

Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4509**



INTRODUCED BY CONGRESSMAN ALFRED VARGAS

EXPLANATORY NOTE

It is the policy of the State to protect and promote the welfare of Filipino students. According to the 1987 Constitution, the Government shall prioritize education, with the aim of fostering patriotism and nationalism, accelerating social progress, and promoting total human liberation and development among the Filipino youth. The State also recognizes its obligation to protect and promote the right of all citizens to quality education at all levels, taking appropriate steps to make education accessible to all, and guaranteeing the students' enjoyment of academic freedom in all institutions of higher learning.

However, despite this clear mandate under the Constitution, there are still existing school policies that prevent students from fully enjoying their rights. Among these are deregulated tuition fees increases, lack of independent student representation, restrictions on freedom of speech, campus journalism censorship, and other policies that inhibit the students' academic freedom.

This proposed legislation aims to provide a national framework for the students' rights and welfare in order to specifically recognize that education is a right and such as, it can only be exercised and enjoyed fully when the rights and welfare of Filipino students are promoted and protected. This bill also acknowledges that education is essential to the full participation of Filipinos in nation-building, instilling critical and creative thinking, and other values necessary to promote civil liberties, human rights, and fundamental freedoms. There is also a need to affirm that students have the right to meaningful participation in decision-making, especially in the constructing and formulation of policies directly affecting them. Finally, this bill reinforces the students' right to organize student organizations, student unions, and student councils and governments.

In view of the foregoing, the passage of this bill is earnestly sought


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AN ACT

PROVIDING FOR A NATIONAL FRAMEWORK FOR STUDENTS' RIGHTS AND WELFARE

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Students’ Rights and Welfare Act of 2016.*”

SECTION 2. *Declaration of Policy.* – Pursuant to Article II, Section 1 of the 1987 Philippine Constitution, which makes it an obligation of the government to prioritize education, science and technology, arts, culture and sports with the end of fostering patriotism and nationalism, accelerating social progress, and promoting total human liberation and development, to Article III of the Constitution which guarantees the fundamental rights of every Filipino citizen; and in accordance with State obligations under international agreements, including the *International Convention on Civil and Political Rights, International Convention on Economic and Social Rights, the Universal Declaration on Human Rights, International Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women*, it is hereby declared a policy of the State to protect and promote the welfare of Filipino students.

Pursuant to Article XIV, Sections 1 and 5(1) of the Constitution, the State hereby recognizes its obligation to protect and promote the right of all citizens to quality education at all levels, shall take appropriate steps to make education accessible to all, and guarantees the enjoyment of academic freedom in all institutions of higher learning.

Towards this end, the State:

- a) Recognizes that education is a right and such as it can only be exercised and enjoyed fully when rights and welfare of students and young Filipinos are promoted and protected.
- b) Acknowledges that education is essential to the full participation of Filipinos in nation-building. It is also essential in instilling nationalism, critical and creative thinking, and values necessary to promote civil liberties, human rights, and fundamental freedoms.

- c) Affirms that students have the right to meaningful participation in decision-making processes inside and outside educational institutions, especially in the crafting and formulation of policies directly affecting them. The promotion of this right to participate is an integral part of the nation's democratic processes.
- d) Affirms that the fundamental right to expression of students shall be unabridged and autonomous from the influences of educational institutions.
- e) Affirms the students' right to organize, which encompasses the right to establish student organizations, student unions, and student councils and governments.

SECTION 3. *Definition of Terms.* – As used in this Act:

a) *"School"* refers to a private, public or government-run and funded institution for learning in all levels of education. For purposes of this Act, the term shall include institutions for vocational and technical education but excludes those institutions for enhanced basic education. A school is comprised of the studentry, administration, faculty, and non-faculty personnel.

b) *"School campus"* refers to areas designated by the school administration for use by students, which shall include, but are not limited to, facilities, contiguous or proximate buildings, and the school grounds.

c) *"Student"* refers to any person enrolled in a particular school, as the latter is defined in sub-paragraph (a) of this Section.

d) *"Governing board"* refers to the highest policy-making body of the school such as a Board of Directors, Regents, or Trustees.

e) *"Student council" or "Student government"* is the collective term to refer to the representatives of students in a school or of students in different independent units of a school, college, or university. A designated student population annually elects members of the student council or of the student government at large following election rules in the charter or constitution of the student council or the student government.

f) *"Council of leaders"* refers to a duly constituted body composed of the heads of all, or almost all, student organizations in a school. The chairperson or the president of the student council or student government, or any student duly elected by the members of the council of leaders shall preside over the council of leaders.

g) *"Tuition"* refers to amounts paid for the privilege to receive education in a school.

h) *"Other school fees"* refers to fees other than tuition. These include library and athletic fees, laboratory fees, entrance fees, National Service Training Program Fees, student council or student government fees, graduation fees, medical and dental fees, and other similar fees.

SECTION 4. *Right against discrimination in educational institutions.* – No student shall be denied admission or dropped from the rolls of an institution, punished with disciplinary action, given mandatory counseling, or denied welfare services, scholarships, and other student

privileges solely on the basis of physical handicap, socio-economic status, political and religious beliefs, sexual orientation, gender identity or expression or membership in organizations.

SECTION 5. *Right to competent instruction and accessible, quality, relevant education.* – Students have the right to accessible, competent, holistic, quality, and relevant education that is essential to personal development and to the development of the nation. Students shall also take part in teacher performance assessments through written evaluations at the end of each school term. The conduct of such assessments shall be the obligation of the school administration.

SECTION 6. *Right to organize.* – The right of students to form, assist, or join organizations, alliances, or federations shall not be abridged.

The student council or the student government and the council of leaders shall formulate guidelines for the accreditation of student organizations. Such guidelines shall be implemented by the office of student affairs, in coordination with the student council or student government, which shall adopt a mechanism to resolve issues that may be raised in the accreditation process.

The accreditation requirements shall not restrict the right of students to organize and may include submission of documentary requirements such as, but not limited to, a written application for accreditation, a copy of the constitution and by-laws of the organization, a general plan of action or list of activities, list of incumbent officers, and a list of members.

Accredited student organizations shall coordinate with the office of student affairs for on-and off-campus activities. The school shall provide, free of charge, a hall or building within the school campus where a student organization may establish its office or permanent meeting area. Furthermore, the school administration shall allow student organizations to use school facilities for their activities free of charge.

SECTION 7. *Right to establish a student council or government.* – There shall be a student council or student government recognized in every school, university or college, as the case may be.

a) In schools, universities, or colleges where there is no existing student council or student government, the following procedure shall be followed in establishing the student council or student government:

A constitution or charter of the student council or student government resulting from a consultative process involving the council of leaders and representatives of unaffiliated students shall be adopted. The constitution or charter shall be formally adopted after its ratification by at least two-thirds (2/3) of the designated student population. It shall contain provisions on the structure, functions, and responsibilities of the student council or student government.

Every student council or student government shall have the right to determine its policies and programs on student activities subject to the provisions of its charter or constitution and in consonant with school rules and regulations: *Provided*, that the latter does not infringe on the basic rights and freedoms of students.

The election of the members or officers of the student council or the student government shall be conducted by an independent commission on elections which shall ensure that such elections are honest, orderly, and peaceful. The members of the commission of elections shall be chosen from a list of nominees from members of the council of leaders.

The school concerned shall ensure that the commission on elections has sufficient funds to carry out its mandate.

b) In schools, universities, or colleges where there are existing student councils or student governments, student representation shall still be lodged in the duly-elected student councils or student governments.

The existing procedure for the election of members of student councils or student governments shall be retained and enforced as long as it conforms to the provisions of this Act. Otherwise, the existing procedure shall have transitory effects until the designated student population has adopted a new charter or constitution consistent with the provisions of this Act. Such adoption shall be among the primary activities of the existing student council or student government.

A "*student council or student government fee*" may be collected from students to finance the operations of the student council or student government, the amount of which shall be determined by the student council or student government in consultation with the student body and should be consistent with the student council or student government's general plan of action or list of activities for a specific term. The school administration shall facilitate the collection of the student council or student government fee and shall turn over the collected amount to the student council or student government within fifteen (15) days after the start of the semester or school period. The student council or student government shall release a financial report at the end of its term. To take effect, a proposal to increase the student council or student government fee shall require a vote of simple majority by the designated student population. No policy restricting the right of student councils or student governments to join federations or alliances of student councils shall be imposed by the school administration.

SECTION 8. *Right against campus militarization.* – Students have the right to an academic environment free from fear and surveillance from military and police agents and instruments.

Prior notification shall be given by a commander of an AFP or PNP unit intending to conduct any military or police operations in any part of a school campus, to the school president, dean, or their respective officers-in-charge in the event of their absence, when the situation so warrants.

Except in cases of hot pursuit and similar occasions of emergency, or in cases defined in the next succeeding paragraph, or ordinary transit through a school campus, no member of the AFP or PNP shall enter the premises of a school. Whenever requested by law enforcers, the

appropriate school officials shall extend the necessary assistance in the enforcement of the law within school premises.

Whenever the president, dean, or their respective officers-in-charge is of the opinion that the assistance of the AFP or PNP is indispensable to the maintenance of security, peace, and order within campus premises, the said official shall inform in writing the head of the AFP or PNP unit in the area and the latter shall promptly dispatch such assistance as may be warranted by the circumstances.

In case the request for assistance is granted, only uniformed members of the AFP or PNP with proper identification shall be allowed entry into the campus concerned.

Members of the AFP or PNP shall not interfere with peaceful protest actions by students within school premises. The pertinent school officials shall be deemed responsible for the behavior of their students, faculty, and employees in such activities.

SECTION 9. *Right to publish a student newspaper and other similar publications.* – In accordance with Republic Act No. 7079 or the “*Campus Journalism Act of 1991*,” students shall have the right to publish a student newspaper and other similar publications.

The editorial staff of the student paper shall be comprised of students. The editorial staff will have a faculty adviser who has the role of providing technical assistance.

The selection of the student editor-in-chief and the members of the editorial staff shall be conducted annually through fair and competitive examinations to be administered by an impartial board of judges, which shall be comprised of professional journalists and representatives from the faculty and the students.

Ethics in journalism shall be observed by the editorial staff. It shall be the responsibility of the editorial staff to ensure that the student paper is not used for purposes contrary to law. Unless sooner removed for cause and with due process, the editor-in-chief and editorial staff shall have security of tenure for the duration of his/her 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 to hamper the access of the editorial staff to such fund, subject to existing school regulations in the disbursement of funds. The school administration shall also be prohibited from using such fund. At the end of each term, the editorial board shall publish a financial statement.

SECTION 10. *Right to adequate welfare services and academic facilities.* – The school administration shall endeavor to provide the following services:

- a) Health services for students with at least one (1) functioning clinic and a registered nurse to provide basic care for common ailments;
- b) Legal assistance in cases involving the exercise and enjoyment of rights and freedoms provided in this Act;
- c) Counseling;
- d) Adequate laboratory, library, research, recreation, and physical education facilities;

e) Effective communications system to ensure that students are promptly notified and informed;

f) Adequate, safe, and clean board and lodging facilities, such as dormitories, inside the school campus. In case the school has no in-campus dormitories, the school administration and the student council or student government shall be required to accredit or recommend out-of-campus dormitories where students are encouraged to stay.

SECTION 11. Representation in the school's highest policy-making body. – There shall be a student representative in the highest policy-making body of the school. The selection process for the student representative will be formulated by the student council or student government, but adopted through a referendum among the students.

The student representative shall have the same rights as the other members of the governing board: *Provided*, that no monetary compensation shall be given to the student representative except as reimbursement of actual and necessary expenses incurred in attending meetings and representing the governing board.

SECTION 12. Right to information. – The right of students to information on matters affecting their welfare shall be recognized.

At the minimum, students shall have access to the following documents:

- a) Official school acts embodying school policies;
- b) The school's annual budget information, including pertinent transactions; and
- c) Any other document that involves the rights and welfare of the students. *

Any student who wishes to obtain information from the school administration shall simply forward a written request through mail or through electronic means to the assigned custodian of the requested information or document.

SECTION 13. Right to freedom of expression. – 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. No school regulation shall be imposed violating or abridging the student's right to assembly.

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

SECTION 14. 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 relation to curricular and extra-curricular activities;

- c) To choose a field of study and to pursue the quest for truth;
- d) To express their opinion on any subject or public or general concern which directly or indirectly affects the students of the educational system;
- e) To invite off-campus speakers or resource persons to student-sponsored assemblies, forums, symposia, and other similar activities;
- f) To express contrary interpretations or dissenting opinions inside and outside the classrooms;
- g) To participate in the drafting of a new curriculum and in the review or revision of the old through consultations and membership in working groups;
- h) To participate in the process of revising the student handbook and school rules and regulations. A copy of the existing student handbook will be given to students upon admission to the school; and
- i) To decide and choose actions according to personal and political beliefs, and be free from the imposition of any thought, ideology, or principle.

SECTION 15. *Rights on Academic Procedure.* –

a) Syllabus.

A syllabus should clearly define and reflect the contents of the curriculum. The course syllabus shall be provided to students before the start of classes to ensure that students are guided throughout the school term.

b) Class requirements and measure for evaluation.

- 1) Criteria for grading should be formal and appropriately quantified
- 2) Mere absences from scheduled classroom lectures should not be the sole basis for grading: *Provided*, that a maximum number of absences shall be prescribed.
- 3) A student shall have the right to do make-up work in the event that requirements were not accomplished because of excusable inability to be physically present.

c) Class performance.

Students have a right to know their class performance data from submitted papers, quizzes, long or short examinations and other similar class requirements.

d) Consultations.

Members of the school faculty shall have regular consultation hours and make themselves available to discuss relevant student concerns. These hours should be made known to the students at the beginning of the term.

SECTION 16. *Right to due process.* – The right of a student to due process shall be observed and respected especially during disciplinary proceedings.

There shall be independent student disciplinary board to be composed of one (1) representative from the school administration, two (2) faculty members, and two (2) students: *Provided*, that the representatives shall have the written endorsement of the student council or student government.

The board shall conduct investigations and decide student disciplinary cases following the adopted guidelines for the proceedings. The representative from the administration shall sit in the board for five (5) years, the representative from the faculty for three (3) years, and the representative from the students for one (1) year.

Blacklisting, expulsion, suspension, and other disciplinary sanctions that may be imposed against an erring student shall be imposed only if the following rights have been observed and accorded the student:

- a) To hearing before the board, which includes the right to present one's case and submit evidence in support thereof;
- b) Against self-incrimination;
- c) To be defended by a representative or counsel of choice, adequate time being given for the preparation of the defense;
- d) To have the decision rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- e) To appeal adverse decisions of the student disciplinary board to the governing board and ultimately to the appropriate education agencies;
- f) To have the deciding body, 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;
- g) To confidentially; and
- h) Any other rights as afforded and guaranteed to an accused under the Constitution. Subject to existing laws, a decision on a case filed before a student disciplinary board shall be resolved within three (3) months after the filing of such a case or complaint.

The office of the guidance counselor of the concerned school, in consultation with the student disciplinary board, shall publish on a periodic basis a list of acts that violate school rules and regulations and their corresponding disciplinary sanctions: *Provided*, that such rules and regulations do not violate the rights guaranteed herein and under the Constitution.

SECTION 17. *Right against illegal searches and seizures.* – Except for the following, any other form of search and seizure shall be unreasonable and illegal:

- a) Searches made with a valid search warrant;
- b) Searches made at the point of ingress and egress by a person authorized by the school;
- c) Seizure of articles deemed illegal under existing laws falling in the plain view of duly confiscating authority; and

d) Searches and seizures made when the student is about to commit, is committing, or has just committed a crime or a serious infraction of school rules and regulations.

Articles seized in violation of this Section shall be deemed fruits of an unlawful search and seizure and therefore cannot be used as evidence against the student in any disciplinary action.

SECTION 18. Access to school records and issuance of official certificates. – Students shall have access to their own school records, and have the right to be issued official certificates, diplomas, copies of transcripts of records, copies of grades, documents required as transfer credentials, and other similar documents within thirty (30) days from the filing of a written request together with other reasonable requirements.

The school shall strictly maintain the confidentiality of all school records.

SECTION 19. Right to privacy. – The right of students to the privacy of their communication and correspondence is affirmed and shall remain inviolable. This right to privacy also extends to the following:

- a) The public use of student's name or likeness;
- b) A student's private affairs, including seclusion or solitude;
- c) Personal circumstances, whether facts or otherwise, especially those which are, from the point of view of the student, will cause him embarrassment when made public; and
- d) That information which might put any person in false light and destroy good reputation.

SECTION 20. Ban on Firearms. – No person shall carry firearms or explosives in school campuses except if such person has the necessary permit to carry such firearm issued by appropriate government authorities by reason of his obligation to ensure peace and security of the school campus, such as that of a member of the Philippine National Police.

SECTION 21. School fees and other tariffs. – Contributions which do not pertain to the tuition or other fees, as well as to other fees allowed to be collected in this Act, shall *prima facie* be considered unnecessary and shall be prohibited from being collected.

To comply with student requests for information as provided in Section 18 of this Act, schools are prohibited from imposing fees beyond the actual cost of reproducing school records, official certificates, copies of transcript of records, copies of grades, and other documents required as transfer credentials.

No increase in tuition or other school fees shall be allowed unless:

- a) A notice of increase specifying the particular fee to be increased is publicly announced and posted in conspicuous locations a year prior before the proposed increase is planned to take effect. The council of leaders and the student council or student government shall be directly notified about the proposed increase.
- b) At least one (1) public meeting was held where students, the council of leaders, and the student council or student government have an open discussion with the school administration regarding the proposed increase. The head of the governing board shall

be present during this public meeting. Parents of students may be allowed to attend. The conduct of the public meeting shall not be interpreted as denying the students a continuous consultation process in relation to the proposed increase.

c) All documents pertaining to the proposed increase is made available to the student council or student government.

d) The presentation of a counterproposal or position of the student representative to the governing board has been conducted.

The Commission on Higher Education, Technical Education and Skills Development Authority, Commission on Human Rights, in coordination with the National Youth Commission, representatives of national student organizations and representatives of school administration shall promulgate the necessary rules and regulations to implement the provisions of the Act within ninety (90) days from the approval of this Act.

SECTION 23. *Administrative bodies and remedies.* – The CHED, DepEd, and TESDA are hereby vested with powers necessary to investigate and impose administrative penalties to ensure the enforcement of this Act. Any student, member of a student council or student governments, or youth organization may file written complaints before the CHED, DepEd, and TESDA.

a) Upon a finding that a school is guilty of violating rights guaranteed under this Act, either CHED, DepEd, or TESDA, as the case may be, may cause the suspension or revocation of the license or permit to operate of any school, college, or university.

b) The order of suspension or revocation of license or permit to operate may carry with it a fine of not less than two hundred thousand Philippine pesos (Php 200,000.00) but not more than five hundred thousand Philippine pesos (Php 500,000.00).

c) If the person violating the provisions of this Act is a student or student organization, the CHED, DepEd, or TESDA, may issue a recommendation for the suspension or expulsion of the student or the suspension or revocation of the accreditation of the school organization.

SECTION 24. *Penal Provisions.* – Any person who shall willfully interfere with, restrain, or coerce any student in the exercise and enjoyment of rights guaranteed by this Act shall, upon conviction, be punished by imprisonment for not less than one (1) year but not more than five (5) years, or a fine of not less than fifty thousand Philippine pesos (Php 50,000.00) but not more than one hundred thousand Philippine pesos (Php 100,000.00), or both, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon the president, treasurer, secretary or any officer or person responsible for the violation. If the offender is a public officer or employee, the Court shall, in addition to the penalties above, order his or her dismissal from government service.

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

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

SECTION 25. *Annual Report.* – The CHED, DepEd, and TESDA shall monitor the implementation of this Act and shall submit an annual report of the results of its monitoring to the Office of the President and to the Philippine Congress.

SECTION 26. *Separability Clause.* – If, for any reason, any part, section, or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 27. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, including inconsistent provisions of the *Education Act of 1982*, which are inconsistent with the provision of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 28. *Effectivity Clause.* – This Act shall take effect immediately after the completion of its publication in the Official Gazette or at least two (2) newspaper of general circulation.

Approved,