

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 102



Introduced by: **HONORABLE EDCCEL "GREX" B. LAGMAN**

EXPLANATORY NOTE

It is indisputable that the development of a nation is in the hands of its people. As Professor Frederick Harbison of Princeton University correctly pointed out :

Human resources . . . constitute the ultimate basis for wealth of nations. Capital and natural resources are passive factors of production; human beings are the active agents who accumulate capital, exploit natural resources, build social, economic and political organizations, and carry forward national development. Clearly, a country which is unable to develop the skills and knowledge of its people and to utilize them, effectively in the national economy will be unable to develop anything else.

Students equipped with a nationalist and relevant education are an invaluable moving force in a progressive societal transformation. It is, however, lamentable that on many campuses obtaining conditions hinder effective acquisition of relevant knowledge and skills as students rights are violated with impunity.

This proposed Magna Carta of Students, therefore, seeks to respect, protect and fulfill the rights of students in the secondary, post-secondary, graduate and post-graduate courses.

Among the salient features of this bill are:

1. Student representation in the governing board and other policy-making bodies of the school;
2. Creation of a multi-sectoral School Fee Board;
3. Right to organize and run an autonomous student council or government;
4. Right to publish and circulate an independent school paper;
5. Right to admission without undue discrimination;
6. Right to take periodic examinations even if a student has not paid the amount due provided it does not exceed two installments;
7. Non-militarization of the campus;
8. Right to due process in disciplinary proceedings;
9. Right to adequate academic and welfare services consistent with the economic capacity of the school;
10. Criminalization of violations of the rights guaranteed in the **Magna Carta of Students**.

To allay the fears of school administrators and parents, the **Magna Carta of Students** will not breed a class of student warriors.

There is campus unrest if students' rights are transgressed.

There is campus unrest when students are summarily dismissed; when peaceful student assemblies are forcefully or violently dispersed; when student leaders are arrested without justifiable cause; when school policies adversely affecting students are unilaterally formulated and arbitrarily imposed on the students; when students are not allowed to organize student councils and are prohibited from publishing school papers; when tuition and other school fees are exorbitantly increased without prior consultation with students and their parents; when student activists are truncheoned, beaten up and detained inside the school's security detachment; when military detachments are installed on the campuses.

The **Magna Carta of Students** envisions an academic community free of all these violations that trigger student mass protests. With the exercise of students' rights protected and respected, peace and harmony will reign on the campus.

It is urgent for the 16th Congress to finally enact the Magna Carta of Students for the following major reasons:

1. In the era of globalization and concomitant liberalization and deregulation, the youth along with the other sectors of society must be effectively empowered to enable them to actively participate in the making of policy decisions that affect their sector.
2. Democratic consultations and dialogues between and among the different sectors of the school community need to be institutionalized. Unilateral formulation and imposition of student related school policies specially on the matter of tuition and other school fees and undue restrictions on student rights must stop in order to prevent student protests and unrest that sometimes become violent.
3. Responsible exercise of rights must be developed on the campus toward the promotion of peace and harmony among all sectors of the education community and to uphold a truly democratic education.

Despite the controversy that this bill has generated, it is nevertheless a carefully studied measure. The House Committee on Education conducted extensive public hearings on the bill during the last nine Congresses. All affected sectors were adequately heard and consulted. During the Eighth and Ninth Congresses, the House approved this bill on third and final reading and subsequently transmitted it to the Senate which failed to act on the measure.

After a gestation period of two decades, it is hoped that this bill, which is the substitute bill crafted by the Committee on Higher Education in the 14th Congress but which has remained basically faithful to the original Lagman bill, will finally see the light of day in the current Congress.


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AN ACT
PROVIDING FOR A MAGNA CARTA OF STUDENTS

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

Section 1. This Act shall be known as the "Magna Carta of Students."

SEC. 2. Declaration of Policy. – The State:

- (a) Declares its commitment to protect and promote the rights and welfare of Filipino students in accordance with several international human rights instruments, including the International Covenant on Civil and Political Rights, International Covenant on Economic and Social Rights, the Universal Declaration of Human Rights, Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women;
- (b) Declares its commitment to protect and promote the physical, mental, spiritual, intellectual and social well-being of the youth;
- (c) Declares its commitment to promote the rights of all citizens regardless of sexual orientation, creed, socio-economic status, ethnicity, physical condition, political and religious beliefs or affiliation;
- (d) Declares its commitment to protect and promote the rights of students to enable them to participate actively and effectively in the democratic processes of effecting progressive and developmental changes in society;
- (e) Recognizes that education is a right and as such it can only be exercised and enjoyed fully in a climate where the rights and welfare of students and young Filipinos are promoted and protected;
- (f) Acknowledges that education is an important institution in ensuring that all Filipinos are able to participate fully in nation-building and in inculcating patriotism and nationalism, critical and creative thinking, and values necessary to promote civil liberties, human rights and fundamental freedoms;
- (g) Affirms that students have the right to a meaningful participation in decision-making processes inside and outside educational institutions, especially in the formulation of policies affecting students, and the promotion of this right is an integral part of the nation's democratic processes;
- (h) Affirms the fundamental right to expression of students, and that such right shall be unabridged and free from the influences of educational institutions; and

- (i) Affirms the students' right to organize, which encompasses the right to establish student organizations, student unions, and student councils and governments, and student publications.

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

- (a) The formal educational system being the principal institutional mechanism for imparting knowledge and developing 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 accessible to all.
- (c) Student organizations enhance democratic processes on the campus. 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.
- (e) Student councils/governments being the most representative of the studentry and the highest expression of student power on the campus shall have the right to participate in the formulation of school policies directly 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) With their democratic rights guaranteed, students can serve as a potent and cogent force in the country's nationalist social transformation.

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall mean:

- (a) "Student" – any person enrolled in school in the secondary, post secondary, tertiary, graduate and postgraduate levels including those enrolled in vocational and technical education.
- (b) "School" – any duly registered private, public or government-run or funded 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 use of the institution.
- (d) "Governing Board" – the highest policy-making body of the school such as: Board of Directors, Trustees or 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) "Student Publication" – the issue of any printed material that is independently published by, and which meets the needs and interests of the studentry.
- (g) "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 National Student Training Program (NSTP) fees.

CHAPTER II

RIGHT TO ADMISSION, NON-DISCRIMINATION AND QUALITY EDUCATION

SEC. 5. Admission and Non-Discrimination. (a) No student shall be denied admission, expelled from an educational institution, punished with disciplinary action, including mandatory counseling, or denied welfare services, scholarships and other privileges on the basis of his/her physical handicap, socio-economic status, ethnicity, political or religious beliefs, sexual orientation, identity, gender and membership in student organizations nor shall pregnant students, certified reformed drug abusers, students with human immunodeficiency virus (HIV) infection, illegitimate children, children of married but separated parents, and children legally adopted or raised by a single parent 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 students' rights.

SEC. 6. 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, and relative to the financial capacity of the school, and for state institutions, public subsidies granted. Pursuant thereto, schools shall be required to enforce a written evaluation of the performance of teachers by students at the end of the school term.

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 the members of the screening body or committee.

SEC. 7. Right to Adequate Welfare Services and Academic Facilities. – It shall be the responsibility of the school administration to provide the students with adequate welfare services and academic facilities commensurate to the school fees paid, and for State Colleges and Universities, public subsidies granted.

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

Denial of access to adequate welfare services and academic facilities shall be prohibited. These services and facilities shall include the following:

- (a) Free annual physical check-up to the students;
- (b) Legal assistance in cases involving the exercise and enjoyment of rights and freedoms stipulated in this Act; _
- (c) Counseling;
- (d) Adequate laboratory, library, research, recreation and physical education facilities;
- (e) Communications system to ensure that students are promptly notified of letters and other relevant information; and
- (f) Adequate, safe and clean housing facilities, such as dormitories, for students inside

campuses. In case the school has no on-campus dormitories or housing facilities, the school administration and the student council or government shall be required to accredit off-campus dormitories.

CHAPTER III RIGHT TO ORGANIZE

SEC. 8. *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 recognizes the right of students to organize among themselves.

(a) The right of students to form, assist or join organizations, alliances, or federations along their physical, intellectual, moral, cultural, civic, spiritual and political interests shall not be abridged.

(b) The Office of Student Affairs, in coordination with the student council or government, shall take charge of the accreditation of student organizations. The guidelines for accreditation of student organizations shall be formulated by the student council and the heads of all student organizations.

(c) The Office of Student Affairs shall have the mandate to implement the guidelines and mediate in conflicts emerging from the accreditation process. Accreditation of student organizations shall be granted upon the submission of a formal letter of application for accreditation and the constitution and by-laws of the student organization seeking accreditation. The Office of Student Affairs may withdraw recognition of inactive organizations and impose sanctions on any organization that violates the rules of accreditation.

(d) The school administration shall endeavor to provide, free of charge, a hall or building to house the offices of student organizations within the premises of the school. Furthermore, whenever possible the school administration shall allow student organizations to use school facilities free of charge;

(e) The following restrictions to the right of students to organize shall be prohibited:

1. Signing of waivers or similar documents that use membership in any organization as a basis for admission to or expulsion from schools, including the imposition of disciplinary actions;
2. Imposition of unreasonable requirements on student organizations seeking recognition;
3. Discriminatory policies in the assignment of school facilities and in granting other privileges to student organizations;
4. Excessive charges for the use of school facilities;
5. Excessive fees imposed by student organizations on their members; and
6. Imposition of unnecessary requirements for admission and continued membership in a student organization including, but not limited to, hazing or other acts prohibited under RA 8049 or the Anti-hazing law.

SEC. 9. *Right to establish a student council or government.* – The State shall ensure the existence of democratic and autonomous student councils/governments. Pursuant thereto:

- (a) There shall be one (1) 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 elections.

- (b) The student council or government shall have a Constitution or Charter drafted by the heads or representatives of all student organizations in a school and ratified through a two-thirds (2/3) vote by the student body. The Constitution shall provide for the organization, functions and responsibilities of the student council or government. Representation of unorganized students shall be ensured in the drafting of the constitution or charter.
- (c) 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* such rules and regulations do not infringe on basic rights and freedom of students;
- (d) There shall be an independent Committee on Elections (COMELEC) that shall oversee the honest, orderly, and peaceful conduct of election of officers of the student council or government. The members of the COMELEC shall be chosen from a list of nominees provided by the heads of student organizations. The school must provide sufficient funds to the COMELEC to ensure that it is able to function;
- (e) There shall be a fee to be collected to finance the operations of the student council or government, the amount of which shall be determined by the student council or government in consultation with the student body. The school administration shall facilitate the collection of the student council or government fee within fifteen (15) days after the start of the semester or school term. Any proposal to increase the student council or government fee shall take effect upon a simple majority vote by the student body.
- (f) 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.

SEC. 10. Tuition and Other School Fees. – Within thirty (30) days from the start of a school year the governing board of every school shall create a body to be known as the School Fee Board which shall study, conduct consultation and thereafter recommend on tuition and other school fee adjustments. At the tertiary level this body shall be composed of an equal number of representatives from the administration, academic and nonacademic personnel, parents/guardians, students and the alumni association. These representatives shall choose a chairperson from among themselves. Greater representation shall be given to parents than to students in the secondary level.

In justifying any tuition and/or school fee increase before the School Fee Board, the school concerned shall be required to present the school's financial statements for the last five (5) years 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 automatic denial of its proposal for increases.

The School Fee Board shall not act on a proposal to increase school fees unless the concerned sectors are consulted at least ninety (90) days before the school year, semester or term in which the increase is to be effected.

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 by any affected member of the school community to the appropriate education agencies within thirty (30) days from date of notice of decision.

No student or parent shall be required to sign any contract or agreement respecting adjustments in tuition and other fees as a condition for enrollment or for any other purpose.

For purposes of this Section, "Consultation" shall mean dissemination of adequate information relative to tuition and other school fees, the increases thereof, objections thereto, or the justifications therefor and shall include but not be limited to the holding of meetings and hearings as may be necessary to ventilate the tuition and other fee issues. Pursuant thereto, all meetings or hearings conducted for consultation purposes shall be properly documented and circulated.

SEC. 11. *Unpaid Tuition Fees and Other Fees.* - No student shall be prohibited from taking a periodic or final examination because of unpaid tuition and other fees not exceeding two (2) installments under the established terms of payment prescribed by the school concerned and approved by the appropriate education agency.

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 of such students' school records or of the documents mentioned in the preceding Section or to deny such students' admission to the next succeeding term or year until the prior delinquencies are fully paid.

SEC. 12. *Prohibition Against the Exaction of Excessive Fees.* All campus organizations shall be prohibited from exacting excessive fees from their members. All involuntary contributions, except those approved by their own organizations, shall be prohibited.

CHAPTER IV RIGHT TO PARTICIPATE IN POLICY-MAKING

SEC. 13. *Representation in Policy-Making Bodies.* - 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 or her privileges shall be limited to reimbursements for actual expenses incurred in attending meetings of the Board: *Provided*, further, that 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.

Representatives of national student organizations shall actively participate and possess voting powers in the formulation of national policies by government agencies on matters affecting students' rights and welfare including tuition.

SEC. 14. *Students' Initiative and Referendum.* - The student council or government through a majority vote of all 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 students shall be submitted to and approved by a majority of the votes cast by all the *bona fide* students of the school in a referendum called for the purpose. Thereafter, it shall be recommended to the highest policy-making body of the school.

SEC. 15. *Right to File An Appeal.* – The student council/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 date of notice of decision. Decision on any case shall be made within fifteen (15) days from date of filing.

CHAPTER V

RIGHT TO FREE EXPRESSION AND INFORMATION AND RIGHT TO ACADEMIC FREEDOM

SEC. 16. *Right to Information.* – The right of the students to information on matters directly or indirectly affecting their welfare shall be recognized. Access to official records and other pertinent documents and papers pertaining to official acts, transactions or decisions shall be afforded the students subject only to reasonable regulations that may be imposed such as time for examining the documents and other papers to prevent loss or damage of the same.

SEC. 17. *Freedom of Expression.* – Subject to existing laws, students shall have the right to freely express their views and opinions. They shall have the right to peaceably assemble and petition the government and school authorities for the redress of their grievances. Pursuant thereto, no school regulation shall be imposed violating or abridging the students' right to assembly.

Students shall have access to print, broadcast and electronic media in their information activities. They shall also 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.

SEC. 18. *Right to Publish a Student Newspaper and Other Similar Publications.* Students 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 and freedom of expression in accordance with Republic Act 7079 or the Campus Journalism Act of 1991. Pursuant thereto, the editorial staff of the student publication shall be composed of students. No person who is not a member of the publication shall determine its content. The role of the faculty adviser in the student paper shall be limited to technical assistance.

The selection of the student editor-in-chief and the members of the editorial board shall be conducted annually through a fair and competitive examination to be

administered by an impartial Board of Judges, which shall be composed of professional journalists, representatives from the faculty and the student body.

The editorial staff shall observe the ethics of professional journalism. It shall be the responsibility of the editorial staff to ensure that the student paper is not used for purposes contrary to law.

The editor-in-chief/editorial staff shall, unless sooner removed for cause and with due process, be assured of security of tenure for the duration of their prescribed term.

The student publication shall be financially autonomous from the school administration. A student publication fee shall be collected from the students and shall be held in trust by the school administration. No policy shall be imposed by the school administration that hampers the access of the editorial board to the student publication fund which shall be subject to existing rules and regulations in the disbursement of funds of the educational institution. The school administration shall also be prohibited from using the aforementioned fund. At the end of each term, the editorial board shall publish an audited financial statement.

SEC. 19. *Academic Freedom* - Students' academic freedom shall consist of, but shall not be limited to, the following rights:

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

CHAPTER VI

RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

SEC. 20. *Right to Due Process*. – The right to due process of students subjected to disciplinary proceedings shall be observed and respected. They shall have the right to defend themselves, to be heard and to present evidence on their behalf before an impartial body.

There shall be an independent 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. The member from the administration shall serve for five years, the members from the faculty for three years, and the members from the student body

for one year. The faculty and student representatives shall be endorsed by the student council/government. The Student Disciplinary Board shall formulate the guidelines for the conduct of the disciplinary proceedings.

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

- a) The right to be informed in writing of the nature and cause of the accusation against him or her;
- b) The right to confront witness against him/her and to full access to the evidence in the case;
- c) The right to defend himself/herself and to be defended by a representative or counsel of his or her choice, adequate time being given to him/her for the preparation of his/her defense;
- d) The right to a hearing before the Student Disciplinary Board;
- e) The right against self-incrimination;
- f) The right to appeal adverse decisions of the Student Disciplinary Board to the Governing Board and ultimately to the appropriate education agencies; and
- g) The right to confidentiality.

The decision in any disciplinary proceeding must be rendered on the basis of relevant and substantial evidence presented at the hearing, or at the least contained in the record and disclosed to the student affected. The student disciplinary board must act on its own independent consideration of the facts of the case. It shall, 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.

Subject to existing laws, a decision on a case or complaint filed before the Student Disciplinary Board shall be resolved within three (3) months after the filing of such a case or complaint.

The Office of the Student Disciplinary Affairs 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 sanctions: *Provided*, that such rules and regulations do not violate the rights guaranteed herein and under the Constitution.

CHAPTER VII OTHER RIGHTS

SEC. 21. *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 seizures of illegal article or articles falling in the plain view of duly authorized personnel;
- (c) Searches and seizures of articles that are illegal, discovered inadvertently by duly authorized personnel;
- (d) Searches made when the student is about to commit, is committing or had just committed a crime or a serious infraction of the school's rules and regulations;
- (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 may be brought against him/her.

SEC. 22. Access to School Records and Issuance of Official Certificates.

Subject to the provision of Section 23, every student shall have access to his or 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, except in cases where the student is serving the penalty of suspension, exclusion or expulsion.

SEC. 23. 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 being found guilty of a serious offense or grave abuse that warrants the penalty of suspension, probation, exclusion or expulsion. Other exceptions to the right of security of tenure shall include:

- a) Closure of the school or program;
- b) In case of being afflicted with a highly contagious disease as recommended by a medical doctor; and
- c) Non-payment of fees.

In cases wherein the school authorities refuse to allow a student to enroll for the subsequent semester or year due to the causes hereinabove stated but which are no longer applicable, the student may appeal such ruling to the appropriate agency.

SEC. 24. Collection of Student Paper and Student Council Fees. – The school administration shall assist the student paper staff and the student council/government, in their financial needs through the collection of student paper and student council fees from the students.

The student paper fees shall be held in trust for their unhampered use in the publication of the student paper.

The full amount of collected student council fees shall be turned over to the student council within fifteen (15) days from the assumption of office of the Student Council officers

SEC. 25. Right to Privacy. – The privacy of communication and correspondence of students shall remain inviolable.

SEC. 26. Scholarship Grants and Privileges. – Opposition to school policies violative of the students' rights enshrined in this Act shall not be a ground for denying or withdrawing scholarship grants and privileges to deserving students.

SEC. 27. Prohibition Against Militarization of the School Campus. – The pursuit of academic excellence and exercise of academic freedom can be attained only in an atmosphere free from fear and unreasonable restraint. Pursuant thereto, no military detachment shall be installed on the school campus.

Military elements and/or policemen in uniform or in plain clothes and the school security forces shall not interfere with student activities, particularly peaceful mass actions, inside the school campus.

SEC. 28. *Firearms, Explosives and Deadly Weapons Ban.* – Students shall not be allowed to carry firearms, explosives and deadly weapons inside the school campus. Students who are law enforcers and carrying licensed firearms shall be required to deposit such firearms with the school security force prior to their entry to the school premises.

CHAPTER VIII RESPONSIBILITIES OF STUDENTS

SEC. 29. *Student Responsibilities.* – Students shall have the following responsibilities:

- (a) To develop their potentials to the utmost 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 participate actively in school activities including athletics, and civic affairs for the development of the community and the nation;
- (d) To submit to the random drug testing requirement of the school, in compliance with Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002;
- (e) To help maintain peace and order in the school community by not bringing deadly weapons and by not impeding, obstructing, preventing or defeating the right and obligation of a teacher to teach his/her subject or the right to attend his/her classes or any official activity;
- (f) To care for the environment by participating actively in keeping the campus clean and in preventing pollution or environmental degradation;
- (g) To report to the authorities, pursuant to the provisions of RA 7877 (Anti-Sexual Harassment Act of 1995), any unlawful act committed by a teacher, instructor, professor, coach, trainer, school manager, employee or any other person who, having authority, influence or moral ascendancy over a student in a training or educational environment, demands, requests or otherwise requires any sexual favor from him/her in an educational institution or training-related environment or activity regardless of whether the demand, request or requirement for submission is accepted by the object of such act;
- (h) To uphold, preserve and maintain the good name of their alma mater; and
- (i) To exercise the abovementioned rights responsively.

FINAL PROVISIONS

SEC. 30. *Rules and Regulations.* - Within ninety (90) days from the approval of this Act, the DepEd, TESDA, and CHED, together with the representatives of national student organizations, representatives of school administrations and the National Youth Commission (NYC) shall jointly promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 31. *Administrative Sanctions.* –The DepEd, CHED and TESDA are hereby vested with powers necessary to investigate violations of this Act or the rules and regulations issued hereunder 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. They shall have the power to impose administrative penalties to ensure the enforcement of this Act. Any student, student council or government, school organization or national student organization shall have

the right to report to and demand an investigation from the appropriate education agency into any act or acts committed by school authorities and/or administrations violative of their right as provided in this Act. As such, they may file complaints before the aforementioned agencies and shall have the right to an impartial speedy resolution of the issue.

Any educational institution found guilty under this Section shall suffer penalties in accordance with the following schedule:

1. For the first offense, stern warning and a fine of not less than ten thousand pesos (P10,000.00) but not more than fifty thousand pesos (P50,000.00);
2. For the second offense, suspension of the license to operate for a period of six (6) months and a fine of not less than fifty one thousand pesos (P51,000.00) but not more than one hundred thousand pesos (P100,000.00);
3. For the third offense, suspension of license to operate for one (1) year and a fine of not less than one hundred one thousand pesos (P101,000.00) but not more than two hundred thousand pesos (P200,000.00); and
4. For succeeding offenses, revocation of license to operate and a fine of five hundred thousand pesos (P500,000.00).

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 operation of the school.

Upon final judgment, the appropriate education agency may recommend to the Department of Justice the prosecution of any school, college or university before a regular Court, for violating the provisions of this Act.

SEC. 32. Penal Provisions. – Any person who shall willfully interfere with, restrain or coerce any student in the exercise and enjoyment 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 (P50,000.00) Pesos but not more than One Hundred Thousand (P100,000.00) Pesos or by imprisonment for 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 Court shall, in addition to the penalties hereinabove provided, order his dismissal from the government service.

Any student whose rights have been violated as stipulated in this Act may file independent civil cases for damages against the offending persons, natural or juridical. He or she shall be exempt from filing fees.

In addition to the penalties herein provided, the license to operate of the school concerned may be suspended or canceled by the DepED, TESDA or CHED in accordance with Section 30 of this Act. The decision of these education agencies may be appealed to the proper court.

SEC. 33. Oversight. – The DepED, TESDA and the CHED shall, in coordination with national student organizations, monitor the implementation of this Act. They shall submit an annual report to the Office of the President and Congress. An Oversight Committee is hereby created composed of two (2) members each from the House Committee on Basic Education and Culture, the House Committee on Higher and Technical Education and the Senate Committee on Education, Culture and Arts, to be co-chaired by the heads of the House and Senate committees, to evaluate and monitor the implementation of this Act. The Oversight Committee shall automatically consider the reports of the concerned government agencies, student organizations, and student councils and governments.

SEC. 34. Repealing Clause. – All laws, decrees, orders, rules and regulations or other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 35. Separability Clause. If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 36. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in the official gazette or in at least two (2) newspapers of general circulation which shall not be later than seven (7) days after the approval thereof.

Approved,