

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 211



Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO
and ACT Teachers Party-list Rep. ANTONIO L. TINIO

AN ACT
DECLARING THE RIGHTS AND PROMOTING THE WELFARE OF STUDENTS

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."

Article XIV, Section 3(2) of the 1987 Philippine Constitution mandates all educational institutions to "inculcate patriotism and nationalism, foster love and 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, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency."

In reality, the country is still far from achieving an educational system that hones Filipino students in line with the aforementioned values. Nationalist, scientific and mass-oriented education that guarantees access and quality remains to be a goal for the benefit of tens of millions of learners.

In terms of access to education, the global phenomenon of neoliberalism has brought hardships for the people by deregulating and commercializing education. The annual increase in tuition and other school fees in schools has rendered education a privilege, most especially in large private universities. Within the past decade, not only tuition and other school fees

almost doubled, but also the profits of large private universities; the rise in their profits and revenues coincides with the upsurge in their tuition and other school fee collections.

Consequential to this global phenomenon, Philippine education is designed to serve the demands of the international labor market and support the labor export program. This is a direct affront to the youth's right to decent jobs in the country.

Consistent with the framework of neoliberalism, other fundamental democratic rights are being curbed. 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. Several schools disallow the formation of student councils, publications 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 groups.

The Universal Access to Quality Tertiary Education Act (UAQTEA) or the Free Tertiary Education Law – a product of the decades-long actions and struggle of the youth for quality and free education – is being used by state forces to make students feel indebted to corrupt government officials, curtail the freedom of expression of students, and pave the way for the implementation of anti-youth and anti-people policies.

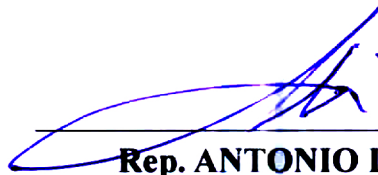
When empowered collectively, students are significant forces in nation-building. Twice in our nation's history, students and youth marched to the streets to demand a clean government and force incompetent presidents to step down. The historic role of students and youth in ousting fascist and corrupt leaders is a testament to their power to effect social change through the exercise of their rights.

This bill advances the fundamental right of the youth to accessible and quality education at all levels, along with other democratic rights that must be safeguarded as they become connected with academic institutions. We bear in mind that students' liberties as citizens of the Philippines cannot be taken away from them upon their entry to school.

For the foregoing reasons, the passage of this bill is sought.



Rep. RENEE LOUISE M. CO
KABATAAN Party-List



Rep. ANTONIO L. TINIO
ACT Teachers Party-List

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

CHAPTER I
General Provisions

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

SECTION 2. *Declaration of Policy.* - It is the policy of the State to protect and promote the physical, mental, intellectual, and social well-being of the youth. Towards this end, educational institutions shall inculcate in them patriotism and nationalism, encourage critical and creative thinking, strengthen ethical and spiritual values and teach the rights and duties of citizenship. The State shall likewise recognize the material and historical role of the youth in nation-building and shall thus take steps to foster and support the youth, in solidarity with other sectors of society, in their collective pursuit for social change.

SECTION 3. *Guiding Principles.* - This Act declares the following as basic guiding principles:

- (a) Education is a right. It is the responsibility of the State to provide quality and accessible education at all levels. It is thus the responsibility of the Government to support and give priority to education as a basic right of all citizens;
- (b) Student organizations enhance democratic processes on the campus and rehearse students in their role as active members of society and future leaders of our nation. The right to organize, join and actively participate in student organizations, alliances, federations, and student publications which promote

and protect students' rights and welfare and/or contribute to national development and social change shall be guaranteed by the State and school authorities;

- (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 undermine constitutionally protected rights and freedoms (freedom of association, freedom of assembly, freedom of expression, among others);
- (d) Integral to the right of students to organize and actively participate in social change is the fundamental right to expression. The right to expression shall be unabridged and autonomous from the influences of educational institutions; and
- (e) Student publications shall serve as a principal medium for free expression, and as a means of encouraging critical and creative thinking among students. The State shall thus protect and promote free journalism, reopen all closed student publications, establish student publications in schools where there are none, and protect and uphold freedom of the press at the campus level and the rights of campus journalists at all times;

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

- (a) "*Student*" - any person enrolled in the elementary, secondary, post-secondary, tertiary, graduate and postgraduate levels, including vocational and technical education. For purposes of this Act, this shall also include any person who has been separated from the school but pursues a pending suit for violations under this Act;
- (b) "*School*" - any private, public, or government-run and -funded academic educational institution offering any or all courses in the above-mentioned levels;
- (c) "*School Campus*" - the totality of all contiguous or proximate buildings, grounds, and other facilities designated by the school authorities as areas or facilities for the curricular and extracurricular use of their students;
- (d) "*Governing Board*" - the highest policy-making body of the school such as the Board of Directors, Trustees, or Regents;
- (e) "*Student Council or 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 charter or constitution. This definition shall include student councils or governments at the elementary, secondary, and level of colleges, campuses, etc.;
- (f) "*Student Publication*" - the issue of any printed and/or online material such as, but not limited to, newspapers, wall news, literary folios, newsletters and other

similar forms, independently published by, and which meets the needs and interests of the students;

- (g) "*Council of Leaders*" - the body composed of the heads of various student organizations chaired by the President or Chairperson of the Student Council or by any student duly elected by the student organizations; and
- (h) "*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 NSTP fees.

CHAPTER II

Right to Admission, Non-discrimination, and Quality Education

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

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

SECTION 6. *Right to choose field of study.* - A student shall have the right to freely choose his/her fields of study subject to existing curricula, and to continue his/her course up to graduation, except in the case of academic deficiency or violation of disciplinary regulations which do not infringe upon the exercise of students' rights; Provided, however, that the student shall have unhampered access to subjects necessary to the completion of field of study without delay or unjustified refusal.

SECTION 7. *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. To achieve this goal, schools and education institutions are required to enforce a written evaluation mechanism for students towards the end of the school term.

SECTION 8. *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. These services and facilities shall include:

- (a) Adequate laboratory, library, research, recreation and physical education facilities;
- (b) Free annual physical check-up;

- (c) Counseling;
- (d) Communications system to ensure that students are promptly notified of letters, announcements, memoranda, and other relevant information;
- (e) Safe and clean student housing facilities such as dormitories. In case the school has no in-campus dormitories or housing facilities, the school administration and the student council or government shall be required to accredit out-of-campus student housing facilities such as boarding houses; and
- (f) Legal assistance in cases involving the exercise and enjoyment of rights and freedoms stipulated in this Act.

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

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 and may subject the school and its administrators to liability under this Act.

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 the 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;
- (b) Imposition of unreasonable requirements on student organizations seeking recognition, such as but are not limited to: the imposition of a minimum size of membership and the imposition of unreasonable community service duties;
- (c) Discriminatory policies in the assignment of school facilities and in granting other privileges to student organizations;
- (d) Imposing any user fees and other charges for the use of school facilities on the basis that such facilities are already being paid for through tuition and other fees;
- (e) Imposition of requirements for admission and continued membership to a student organization that are contrary to law.

SECTION 13. *Right to establish a student council or government.* - There shall be one 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 election; *Provided*, that the previous practices in choosing student council or government officers, except in cases of appointment by the school administration, prior to the effectivity of this Act shall be recognized.

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

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

SECTION 15. *Right to policy-making on student activities.* - 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 the latter does not infringe on basic rights and freedoms of students;

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

SECTION 17. *Student council funds.* - There shall be a fee to be collected from students to finance the operations of 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 during enrollment period and shall turn over the collected amount to the student council or government within fifteen (15) days after the last day of enrollment.

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

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

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

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

Schools shall also allocate funding for student councils from their own resources, apart from student council fee collected from the students, as their contribution to the capacity-building of the youth and fulfillment of their mandate to be vital instruments in the holistic development of the students.

In no instance shall the Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), and the Department of Education (DepEd), as the case may be, or the school administration concerned, withhold the release of

funds intended for the student council nor put regulations or guidelines which effectively prevent the exercise of fiscal autonomy of these student councils.

The balance of the student council funds for a specific term shall be returned and rolled over as part of the funds for the next or succeeding term.

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

SECTION 19. *Right to join student council alliances and similar formations.* - 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.

CHAPTER IV **Right of Expression and Free Speech**

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

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

SECTION 22. *Proportionality of offense and sanction.* - If the exercise of any of such constitutional rights is determined to be outside of the confines of freedom of expression, upon compliance with due process, the concept of proportionality between the offense committed and the sanction imposed shall be followed: Provided, that the penalty of expulsion, exclusion or forced transfer and the like shall not be imposed for any infraction or improper conduct that may arise by reason of the exercise of any of such constitutional rights, nor shall any constructive means of effecting the prohibited penalties of expulsion, exclusion or forced transfer be allowed.

SECTION 23. *Right to publish a student newspaper and other similar publications.* - All educational institutions on the elementary, secondary and tertiary levels, public or private, shall be mandated to establish an independent student publication. Every school shall have at least one (1) student publication without prejudice to other publications established within the campus. A student publication shall be published by the student body through an editorial

board and publication staff composed of students selected through fair and competitive examinations.

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

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

Schools shall also allocate funding for student publications from their own resources, apart from student publication fees collected from the students, as their contribution to the capacity-building of the youth and fulfillment of their mandate to be vital instruments in the holistic development of the students;

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

In no instance shall CHED, TESDA and DepEd, as the case may be, or the school administration concerned, withhold the release of funds intended for the student publication, nor put regulations or guidelines which effectively prevent the exercise of fiscal autonomy of these student publications.

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

SECTION 27. *Independence of student journalists and freedom from threat.* - Members of the student publications shall not be suspended, expelled or punished with 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 a 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 to 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 a 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 the formal bidding process under Republic Act 9184 also known as the Procurement Reform Act with regard to the selection of a printing press and the purchase of equipment and materials necessary for its operations, regardless of the amount.

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

CHAPTER VI

Right to Information

SECTION 31. *Right to be Informed.* - 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.

CHAPTER VII

Right to Participate in Policy-making

SECTION 32. *Participation in policy-making process in schools.* - In the tertiary level, there shall be a student representative in the Governing Board of the school. The chairperson/president of the student council or any designated representative chosen by the various student councils shall be the student representative and shall have the same rights as those of a regular member; Provided, that his/her privileges shall be limited to reimbursement for actual expenses incurred in attending meetings. 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.

SECTION 33. *Participation in national policy-making.* - Representatives of national student organizations shall actively participate and possess voting powers in the formulation of national policies by governmental agencies on matters affecting students' rights and welfare, including tuition and other school fees.

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

SECTION 35. *Right to file an appeal.* - The student council or 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 an 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 DepEd, TESDA and 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 the date of notice of decision.

SECTION 36. *School fees and other tariffs.* -

- (a) All involuntary contributions shall be prohibited;
- (b) In releasing documents, academic records, and similar certifications, schools are prohibited from imposing fees beyond the actual cost of reproducing the documents;
- (c) It is hereby created a set of guidelines schools with proposed increases in tuition and all other fees must follow:
 - (i) The school shall effectively inform the students, parents, teachers and non-teaching personnel of the proposed tuition and other fee increase and the place and date of the consultation at least 30 days before the consultation proper. The student council or government, heads of student organizations, student publications shall be directly informed via formal communication of pertinent details of the consultation. The same communication shall be given to parents, faculty, and non-teaching personnel organizations, if such exist;
 - (ii) All tuition consultations shall be made before February 28;
 - (iii) The school shall make easily available at least 30 days before the consultation all pertinent documents including, but not limited to, financial reports including a comprehensive report of the incremental proceeds of the preceding year's increase, administrative reports and the school's position paper for the perusal of the students, parents, faculty, and non-teaching personnel;
 - (iv) The school shall allow gatherings and activities of students, parents, faculty and non-teaching personnel in preparation for the consultation;
 - (v) The school shall furnish the students, parents, faculty and non-teaching personnel copies of the suggested flow and agenda of the tuition and all other fees consultation which the concerned parties may amend to include proposals not limited to review, refund and scrapping of existing fees;
 - (vi) The facilitating body of the consultation shall be composed of one (1) representative from the school, students, parents, faculty and non-teaching personnel;
 - (vii) The consultation shall be opened to all concerned students, parents, faculty and non-teaching personnel;
 - (viii) The consultation must be attended by the President of the school and at least one (1) member of the Governing Board;
 - (ix) The school publication shall be allowed to cover and report the consultation proceedings;

- (x) The school, students, parents, faculty and non-teaching personnel shall agree on the rate of tuition increase based on a consensus;
- (xi) 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) They shall have the right to defend themselves, to be heard and to present evidence on their 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 SOB shall be chosen from the list of 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:
 - (i) The right to be informed in writing of the nature and cause of the accusation against him/her;
 - (ii) The right to confront witnesses against him/her and to full access to the evidence in the case;
 - (iii) 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;
 - (iv) The right to a hearing before the Student Disciplinary Board;
 - (v) The right to be informed of the evidence against them;
 - (vi) The right to adduce evidence on their own behalf;
 - (vii) The evidence must be duly considered by the student disciplinary board;

- (viii) The concept of proportionality between the offense committed and the sanctions imposed shall be committed;
 - (ix) The right against self-incrimination;
 - (x) The right to appeal an adverse decision of the Student Disciplinary Board to the governing board and ultimately to the appropriate education agencies;
 - (xi) The right to confidentiality;
 - (xii) The decision in a disciplinary proceeding must be rendered on the basis of relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the student affected.
- (d) The deciding body should, 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;
 - (e) No preventive suspension shall be imposed upon a student by reason on the exercise of his constitutional rights; Provided, that in cases where a preventive suspension may be imposed the same shall not be beyond 5 days;
 - (f) Subject to existing laws, a decision on a case or complaint filed before the Student Disciplinary Tribunal shall be resolved within 15 days after the filing of the complaint;
 - (g) The Office of the Guidance Counselor 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 actions; Provided, that such rules shall be reasonable, not arbitrary, and do not violate the provisions of the Constitution or this Act;
 - (h) In cases where the school administration decides to file any case in court, criminal or civil, against a student, it may do so only after the Student Disciplinary Board or Tribunal has determined that the student concerned has committed the same and the said decision has attained finality; Provided, however, should the student found guilty thereof by the Student Disciplinary Board or Tribunal decide to appeal the decision thereof to the governing board of the school, DepEd, CHED, or TESDA, the school administration cannot file a criminal or civil case; Provided, further, that the decision shall not automatically bind the court, but shall only constitute *prima facie* evidence of the violation therein, and the allegations contained in the complaint before the court shall need to be proved consistent with the rules on evidence.

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

CHAPTER IX

Other Rights

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

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

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

SECTION 41. *Unpaid tuition fees and examinations.* - Students with delinquent fees shall have the right to take an examination. No student shall be prohibited from taking a periodic or final examination because of unpaid tuition and other school fees. Nevertheless, such students shall be subject to the right of the school concerned to withhold the release or issuance of their school clearance prior to their graduation until all prior delinquencies are fully paid.

SECTION 42. *Prohibition against the militarization of the school campus and nearby premises* - 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 near and inside the school premises.

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

SECTION 43. *Right to Privacy.* - The privacy of communication and correspondence of students shall remain inviolable.

CHAPTER X

Final Provisions

SECTION 44. *Prohibition of Waiver of Rights.* - Under no circumstances can the rights under this Act be subject to waiver. Any directives or agreements waiving the rights under this Act shall be null and void.

SECTION 44. *Rules and Regulations.* - The DepEd, TESDA, CHED and the Commission on Human Rights (CHR), together with the representatives of national student organizations, national student formations, representatives of school administration and the

National Youth Commission (NYC) shall promulgate the necessary rules and regulations to implement the provisions of this act within ninety (90) days from its approval.

SECTION 45. *Administration and Enforcement.* - National student organizations and student councils or governments shall have the right to report to and demand an investigation from the appropriate education agency into acts or acts committed by school authorities and/or administrations violative of their rights as provided for in this Act. As such, they shall have the right to an impartial speedy resolution of the issue.

The appropriate education agency shall cause the suspension or revocation of the license or permit of any school, college or university found to be guilty of violating rights guaranteed under this Act. 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 operations of the school.

A fine not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) shall be imposed on any school, college or university found liable for violating this Act.

SECTION 46. *Penal Provisions.* - Any person who shall willfully interfere with, restrain or coerce any student in the exercise 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 pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or by imprisonment of 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 Civil Service Commission or the Court shall, in addition to the penalties herein above provided, order his dismissal from the 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.

The DepEd, CHED and TESDA shall be empowered to investigate into the violations of this Act or the rules and regulations issued thereunder and for this purpose shall have the power to issue summons, writs, orders, subpoenas 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. 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/she shall be exempt from filing fees.

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

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

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

Approved,