-List Representative Raymond V. Palatino**

AN ACT
ESTABLISHING A MAGNA CARTA OF STUDENTS

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

CHAPTER I
GENERAL PROVISIONS

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

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

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

- (a) Education is a right. It is the responsibility of the State to provide quality and accessible education at all levels. It is thus a responsibility of the Government to support and give priority to education as a basic right of all citizens;
- (b) Student organizations enhance democratic processes in the campus and rehearse students in their role as active members of society and future leaders of our nation. The right to organize, join and actively participate in student organizations, alliances, federations, and student publications which promote and protect students' rights and welfare and/or contribute to national development and social change shall be guaranteed by the State and school authorities;
- (c) Student organizations shall not be subject to rules and regulations that unduly 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 extra-curricular 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 **RIGHT TO ADMISSION, NON-DISCRIMINATION AND QUALITY EDUCATION**

2
3 **SECTION 5. *Right to Admission and Non-Discrimination.*** – No student shall be denied admission
4 to any school on account of his/her physical handicap, socio-economic status, political or religious
5 beliefs, sexual orientation or membership in student organizations, nor shall pregnant students,
6 certified reformed drug abusers, and those suffering from the acquired immune deficiency syndrome
7 be discriminated against.

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

11
12 **SECTION 6. *Right to choose field of study.*** A student shall have the right to freely choose his/her
13 fields of study subject to existing curricula, and to continue his/her course up to graduation except in
14 case of academic deficiency or violation of disciplinary regulations which do not infringe upon the
15 exercise of students' rights.

16
17 **SECTION 7. *Right to competent instruction and relevant quality education.*** – Every student shall
18 have the right to competent instruction and quality education relevant to his/her personal and cultural
19 development and that of the nation. To achieve this goal, schools and education institutions are
20 required to enforce a written evaluation mechanism for students towards the end of the school term.

21
22 **SECTION 8. *Right to adequate welfare services and academic facilities.*** It shall be the
23 responsibility of the school administration to provide the students with adequate welfare services and
24 academic facilities. These services and facilities shall include:

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

36
37 **CHAPTER III**

38 **RIGHT TO ORGANIZE AND RIGHT OF ASSOCIATION**

39
40 **SECTION 9. *Right to organize and to associate.*** – The right of students to form, assist, join, and
41 actively participate in any campus organization, unions, societies, nationwide youth groups, alliances

1 or federations, for purposes not contrary to law shall not be abridged. Such student formations shall
2 be treated as independent from the school or any of its departments, and as separate and distinct
3 juridical entities.

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

8
9 **SECTION 10. *Accreditation of student organizations.*** The student council or government shall be in
10 charge of the accreditation of student organizations, as a purely student activity. The guidelines for
11 accreditation of student organizations shall be formulated by the student council and the heads of all
12 student organizations through the Council of Leaders. The Office of Student Affairs shall be
13 informed of the accreditation procedure and shall provide technical assistance to the student council
14 or government.

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

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

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

23
24 **SECTION 11. *Right to hold activities.*** The rights of organizations to conduct activities inside and
25 outside campus for purposes not contrary to law shall not be abridged.

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

31
32 **SECTION 12. *Prohibited acts of restraint against the right to organize and to associate.*** Acts that
33 impair the rights of students to organize are prohibited, such as:

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

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

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

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

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

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

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

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

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

Likewise, if the student council or government previously collecting the fee on its own signifies to the school administration its decision to let the school administration facilitate the

collection of the fee, the school administration shall thus collect the fee during enrollment period and turn over the collected amount to the student council or government within fifteen (15) days after the last day of enrollment.

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 student council funds that shall be released by the school administration who shall issue a list of the students enrolled for the current semester or term to the student council.

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

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

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

CHAPTER IV RIGHT OF EXPRESSION AND FREE SPEECH

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

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

SECTION 22. *Proportionality of offense and sanction.* If the exercise of any of such constitutional rights is determined to be outside of the confines of freedom of expression upon compliance of due process, the concept of the proportionality between the offense committed 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.* - (a) 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
2 **SECTION 28. *Management of the student publication and its funds.*** The editorial board shall be
3 primarily accountable with regard the operation of the student publication and the management of its
4 funds. At the end of each semester or term, as the case may be, the editorial board shall prepare a
5 report on the disbursement of funds subject to accounting and auditing rules. Such report shall be
6 posted at the school's bulletin board or published in the school publication.
7

8 **SECTION 29. *Printing of the student publication.*** The printing of the student publication shall be
9 conducted by the editorial board and the student publication staff through canvass or public bidding.
10 For public schools, the student publication shall be exempted from undergoing formal bidding
11 process under Republic Act 9184 also known as the Procurement Reform Act with regard the
12 selection of a printing press and the purchase of equipment and materials necessary for its operations.
13 The editorial board shall freely choose the printing press it wants to avail the services of.
14

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

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

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

36 **CHAPTER VI** 37 **RIGHT TO INFORMATION** 38

39 **SECTION 31. *Right to be Informed.*** The right of the students to information on matters directly or
40 indirectly affecting their welfare shall be recognized. Access to official records and other pertinent
41 documents and papers pertaining to official acts, transactions or decisions shall be afforded the
42 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 al 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.

SECTION 36. *School fees and other tariffs.*

- (a) All involuntary contributions shall be prohibited.
- (b) In releasing documents, academic records, and similar certifications, schools are prohibited from imposing fees beyond the actual cost of reproducing the documents.
- (c) It is hereby created a set of guidelines schools with proposed increases in tuition and all other

1 fees must follow:

- 2 1. The school shall effectively inform the students, parents, teachers and non-teaching
3 personnel of the the proposed tuition and other fee increase and the place and date of the
4 consultation at least 30 days before the consultation proper;
- 5 2. All tuition consultations shall be made before February 28;
- 6 3. The school shall make easily available at least 30 days before the consultation all
7 pertinent documents including, but not be limited to, financial reports including a
8 comprehensive report of the incremental proceeds of the the preceding year's increase,
9 administrative reports and the school's position paper for the perusal of the students,
10 parents, faculty, and non-teaching personnel;
- 11 4. The school shall allow gatherings and activities of student, parents, faculty and non-
12 teaching personnel in preparation for the consultation;
- 13 5. The school shall furnish the students, parents, faculty and non-teaching personnel copies
14 of the suggested flow and agenda of the tuition and all other fees consultation which the
15 concerned parties may amend to include proposals not limited to review, refund and
16 scrapping of existing fees;
- 17 6. The facilitating body of the consultation shall be composed of one (1) representative
18 from the school, students, parents, faculty and non-teaching personnel;
- 19 7. The consultation shall be opened to all concerned students, parents, faculty and non-
20 teaching personnel;
- 21 8. The school publication shall be allowed to cover and report the consultation proceedings;
- 22 9. The school, students, parents, faculty and non-teaching personnel shall agree on the rate
23 of tuition increase based on a consensus;
- 24 10. In the event that no consensus is made, the previous rate of tuition and other fees shall
25 apply.

27 CHAPTER VIII

28 RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

29
30 **SECTION 37. *Right to Due Process.*** The right to due process of students subjected to disciplinary
31 proceedings shall be observed and respected.

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

1 the school administration cannot file the criminal or civil case based on the doctrine of
2 exhaustion of administrative remedies.

3
4 **SECTION 38. *Right against illegal searches and seizures.*** Any form of unlawful and unreasonable
5 search and seizure shall be illegal. Articles seized in violation of the herein above provided right shall
6 be inadmissible in evidence against the student in disciplinary action that may be brought against
7 him/her.

8
9 **CHAPTER IX**
10 **OTHER RIGHTS**

11
12 **SECTION 39. *Right of entry.*** In case of violations of "No ID, No Entry" or uniform policies, the
13 student concerned shall not be denied entry provided that he/she sufficiently provides proof that
14 he/she is a bona fide student of the school.

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

17
18 **SECTION 40. *Access to school records and issuance of official certificates.*** Subject to the
19 provisions of the following section, every student shall have access to his/her own school records, the
20 confidentiality of which the school shall maintain. He/She shall have the right to be issued official
21 certificates, diplomas, transcripts of records, grades, transfer credentials and other similar documents
22 within thirty (30) days from the filing of the request and accomplishment of all pertinent
23 requirements.

24
25 **SECTION 41. *Unpaid tuition fees and examinations.*** Students with delinquent fees shall have the
26 right to take an examination. No student shall be prohibited from taking a periodic or final
27 examination because of unpaid tuition and other school fees. Nevertheless, such students shall be
28 subject to the right of the school concerned to withhold the release or issuance of their school
29 clearance prior to their graduation until all prior delinquencies are fully paid.

30
31 **SECTION 42. *Prohibition against the militarization of the school campus and nearby premises.*** The
32 pursuit of academic excellence and exercise of academic freedom can be attained only in an
33 atmosphere free from fear and unreasonable restraint. Pursuant thereto, no military detachment shall
34 be installed near and inside the school premises. Military elements and/or policemen in uniform or in
35 plainclothes and school security forces shall not interfere with student activities particularly mass
36 actions inside the school campus.

37
38 **CHAPTER X**
39 **FINAL PROVISIONS**

40
41 **SECTION 43. *Rules and Regulations.*** The DepEd, TESDA, CHED and the Commission on

Human Rights (CHR), together with the representatives of national student organizations, national student formations, representatives of school administrations and the National Youth Commission (NYC) shall promulgate the necessary rules and regulations to implement the provisions of this act within ninety (90) days from its approval.

SECTION 44. *Administration and Enforcement.* National student organizations and student councils or governments shall have the right to report to and demand an investigation from the appropriate education agency into acts or acts committed by school authorities and/or administrations violative of their rights as provided for in this Act. As such, they shall have the right to an impartial speedy resolution of the issue.

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

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

SECTION 45. *Penal Provisions.* Any person who shall willfully interfere with, restrain or coerce any student in the exercise of his/her rights guaranteed by this Act, or who shall in any other manner commit any act to defeat any provision of this Act, shall, upon conviction, be punished by a fine of not less than fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P100,000.00) or by imprisonment of not less than one year but not more than five years, or both at the discretion of the Court.

If the offender is an educational institution, or any 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 service of sentence, be deported immediately without further proceeding in the Bureau of Immigration (BI). If the offender is a public officer or employee, the Civil Service Commission or the Court shall, in addition to the penalties herein above provided, order his dismissal from the 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.

The DepEd, the CHED and the TESDA shall be empowered to investigate into the violations of this Act or the rules and regulations issued thereunder 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 production of documents in connection with the charges presented to the appropriate body.

Any student whose rights have been violated as stipulated in this Act may file independent

1 civil cases for damages against the offending persons, natural or juridical. He/she shall be exempt
2 from filing fees.

3
4 **SECTION 46. *Separability Clause.*** If any part or provision of this Act is held unconstitutional or
5 invalid, other provisions hereof which are not affected thereby shall continue to be in full force and
6 effect.

7
8 **SECTION 47. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or other issuances
9 or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified
10 accordingly.

11
12 **SECTION 48. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in two
13 (2) national newspapers of general circulation.

Adopted,