

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
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House Bill No. 1098



Introduced by **Kabataan Party-list Representative Terry L. Ridon**

EXPLANATORY NOTE

The Philippines, as a party to the International Covenant on Economic, Social and Cultural Rights, agreed 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" and "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."

Our Constitution mandates all educational institutions to "inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency,".

It is then unfortunate that a large number of Philippine educational institutions not only fall short of its duties as stated in the Constitution, they – willingly or unwillingly–violate the constitutionally guaranteed rights of students. Many cases of discrimination, repression of freedom of speech and the right to organize have been reported. Schools have taken to the practice of having enrollees sign waivers against joining certain organizations and activities as a precondition for enrollment. Not a few schools disallow the formation of a student council and other organizations. In many cases where they are allowed to exist, their autonomy and independence are assaulted by stringent school measures and other forms of repression that threaten the very material existence of these student organizations.

Historically, school organizations and publications have served as venues through which our students realize their involvement as a member of a community. Joining a student organization is an essential part of student life, as this is where they gain added knowledge and skills beyond the four walls of a classroom. During Martial Law, for instance, student organizations served as a concrete venue through which the youth defied tyranny and courageously advanced social justice and democracy. Twice in our nation's

history we witnessed the youth, led by their organizations, march to the streets to demand a clean government and forced an allegedly corrupt president to step down. The historic existence of student organizations is testament to their latent power to affect and effect social change.

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

The Philippine Constitution provides that the State "shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs". It is imperative that we legislate a document that declares and reaffirms the rights of students.

As stated in the American Supreme Court decision on a landmark case on student rights, "Students do not shed their rights at the schoolhouse gate". The passage of this bill will aid students to reclaim their Constitutional rights in campuses.

In this view, the passage of this bill is urgently sought.



HON. TERRY L. RIDON

Representative, Kabataan Party-list

(c) Student organizations shall not be subject to rules and regulations that unduly hamper their activities and are prejudicial to their objectives and interests, and that

1 undermine constitutionally protected rights and freedoms (freedom of association,
2 freedom of assembly, freedom of expression, among others);

3 (d) Integral to the right of students to organize and actively participate in social
4 change is the fundamental right to expression. The right to expression shall be
5 unabridged and autonomous from the influences of educational institutions.

6 (e) Student publications shall serve as a principal medium for free expression, and as
7 a means of encouraging critical and creative thinking among students. The State
8 shall thus protect and promote free journalism, re-open all closed student
9 publications, establish student publications in schools where there are none, and
10 protect and uphold freedom of the press at the campus level and the rights of
11 campus journalists at all times;

12 SECTION 4. *Definition of Terms.* – as used in this Act, the following terms shall
13 mean:

14 (a) “*Student*” – any person enrolled in the elementary, secondary, post-secondary,
15 tertiary, graduate and post-graduate levels, including vocational and technical
16 education. For purposes of this Act, this shall include any person who has been
17 separated from the school but pursues a pending suit for violations under this Act.

18 (b) “*School*” – any private, public or government-run and funded academic
19 educational institution offering any or all courses in the above-mentioned levels.

20 (c) “*School Campus*” – the totality of all contiguous or proximate buildings, grounds,
21 and other facilities designated by the school authorities as areas or facilities for the
22 curricular and extracurricular use of their students.

23 (d) “*Governing Board*” – the highest policy making body of the school such as the
24 Board of Directors, Trustees or Regents.

25 (e) “*Student Council or Government*” – the body representing the whole student
26 population in one school or school campus whose officers are annually elected at
27 large by the whole student population pursuant to its charter or constitution. This
28 definition shall include student councils or governments at the elementary, secondary
29 and level of colleges, campuses, etc.

30 (f) “*Student Publication*” – the issue of any printed and/or online material such as,
31 but not limited to, newspapers, wall news, literary folios, newsletters and other similar
32 forms, independently published by, and which meets the needs and interests of the
33 students.

34 (g) “*Council of Leaders*” – the body composed of the heads of various student
35 organizations chaired by the President or Chairperson of the Student Council or by
36 any student duly elected by the student organizations.

37 (h) “*Tuition*” – the fee representing direct costs of instruction, training and other
38 related activities, and the use of school facilities. The term other school fees refers to
39 fees which cover other necessary costs supportive of instruction, including but not
40 limited to medical and dental, athletic, library, laboratory and NSTP fees.

1 **CHAPTER II**
2 **RIGHT TO ADMISSION, NON-DISCRIMINATION AND QUALITY EDUCATION**

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

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

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

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

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

25 (a) Adequate laboratory, library, research, recreation and physical education
26 facilities;

27 (b) Free annual physical check-up;

28 (c) Counseling;

29 (d) Communications system to ensure that students are promptly notified of letters
30 and other relevant information;

31 (e) Safe and clean student housing facilities such as dormitories. In case the school
32 has no in-campus dormitories or housing facilities, the school administration and the
33 student council or government shall be required to accredit out-of-campus student
34 housing facilities such as boarding houses; and

35 (f) Legal assistance in cases involving the exercise and enjoyment of rights and
36 freedoms stipulated in this Act.

37 The denial of access to welfare services and academic facilities is prohibited.

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CHAPTER III
RIGHT TO ORGANIZE AND RIGHT OF ASSOCIATION

SECTION 9. *Right to organize and to associate.* – The right of students to form, assist, join, and actively participate in any campus organization, unions, societies, nationwide youth groups, alliances or federations, for purposes not contrary to law shall not be abridged. Such student formations shall be treated as independent from the school or any of its departments, and as separate and distinct juridical entities.

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

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

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

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

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

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

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

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

- (a) Signing of waivers or similar documents that use membership to any organization as a basis for admission to or expulsion from schools, including the imposition of disciplinary actions;

1 (b) Imposition of unreasonable requirements on student organizations seeking
2 recognition, such as but are not limited to: the imposition of a minimum size of
3 membership and the imposition of unreasonable community service duties;

4 (c) Discriminatory policies in the assignment of school facilities and in granting other
5 privileges to student organizations;

6 (d) Imposing any user fees and other charges for the use of school facilities on the
7 basis that such facilities are already being paid for through tuition and other fees;

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

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

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

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

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

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

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

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

5 Likewise, if the student council or government previously collecting the fee on its
6 own signifies to the school administration its decision to let the school administration
7 facilitate the collection of the fee, the school administration shall thus collect the fee during
8 enrollment period and turn over the collected amount to the student council or government
9 within fifteen (15) days after the last day of enrollment.

10 For these purposes, the number of bona fide students enrolled for the current
11 semester or term shall be used as basis for the amount of the student council funds that
12 shall be released by the school administration who shall issue a list of the students enrolled
13 for the current semester or term to the student council.

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

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

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

27 CHAPTER IV 28 RIGHT OF EXPRESSION AND FREE SPEECH

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

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

40 SECTION 22. *Proportionality of offense and sanction.* –If the exercise of any of such
41 constitutional rights is determined to be outside of the confines of freedom of expression

1 upon compliance of due process, the concept of the proportionality between the offense
2 committed and the sanction imposed shall be followed, *Provided*, that the penalty of
3 expulsion, exclusion or forced transfer and the like shall not be imposed for any infraction or
4 improper conduct that may arise by reason of the exercise of any of such constitutional
5 rights.

6 SECTION 23. *Right to publish a student newspaper and other similar publications.* –
7 All educational institutions on the elementary, secondary and tertiary levels, public or private,
8 shall be mandated to establish an independent student publication. Every school shall have
9 at least one (1) student publication without prejudice to other publications established within
10 the campus. A student publication shall be published by the student body through an
11 editorial board and publication staff composed of students selected through fair and
12 competitive examinations.

13 SECTION 24. *Revival of closed student publications.* –All student publications whose
14 operations ceased upon the directives of the school administration shall be revived and
15 allowed to operate again. Once the publication is established or reopened, the editorial
16 board shall freely determine its editorial policies and manage the publication's funds.

17 SECTION 25. *Student publication funds.* –Funding for the student publication shall be
18 sourced primarily from student publication fees collected by the school administration. It shall
19 be mandatory for the school administration to collect the student publication/subscription
20 fees during the enrollment period. The members of the student publication can opt to collect
21 the publication funds themselves upon their initiative and under their full discretion and
22 without administrative intervention. For these purposes, the number of bona fide students
23 enrolled for the current semester or term shall be used as basis for the amount of the
24 publication funds that shall be released by the school administrator who shall issue a list of
25 the students enrolled for the current semester or term to the editorial board.

26 The school administration shall effect the automatic release of the student
27 subscription fees to the student publication within fifteen (15) days after the last day of
28 enrollment. The publication funds shall be deposited through a trust fund or in the account of
29 the student publication in an authorized depository bank.

30 In no instance shall the Commission on Higher Education, Technical Education and
31 Skills Development Authority, and the Department of Education, as the case may be, or the
32 school administration concerned, withhold the release of funds intended for the student
33 publication.

34 SECTION 26. *Student publication faculty adviser.* –The editorial board shall have the
35 discretion whether or not they would appoint a faculty adviser. In case the student
36 publication decides to appoint a faculty adviser, the editorial board shall have the power to
37 choose its faculty adviser, whose functions shall be limited merely to technical
38 assistance. The approval of the faculty adviser shall not be a precondition to the publication
39 of written material or photographs.

40 SECTION 27. *Independence of student journalists and freedom from threat.* –
41 Members of the student publications shall not be suspended, expelled or punished with
42 administrative sanctions solely on the basis of the articles he/she has written except when

such articles constitute a violation of the law. A student journalist's academic performance as a student shall not be used as basis for his or her dismissal from the student publication.

SECTION 28. *Management of the student publication and its funds.* –The editorial board shall be primarily accountable with regard the operation of the student publication and the management of its funds. At the end of each semester or term, as the case may be, the editorial board shall prepare a report on the disbursement of funds subject to accounting and auditing rules. Such report shall be posted at the school's bulletin board or published in the school publication.

SECTION 29. *Printing of the student publication.*—The printing of the student publication shall be conducted by the editorial board and the student publication staff through canvass or public bidding.

For public schools, the student publication shall be exempted from undergoing formal bidding process under Republic Act 9184 also known as the Procurement Reform Act with regard the selection of a printing press and the purchase of equipment and materials necessary for its operations.

The editorial board shall freely choose the printing press it wants to avail the services of.

CHAPTER V

ACADEMIC FREEDOM OF STUDENTS

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

(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, for a, 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 of a new curriculum and in the review or revision of the old;

(g) To participate in the drafting and/or revising 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;

(h) To freely discuss and criticize university policies and national policies.

1 **CHAPTER VI**
2 **RIGHT TO INFORMATION**

3 SECTION 31. *Right to be Informed.* –The right of the students to information on
4 matters directly or indirectly affecting their welfare shall be recognized. Access to official
5 records and other pertinent documents and papers pertaining to official acts, transactions or
6 decisions shall be afforded the students subject only to reasonable regulations.

7 **CHAPTER VII**
8 **RIGHT TO PARTICIPATE IN POLICY-MAKING**

9 SECTION 32. *Participation in policy-making process in schools.* –There shall be a
10 student representative in the Governing Board of the school. The chairman/president of the
11 student council or any designated representative chosen by the heads of various local
12 college student councils shall be the student representative and shall have the same rights
13 as those of a regular member; *Provided*, that his/her privileges shall be limited to
14 reimbursements for actual expenses incurred in attending meetings. The same rights shall
15 be granted to the secondary level.

16 The students shall also be represented in other policy-making bodies which directly
17 affect their welfare, especially in curriculum drafting, review and revision, student discipline,
18 and academic standards. The representatives shall be designated by the student council.

19 SECTION 33. *Participation in national policy-making.* –Representatives of national
20 student organizations shall actively participate and possess voting powers in the formulation
21 of national policies by governmental agencies on matters affecting students rights and
22 welfare including tuition.

23 SECTION 34. *Students' initiative and referendum.* –The student council/government
24 through a majority vote of all its members shall have the right to initiate the formulation,
25 modification or refection of a school policy affecting the students. The proposition for the
26 formulation, modification or refection of a school policy affecting the students shall be
27 submitted to and approved by a majority of the votes cast by all the bona fide students of the
28 school in a referendum called for the purpose.

29 SECTION 35. *Right to file an appeal.* –The student council or government through a
30 majority vote of all its members shall have the right to file an appeal on a decision of any
31 policy-making body subordinate to the governing board. Such appeal shall be filed with the
32 governing board.

33 The student council or government with the same requisite number of votes referred
34 to in the previous paragraph may file a motion for reconsideration on any decision of the
35 governing board.

36 In case of any decision unfavorable to the students, the student council may file an
37 appeal with the Department of Education (DepEd), the Technical Education and Skills
38 Development Authority (TESDA) and the Commission on Higher Education (CHED), insofar
39 as the secondary, post-secondary technical-vocational, and tertiary students, respectively
40 are concerned.

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

3 SECTION 36. *School fees and other tariffs.*—

4 (a) All involuntary contributions shall be prohibited.

5 (b) In releasing documents, academic records, and similar certifications, schools are
6 prohibited from imposing fees beyond the actual cost of reproducing the documents.

7 (c) It is hereby created a set of guidelines schools with proposed increases in tuition
8 and all other fees must follow:

9 1. The school shall effectively inform the students, parents, teachers and non-
10 teaching personnel of the proposed tuition and other fee increase and the place and
11 date of the consultation at least 30 days before the consultation proper. The student
12 council or government, heads of student organizations, student publications shall be
13 directly informed via formal communication of pertinent details of the consultation.
14 The same communication shall be given to parents, faculty, and non-teaching
15 personnel organizations, if such exist;

16 2. All tuition consultations shall be made before February 28;

17 3. The school shall make easily available at least 30 days before the consultation
18 all pertinent documents including, but not be limited to, financial reports including
19 a comprehensive report of the incremental proceeds of the preceding year's
20 increase, administrative reports and the school's position paper for the perusal of the
21 students, parents, faculty, and non-teaching personnel;

22 4. The school shall allow gatherings and activities of student, parents, faculty and
23 non-teaching personnel in preparation for the consultation;

24 5. The school shall furnish the students, parents, faculty and non-teaching personnel
25 copies of the suggested flow and agenda of the tuition and all other fees consultation
26 which the concerned parties may amend to include proposals not limited to review,
27 refund and scrapping of existing fees;

28 6. The facilitating body of the consultation shall be composed of one (1)
29 representative from the school, students, parents, faculty and non-teaching
30 personnel;

31 7. The consultation shall be opened to all concerned students, parents, faculty and
32 non-teaching personnel;

33 8. The consultation must be attended by the President of the school and at least one
34 (1) member of the Governing Board

35 9. The school publication shall be allowed to cover and report the
36 consultation proceedings;

37 10. The school, students, parents, faculty and non-teaching personnel shall agree on
38 the rate of tuition increase based on a consensus;

11. In the event that no consensus is made, the previous rate of tuition and other fees shall apply.

CHAPTER VIII RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

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

(a) He shall have the right to defend himself, to be heard and to present evidence on his behalf before an impartial body.

(b) There shall be an independent Student Disciplinary Board to be composed of one (1) faculty member, two (2) students and one (1) non-academic employee to conduct investigations in to and decide on cases of student violations of disciplinary standards committed in relation to student activities, within campus premises or committed against a fellow student or other members of the academic community. For purposes of impartiality, the members of the SDB shall be chosen from the list of the nominees submitted by the student council or government. The Student Disciplinary Board shall formulate the guidelines for the imposition of the disciplinary proceedings. The members of the board should not only be impartial but should also appear to be impartial.

(c) Any disciplinary sanction shall not be valid unless the following rights have been observed and accorded the student:

1. The right to be informed in writing of the nature and cause of the accusation against him/her;

2. The right to confront witnesses against him/her and to full access to the evidence in the case;

3. The right to defend himself/herself and to be defended by a representative or counsel of his/her choice, adequate time being given to him/her for the preparation of his/her defense;

4. The right to a hearing before the Student Disciplinary Board;

5. They shall be informed of the evidence against them;

6. They shall have the right to adduce evidence on their own behalf;

7. The evidence must be duly considered by the student disciplinary board;

8. The concept of proportionality between the offense committed and the sanctions imposed shall be committed;

9. The right against self-incrimination;

10. The right to appeal adverse decision of the Student Disciplinary Board to the governing board and ultimately to the appropriate education agencies;

11. The right to confidentiality;

1 12. The decision in a disciplinary proceeding must be rendered on the basis of
2 relevant and substantial evidence presented at the hearing, or at least contained in
3 the record and disclosed to the student affected.

4 (d) The deciding body should, in all controversial questions, render its decision in
5 such a manner that the issues involved, and the reasons for any decision rendered are
6 made clear to the student.

7 (e) No preventive suspension shall be imposed upon a student by reason on the
8 exercise of his constitutional rights; *Provided*, that in cases where a preventive suspension
9 may be imposed the same shall not be beyond 5 days.

10 (f) Subject to existing laws, a decision on a case or complaint filed before the Student
11 Disciplinary Tribunal shall be resolved within 15 days after the filing of the complaint.

12 (g) The Office of the Guidance Counselor of the respective schools in consultation
13 with the Student Disciplinary Board shall publish on a periodic basis acts that are deemed
14 violative of the school rules and regulations and the corresponding disciplinary
15 actions; *Provided*, that such rules shall be reasonable, not arbitrary, and do not violate the
16 provisions of the Constitution.

17 (h) In cases where the school administration decides to file any case in court,
18 criminal or civil, against a student, it may do so only after the Student Disciplinary Board or
19 Tribunal has determined that the student concerned has committed the same; *Provided*,
20 however, should the student found guilty thereof by the Student Disciplinary Board or
21 Tribunal decide to appeal the decision thereof to the governing board of the school, DepEd,
22 CHED, or TESDA, the school administration cannot file the criminal or civil case based on
23 the doctrine of exhaustion of administrative remedies.

24 SECTION 38. *Right against illegal searches and seizures.* –Any form of unlawful and
25 unreasonable search and seizure shall be illegal. Articles seized in violation of the herein
26 above provided right shall be inadmissible in evidence against the student in disciplinary
27 action that may be brought against him/her.

28 CHAPTER IX 29 OTHER RIGHTS

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

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

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

1 If the offender is an educational institution, or any juridical person, the penalty shall
2 be imposed upon the President, Treasurer, Secretary or any person or officer responsible for
3 the violation. If the offender is an alien, he shall, after service of sentence, be deported
4 immediately without further proceeding in the Bureau of Immigration (BI). If the offender is a
5 public officer or employee, the Civil Service Commission or the Court shall, in addition to the
6 penalties herein above provided, order his dismissal from the government service.

7 Refusal of any government official, including those working in state colleges and
8 universities, whose duty includes investigating or acting on any complaint for a violation of
9 this Act to perform his or her duty shall be considered as gross negligence on the part of
10 such official who shall suffer the appropriate penalty under civil service laws, rules and
11 regulations.

12 The DepEd, the CHED and the TESDA shall be empowered to investigate into the
13 violations of this Act or the rules and regulations issued thereunder and for this purpose shall
14 have the power to issue summons, writs, orders, subpoena and subpoena duces tecum to
15 secure the attendance of witnesses and the production of documents in connection with the
16 charges presented to the appropriate body. Any student whose rights have been violated as
17 stipulated in this Act may file independent civil cases for damages against the offending
18 persons, natural or juridical. He/she shall be exempt from filing fees.

19 SECTION 47. *Separability Clause.*— If any part or provision of this Act is held
20 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
21 continue to be in full force and effect.

22 SECTION 48. *Repealing Clause.* —All laws, decrees, orders, rules and regulations or
23 other issuances or parts thereof, inconsistent with the provisions of this Act are hereby
24 repealed or modified accordingly.

25 SECTION 49. *Effectivity.* — This Act shall take effect fifteen (15) days after its
26 publication in two(2) national newspapers of general circulation.

27 Approved,