

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

FIFTEENTH CONGRESS
Second Regular Session

House Bill NO. 5618



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

While students are well aware of their rights and privileges due to the onset of student activism and ready access to practically any information through technology and the media, they do not hesitate to assert those rights as against teachers, the school and even the government. In asserting their rights, students should exercise them within the boundaries or legal restrictions attached to each of these rights.

Presently, however, students are totally unaware of these limitations or legal restrictions. In their enthusiasm to exercise these rights, many of them tend to go beyond the limitations, even abuse their respective rights.

This bill enunciates the rights and privileges of students to make them aware of these rights as well as guide them in the proper exercise thereof.

Support for the enactment of this bill is earnestly requested.

REP. LINABELLE RUTH R. VILLARICA

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AN ACT PROVIDING FOR A MAGNA CARTA FOR STUDENTS

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

SECTION 1. *Short Title.* – This Act shall be known as the “Magna Carta for Students Act of 2011”.

CHAPTER I

GENERAL PRINCIPLES

SEC. 2. *Declaration of Policy and Guiding Principles.* – It is hereby declared the policy of the State to promote and protect the rights of students to enable them to participate actively and efficiently 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 objectives 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 on the academic community; and
- g) The promotion and protection of students' democratic rights shall make them a potent and cogent force in the country's nationalist social transformation.

SEC. 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 above-mentioned 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 Citizen Army Training (CAT) or Citizens Military Training (CMT) fees.

CHAPTER 2 RIGHT TO ADMISSION AND QUALITY EDUCATION

SEC. 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 case of academic deficiency or violation of disciplinary regulations which do not infringe upon the exercise of student's rights.

SEC. 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.

SEC. 6. Right to adequate Welfare Services and Academic Facilities. – It shall be 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

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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, peaceful and orderly elections. The school must provide the COMELEC sufficient funds to ensure the success of its goals and objectives.

SEC. 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

SEC. 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.

SEC. 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 bona fide 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.

SEC. 15. *Right to File and 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) days from the date of notice of decision.

SEC. 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 purposes 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

SEC. 17. *Right to be Informed.* – The right of the Students to information on matters affecting welfare and 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.

SEC. 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 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.

SEC. 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.

SEC. 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 resources persons to student-sponsored assemblies, for a, symposia, an 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 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

SEC. 21. *Right to Due Process.* –

- a.) A student subject to disciplinary proceedings shall have the right to defend himself/herself, to 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 investigation 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 do 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 regulation do not violate the rights guaranteed here and under the Constitution.

CHAPTER 7 OTHER RIGHTS

SEC. 22. *Right against Unreasonable Searches and Seizures.* – Every student shall be free from any form of 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 action that may be brought against him/her.

SEC. 23. *Access to School Records and Insurance of Official Certificate.* – Subject to the provisions of the following section, every student shall have access to his/her own school records, the confidentiality of which the school shall maintain. He/she shall have the right to be issued official certificates, diplomas, transcript of records, grade, transfer credentials and other similar documents within thirty (30) days from the filing of request and accomplishment of all pertinent requirements.

SEC. 24. *Unpaid Tuition Fees and Examination.* – 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 poor delinquencies are fully paid.

SEC. 25 – *Security of Tenure*. – It shall be 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.

SEC. 26. *Prohibition against Involuntary Contribution*. – Except those approved by their student organization, all involuntary contributions shall be prohibited.

SEC. 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.

SEC. 28. *Privacy of Communication*. – The privacy of communication and correspondence among students shall be observed, subject to applicable laws or the rules and regulations of the school which are violated by the student.

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

SEC. 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.

SEC. 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 actions inside the school campus.

SEC. 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

SEC. 33. *Student Responsibilities.* – Students 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

SEC. 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.

SEC. 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 recommends 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.

SEC. 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.

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

SEC. 38. *Effectivity.* – This Act shall take effect upon its approval.

Approved,