

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5272

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
PROVIDING FOR A MAGNA CARTA FOR STUDENTS

EXPLANATORY NOTE

Article XIII (1) of the International Covenant on Economic, Social and Cultural Rights provides that:

"The State-Parties to the present Covenant recognize the right of everyone to education. They agree 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. They further agree 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, and further the activities of the United Nations for the maintenance of peace. "

Likewise, Section 13, Article 11 of the 1987 Constitution provides that:

"The State shall recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism and encourage their involvement in public and civic affairs."

Consistent with the objectives of such international covenant and provisions from our Constitution, the proposed bill on the Magna Carta for

Students seeks to recognize, protect and promote the right of students: (1) to admission and quality education; (2) to organize among themselves; (3) to participate in school policy-making; (4) to free expression and information; (5) to academic freedom; and (6) to due process in disciplinary proceedings, among others.

The primary intent of this proposed measure is to set forth in unequivocal terms, the rights and responsibilities of the student youth from the secondary level to the post-secondary and tertiary levels of education, including vocational and technical education. It likewise complements other pro-youth laws that have been enacted in the past such as RA No. 7160, otherwise known as the "Local Government Code of 1991" which provides for youth decision-making in the *Sangguniang Kabataan* and their ex-officio memberships in all local government Sanggunians; RA No. 6644 which lowers the age requirement for local elective officials; RA No. 6809 which emancipates the youth at the age of 18; RA No. 7079 for the Campus Journalism Act; and RA No. 8044 which creates the National Youth Commission (NYC).

This proposed measure's far reaching significance cannot be undermined and its enactment will be a testament to the profound reality that the future leaders of this nation will definitely come from the ranks of our dynamic, progressive and nationalistic students.

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



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur

GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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

SECTION 1. *Short Title.* - This Act shall be known as the "Magna Carta for Students Act of 2011."

CHAPTER 1
GENERAL PRINCIPLES

SECTION 2. *Declaration of Policy and Guiding Principles.* - It is hereby declared to be the policy of the State to promote and protect the rights of students to enable them to participate actively and effectively in the democratic processes of effecting progress and development changes in society.

The following shall be the basic guiding principles:

- a) The educational system being the principal institutional mechanism for imparting knowledge and developing talents and skills shall be given priority attention and support by the government;

b) Education is a right and not a mere privilege. It is therefore the responsibility of the State to provide quality education for all Filipinos accessible at all levels.

c) Student organizations shall promote intellectual development and dynamism among students and enhance democratic processes. Membership and active participation in student organizations, alliances and federations which promote and protect students' rights and welfare and/or contribute to national development shall be guaranteed by the State and school authorities.

d) Student organizations shall not be subject to rules and regulations that unduly hamper their activities and are prejudicial to their objectives and interests. In the same manner, school authorities shall promote avenues and means whereby students can express their stand and position on certain policies passed by the school.

e) Student councils/governments being the most palpable representation of the studentry and the highest expression of the formulation of student power on campus shall have the right to participate in the formulation of school policies affecting students.

f) Student publications shall serve as the principal medium for free expression, dissemination of information and interaction among the different sectors of the academic community.

g) The promotion and protection of students' democratic rights shall make them a potent and cogent force in the country's nationalist social transformation.

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

a) "Student" – any person enrolled in and regularly attending school in the secondary, post secondary, graduate and post graduate levels including vocational and technical education.

b) "School" – any private, public or government-run and funded academic educational institution offering any or all courses in the abovementioned levels.

c) "School Campus" – the totality of all contiguous or proximate buildings, grounds and other facilities designated by the school as areas or facilities for the use of its-students.

- d) "Governing Board" – the highest policy making body of the school composed of Board of Directors, Trustees and Regents.
- e) "Student Council/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 Constitution and By-Laws, if any.
- f) "Council of Leaders" – the body composed of the heads of various student organizations chaired by the President/Chairman of the Student Council/Government.
- g) "Student Organization" – an association or group of students bound by common ideals, principles, visions and interests and working towards achieving and realizing their goals and aspirations.
- h) "Student Publications" – publications managed and published by students which are autonomous and -independent -from other sectors of the school.
- i) "Tuition Fee" – the fee representing direct costs of instruction, training and other academically-related activities, and the use of school facilities. The term 'other school fees' refers to fees which cover other necessary costs directly -supportive of instruction, including but not limited to medical and dental, athletic, library, laboratory, and Citizens Army Training (CAT) or Citizens Military Training (CMT) fees.

CHAPTER 2

RIGHT TO ADMISSION AND QUALITY EDUCATION

SECTION 4. *Admission Subject to No Other Restraint.* – Subject to fair, reasonable and equitable admission requirements, no student shall be denied admission on account of his/her physical handicap, socio-economic status, political or religious beliefs or membership in student organizations nor shall pregnant student and reformed drug users be discriminated against.

Failure of or refusal by a student to sign waiver documents prepared by the school administration shall not constitute a ground for his/her non-admission.

A student shall have the right to freely choose his/her field of study subject to existing curricula and to continue his/her course up to graduation except in cases of academic deficiency or violation of disciplinary regulations which do not infringe upon the exercise of student's rights.

SECTION 5. *Right to Competent Instruction and Relevant Quality Education.* – Every student shall have the right to competent instruction and quality education relevant to his/her personal and cultural development and that of the nation.

There shall be at least one student representative in the body or committee which screens incoming faculty members. He/She or they shall be regularly elected and endorsed by the Student Council to the school official authorized to appoint members of the screening body or committees.

Students shall have the right to make a written evaluation of the performance of their teachers at the middle and toward the end of the school semester/trimester.

SECTION 6. *Right to Adequate Welfare Services and Academic Facilities.* – It shall be the responsibility of the school administration to provide students with adequate welfare services and academic facilities.

School authorities shall provide free annual physical check-up to students. It shall be the responsibility of the school authorities to provide students with adequate laboratory, library, research, recreation and physical education facilities.

It shall be the responsibility of the school administration to promptly notify students concerned of letters and other communications it receives in behalf of students.

CHAPTER 3 RIGHT TO ORGANIZE

SECTION 7. *Right to Organize Among Themselves.* – Unity and collective effort being fundamental to the realization of common goals and the promotion and protection of common interests, the State hereby recognizes the right of the students to organize among themselves.

The right of students to form, assist or join any campus organization, association, alliance or federation for their physical, intellectual, moral, cultural, civic, spiritual and political interests shall not be abridged. Pursuant thereto, the practice of making students sign waiver documents which state that they are not members of and will not join as specified organization before being allowed to enroll is hereby prohibited.

SECTION 8. *Student Council/Government.* – The State shall ensure the democratic and autonomous existence of a Student Council/Government for

each school campus which shall be given recommendation by the schools, colleges and universities concerned. It shall have its own set of officers chosen from among the students during the annual elections. Every Student Council/Government shall have the right to determine its policies and programs on student activities subject to its duly ratified Charter or Constitution.

SECTION 9. *Student Council Charter/Constitution.* – The provisions of the Student Government Charter or Constitution shall be determined by the members of the Student Council/Government to be ratified by the majority of the entire student population of the concerned school.

SECTION 10. *Accreditation and Granting of Privileges to Student Organizations.* – No unreasonable requirement shall be imposed on student organizations seeking recognition.

There shall be an Accreditation Board on Campus Organizations that shall take charge of the accreditation of all the student organizations in the school campus. It shall be composed of one (1) representative from a student organization duly elected by the heads of all accredited student organizations in the school, and one (1) representative each from the Student Council/Government, school administration and faculty association. The Board shall form part of the Student Affairs Department of the school.

There shall be no discrimination in the assignment of school facilities and the granting of other privileges to student organizations. The school administration shall provide, free of charge, a space, hall or building to house the offices of the different student organizations within the school campus.

Excessive charges for the use of school facilities shall be prohibited. Whenever possible, the school administration shall allow organizations to use school facilities free of charge.

SECTION 11. *Formation of the Commission on Elections (COMELEC).* – There is hereby created a Commission on Elections which shall conduct and oversee the election of officers of the Student Council/Government. The Student Affairs Office shall choose the members of the COMELEC from among the list of nominees recommended by the Student Council/Government.

Once constituted, the COMELEC shall be independent and autonomous from any sector of the school and shall ensure the conduct of clean, honest and peaceful elections. The school must provide the COMELEC sufficient funds to ensure the success of its goals and objectives.

SECTION 12. *Prohibition Against the Use of Force, Violence or Intimidation on Members and Exaction of Excessive Fees by Student Organizations.* – All campus organizations are hereby prohibited from using any

form of physical or mental force, violence, threat or intimidation in the recruitment, initiation, or retention and in the conduct of activities of members. All campus organizations are hereby prohibited from exacting excessive fees from its members.

CHAPTER 4

RIGHT TO PARTICIPATE IN POLICY MAKING

SECTION 13. *Participation in Policy-Making Process.* – As far as practicable and consistent with the school's incorporation articles, there shall be a student representative in the governing board and other policy-formulating bodies of the school which affect the students' welfare.

The Chairman of the Student Council/Government or any designated representative chosen by the said body 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.

Representatives of national student organizations shall actively participate in the formulation of national policies affecting students' rights and welfare.

SECTION 14. *Students' Initiative and Referendum.* – The Student Council/Government through a majority vote of its members shall have the right to initiate the formulation, modification or rejection of a school policy affecting the students. The proposition for the formulation, modification or rejection of a school policy affecting the studentry shall be submitted to and approved by a majority of the votes cast by all the bonafidé students of the school in a referendum called for the purpose. Provided, however, that the following areas shall be excluded from the power of students on initiative and referendum: (a) curriculum; (b) faculty recruitment and tenure; and (c) tuition and other fees.

SECTION 15. *Right to File an Appeal.* – The Student Council/Government through a majority of vote of all its members may file a motion for reconsideration on any decision of any policy-making body subordinate to the governing board. The Student Council/Government through a majority of vote of all its members may 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.

In cases, where decisions are rendered unfavorably against the students, the Student Council/Government may file an appeal with the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA), and/or the Commission on Higher Education (CHED), in so far as the secondary, post-secondary technical vocation and tertiary students, respectively, are concerned.

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

SECTION 16. *On the Matter of School Fees.* – Within thirty (30) days from the start of the school year, the governing board of every school shall create a body to be known as the School Fee Board which shall study, conduct consultations and thereafter, recommend tuition and other school fee increases. The body shall be composed of an equal number of representatives from the administration faculty, non-teaching staff, parents and students. These representatives shall choose a chairman from among themselves and each sector shall possess a voting right.

The School Fee Board shall be independent of and supreme over the governing board in deliberating and making decisions on tuition and fees.

In justifying any tuition and/or other school fee increases before the School Fee Board, the school concerned shall be required to present the school's financial statement for the past school year immediately preceding the proposal for such increase. Refusal of the school administration to show its books and records for inspection by the School Fee Board shall mean an automatic denial of its proposal for increase.

In the event the decision of the School Fee Board is not favorably acted upon by the school governing board, the latter's decision may be appealed to the appropriate education agencies within thirty (30) days from the date of decision by any affected member of the school community.

For the purpose of this section, "CONSULTATION" shall mean that there is a consensus reached by the members of the School Fee Board in regard to the proposed tuition and/or school fee increase. In case of failure of members of the School Fee Board to arrive at an agreement, the alumni association of the school or any impartial body shall act as an arbiter. No tuition and/or school fee increase shall take effect without any consensus. "Consultation" shall also include the dissemination of adequate information relative to tuition and other school fees. The holdings of meetings and hearings as may be necessary to ventilate the tuition and other fee issues.

No tuition and/or other school increase shall take effect unless the students and parents have been informed of the said increase one hundred twenty (120) days before the school year seminar or term in which the increase is to be effected.

CHAPTER 5
RIGHT TO FREE EXPRESSION AND INFORMATION
AND RIGHT TO ACADEMIC FREEDOM

SECTION 17. *Right to be Informed.* – The right of the students to information on matters affecting welfare shall be recognized. Access to official records and other pertinent documents pertaining to official acts, transactions or decisions shall be afforded the students subject only to reasonable regulations that may be imposed such as time for examining the documents and other papers to prevent loss or damage of the same.

SECTION 18. *Freedom of Expression.* – Subject to existing laws, students shall have the right to reply to freely express their views and opinion. They shall have the right to peaceably assemble and petition the government and school authorities for the redress of their grievances.

Students shall have the right to print, circulate and/or mount leaflets, newsletters, posters, wall news, petitions and such other materials. Pursuant thereto, the school authorities shall ensure the provision of facilities such as bulletin boards for the mounting of the aforementioned materials.

School authorities may designate a certain area on every campus as a freedom park where students can freely discuss issues affecting them.

SECTION 19. *Student Publications.* – Students shall have the right to publish student newspapers and other similar publications, print in their pages materials which they deem in pursuance of their academic freedom of expression in accordance with Republic Act No. 7079, otherwise known as the "Campus Journalism Act of 1991". Pursuant thereto no individual who is not a staff member of the student publication shall determine its content.

The role of a faculty adviser in student newspaper shall be limited to technical guidance.

The selection of the student editor-in-chief and his/her staff shall be made by annual competitive examinations to be administered by an impartial Board of Judges. The Board of Judges, which shall include at least one staff member, shall be appointed by the head of the guidance counseling office or the student affairs office from a list of nominees submitted by the existing editorial staff.

The editorial staff shall observe the ethics of professional journalism. It shall be assured of security of tenure in the course of its prescribed term.

SECTION 20. *Academic Freedom.* – Students' academic freedom shall consist of; but not limited to; the following rights:

- a) to conduct researches in connection with academic work, and to freely discuss and publish their findings and recommendations;
- b) to conduct inquiry within the campus in curricular and extracurricular activities;
- c) to choose a field of study and to pursue the quest for truth;
- d) to express their opinion on any subject of public or general concern which affects the students or the educational system;
- e) to invite off-campus speakers or resource persons to student-sponsored assemblies, fora, symposia, and other activities of similar nature;
- f) to express contrary interpretations or dissenting opinions inside and outside the classroom;
- g) to participate in the drafting of a new curriculum and in the review or revision of the old curriculum;
- h) to participate in the drafting and/or revision of the student handbook which shall include the school rules and regulations, a copy of which shall be furnished to the students upon admission to the school; and
- i) To be free from any form of indoctrination leading to impose ideological homogeneity.

CHAPTER 6

RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

SECTION 21. *Right to Due Process.* -

- a) A student subject to disciplinary proceedings shall have the right to defend himself/herself, to be heard and to present evidence on his/her behalf before an impartial body. There shall be a Student Disciplinary Board to be composed of one (1) representative from the school administration, two (2) faculty members and two (2) students to conduct investigations into and decide on cases of student violations of disciplinary standards.

b) The blacklisting, expulsion, suspension and other disciplinary sanction that may be taken against a student shall not be valid unless the following rights have been observed and accorded a student:

1. the right to be informed in writing of the nature and cause of the accusation against him;
2. the right to confront witnesses against him 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 choice, adequate time being given him for the preparation of his defense;
4. the right to a hearing before the Student Disciplinary Board;
5. the right against self incrimination; and
6. The right to appeal adverse decisions of the Disciplinary Board to the governing board and ultimately to the appropriate agencies of the government.

c) The decision in any 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.

The deciding body must act on its own independent consideration of the facts of the case. The body, shall, in all controversial questions, render its decision in such a manner that the issues involved and the reasons for any decision are made clear to the student.

d) Disciplinary sanctions shall be corrective rather than punitive or penal in nature. The gravity of disciplinary sanctions must be proportionate to the seriousness of the violation committed.

The Office of the Guidance Counselor or any office dealing with student discipline of the respective schools shall publish on a periodic basis acts which are deemed violative of school rules and regulations and the corresponding disciplinary sanctions: Provided, That such rules and regulations do not violate the rights guaranteed here and under the Constitution.

CHAPTER 7 OTHER RIGHTS

SECTION 22. *Right Against Unreasonable Searches and Seizures.* – Every student shall be free from any form of unreasonable search and seizure. Except for the following instances no search or seizure of a student shall be deemed valid:

- a) Searches made at the point of ingress and egress by authorized personnel of the school;
- b) Searches and seizure of illegal article or articles falling in the plain view of duly authorized personnel;
- c) Searches and seizure of articles that are illegal, discovered inadvertently by duly authorized personnel;
- d) Searches made when the student is about to commit, is committing or has just committed a crime or a serious infraction of the school's rules and regulations; and
- e) Searches made with a valid search warrant.

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

SECTION 23. *Access to School Records and Issuance of Official Certificate.* – Subject to the provision 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, transcript of records, grades, transfer credentials and other similar documents within thirty (30) days from the filing of request and accomplishment of all pertinent requirements.

SECTION 24. *Unpaid Tuition Fees and Examinations.* – No student shall be prohibited from taking a periodic or final examination because of unpaid tuition and other school fees not exceeding two (2) installments under the established terms of payment prescribed by the school concerned and approved by the appropriate government agency.

The students with delinquent fees permitted to take an examination shall nevertheless be subject to the right of the school concerned to withhold the release or issuance to these students their school records or of the documents mentioned in the preceding section or to deny these students admission at the succeeding semester, term, or year until the prior delinquencies are fully paid.

SECTION 25. *Security of Tenure.* – It shall be the right of students to finish their entire courses of study in a given school, except in cases of academic deficiency or violation of disciplinary regulations.

In cases wherein the school authorities refuse to allow a student to enroll for the subsequent semester/term or year due to the causes hereinabove stated, the student may appeal such ruling to the appropriate education agency.

SECTION 26. *Prohibition Against Involuntary Contribution.* – Except those approved by their student organizations, all involuntary contributions shall be prohibited.

SECTION 27. *Collection of Student Paper and Student Council Fees.* – The school administration shall assist the Student Publications and Student Council/Government by facilitating the collection of the Student Publications and Student Council/Government fees from the students. The student's paper fees shall be held in trust for their unhampered use in the publication of the student paper. The full amount of Student Council/Government fees shall be turned over to the Student council after thirty (30) days, from the last day of registration at the start of every school year. Thereupon, the Student Council/Government shall be accountable to the student body for such funds and subject to semestral/trimestral audit by the Student Affairs of the school.

SECTION 28. *Privacy of Communication.* – The privacy of communication and correspondence among students shall remain inviolable.

SECTION 29. *Scholarship Grants and Privileges.* – Opposition to school policies inimical to student's interests shall not be a ground for denying or withdrawing scholarship grants and privileges to deserving students.

SECTION 30. *Right to Adequate and Safe Housing/Dormitory Facilities.* – The State and the respective school authorities shall endeavor to provide the students adequate, safe and clean housing facilities.

SECTION 31. *Guarantee of Demilitarized School Campuses.* – Except in cases of national or local emergencies, such as war, natural calamities or if the prevailing situation so requires, military detachments may not be installed or maintained in a campus. Military elements and/or policemen in uniform or in plain clothes and school security forces shall not interfere with student activities, particularly peaceful mass action, inside the school campus.

SECTION 32. *Firearms Ban.* – Students shall not be allowed to carry firearms inside the school campus.

They shall be required to deposit such firearms with the school security force prior to their entrance to the premises.

CHAPTER 8 RESPONSIBILITIES OF THE STUDENTS

SECTION 33. *Student Responsibilities.* – Student shall have the following responsibilities:

- a) To develop their potentials to the utmost level in order that they may be of service to their families and society;
- b) To strive for academic excellence and to abide by their school rules and regulations pertaining to their academic responsibilities;
- c) To exert utmost efforts towards the realization of the harmonious relationship with the rest of the academic community;
- d) To participate actively in school activities including athletics and civic affairs for the development of the community and the nation;
- e) To uphold, preserve and maintain the good name of their alma mater; and
- f) To exercise the abovementioned rights responsively.

CHAPTER 9 FINAL PROVISIONS

SECTION 34. *Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the Department of Education (DepEd) and Commission on Higher Education (CHED) in collaboration with the representatives of national student organizations, representatives of school administrations and the National Youth Commission (NYC) shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 35. *Administrative Powers.* – The Department of Education shall create a multi-sectoral body composed of representatives from this Department, the school's administration and the student body to monitor the different school campuses to ensure that the student rights are protected. When there is a final finding of the school's willful and repetitious infringement of student's right, the body shall recommend to the proper agency of the DepEd measures appropriate to the situation including, when necessary, the suspension or cancellation of its license or permit to operate the school.

SECTION 36. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SECTION 37. *Repealing Clause.* – All laws, decrees, order, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 38. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,