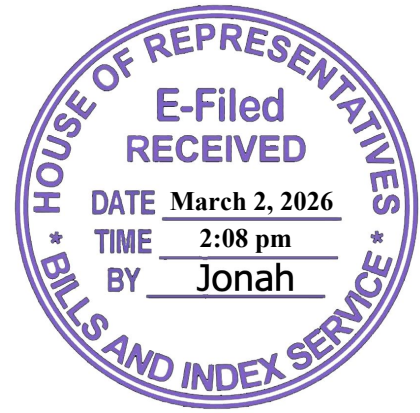


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

House Bill No. 8196



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**Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,  
BRYAN B. REVILLA AND RAMON JOLO B. REVILLA III**

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**AN ACT  
PROVIDING FOR A MAGNA CARTA FOR STUDENTS' RIGHTS AND WELFARE**

**EXPLANATORY NOTE**

Filipino parents believe that if their children will get a college degree this will open for them new doors and better job opportunities, leading to higher income and a better quality of life. And so Filipino parents naturally want their children to have access to quality education for a bright future.

But the cost of education in the Philippines continues to rise due to several key factors: inflation and operational costs, the need for facility and technology upgrades, and a reliance on tuition fees as a primary revenue source for private institutions. This trend places a significant financial burden on Filipino families.

Private schools, which play a significant role in the Philippine education system, largely depend on tuition fees for their operational budgets, due to a lack of government support funding. This dependence on tuition makes annual tuition hikes a recurring practice, often ranging from 2% to 10%. The annual cost of higher education can reach up to P150,000 or more, which is often far beyond the capacity of a minimum-wage-earning Filipino household.

The whimsical manner by which many private school owners would increase tuition and other fees in our primary, up to tertiary institutions in the Philippines, have been source of hardship and stress for Filipino families. Continued increase in cost of education in the country have widened the gap on accessibility of educational opportunities, the latter being widely viewed as ladder for economic success, and for alleviation of Filipino families from poverty.

The implementation of the K-12 program added two extra years of senior high school, which translated into an increased financial burden for families covering expenses like uniforms, books, transportation, and school supplies for a longer period. These added expenses have contributed to higher drop-out rates, especially in cases where families cannot afford the additional schooling years or unexpected miscellaneous fees. The hope for alleviating the Filipino family's economic condition dims with every son or daughter who will not even reach college.

Filipino students have been clamoring for the enactment of a Magna Carta of Students to protect their rights and address issues like campus repression, and lack of proper student welfare policies. The lack of a national policy to protect students' rights and welfare allowed for the issuance of many oppressive local school policies. The passing of a comprehensive charter is seen as essential to ensure students' rights to organize, express themselves, and participate in school decision-making are upheld nationwide.

The campus movement for Students' Rights and Welfare (STRAW) campaign seeks to establish by law that any tuition adjustment should be subject to procedural and substantive due process. Whimsical and unconsulted tuition hikes are a violation of the students' right to be heard. This movement has been ongoing for years, but the measure have been approved but once, during the 9th Congress, by the House of Representatives. Recently though, we have seen renewed calls to action to create a comprehensive Charter of students that would establish clear protection of their welfare nationwide.

The primary goal of this proposed measure is to create a national law that permanently secures and protects the rights of students and end campus repression. It aims to dismantle various forms of oppression and repression that exist today in our campuses, whether private or public, to ensure that our youth will get their much sought after college degree and competitive advantage in life. By creating a stronger legal framework, the bill seeks to empower students and give them a voice in their educational institutions.

The protection of the students' freedom of speech, expression, and the right to peaceful assembly is founded in the 1987 Philippine Constitution under Article III, Bill of Rights, section 4. This Magna Carta would affirm students' rights to organize, form student councils, publish student newspapers, and hold peaceful assemblies without unreasonable restrictions, among others.

The right of our students to admission without discrimination, e.g., based on physical handicap, socio-economic status, sexual orientation, political/religious beliefs, or pregnancy, is also found in the United Nations Declaration on Human Rights (Article 2) for which the Philippines is a signatory. The Convention against Discrimination in Education (1960) and the Convention on the Rights of Persons with Disabilities (CRPD) specifically address non-discrimination in access to education.

The passing of Republic Act No. 10931, also known as the Universal Access to Quality Tertiary Education Act (UAQTE), which was signed into law on August 3, 2017 was a milestone in the STRAW campaign. This act provided for free tuition and

other school fees for students in state universities and colleges (SUCs) and local universities and colleges (LUCs). It also established the Tertiary Education Subsidy and a Student Loan Program to further support students in both public and private institutions. The mission of this statute is to provide underprivileged Filipino students with a better opportunity to obtain a college degree or a technical-vocational certificate. However, the law has not fully addressed democratic access to quality education because of inequity in actual implementation. It has highlighted the tendency of school owners, and SUC administrators to pass school policies that cater to the easier access of higher income students or the maintenance of the large gap that work against graduates of lower quality basic educational institutions. The law also is not concerned at all in the earlier stated phenomena of campus repression and suppression of students' rights.

This proposed measure will benefit the Filipino youth, who, in the recent May 2025 national elections, have made their voices heard, They make up an estimated 60% of our electorate, which could reach to about 42 million voters.

In view of the foregoing, the approval of this bill is earnestly sought. ***Sama-sama, tulong-tulong, Palakasin natin ang Pamilyang Pilipino!***



REP. LANI MERCADO-REVILLA  
2nd District of Cavite



REP. BRYAN B. REVILLA  
AGIMAT Partylist



REP. RAMON JOLO REVILLA III  
1st District of Cavite

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**AN ACT**  
**PROVIDING FOR A MAGNA CARTA FOR STUDENTS' RIGHTS AND WELFARE**

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

**Chapter I**  
**General Provisions**

**SECTION 1. TITLE** - This Act shall be known as the “Magna Carta of Students Rights and Welfare Act of 2026”.

**SECTION 2. Declaration of Policy.** - It is hereby declared to be the policy of the State to promote and protect the rights of students to enable them to participate actively and effectively in the democratic processes of effecting progress and development changes in society.

**SECTION 3. Guiding Principles.** - This Act shall be guided by the following basic principles:

(a) Education is a right of every Filipino. The educational system being the principal institutional mechanism for imparting knowledge and developing talents and skills shall be given priority attention and support by the government.

(b) It is the responsibility of the State to provide quality and accessible education for all Filipinos at all levels.

(c) Student associations and or organizations are venues for the youth to train them by participating in different activities, promote their intellectual development and instill a sense of social responsibility as future leaders of our nation.

(d) The right of students to organize and free speech shall be protected. Student organizations shall not be subjected to any rules and regulations that hamper or infringe on their basic rights to organize and express their views and opinion.

(e) Student publications are the main conduit of the students to freedom of expressing their ideas. The State shall protect and promote campus journalism in every university, facilitate in establishing student publication in schools where there is none and uphold and protect the freedom of the press at the campus level.

**SECTION 4. Definition of Terms.** - The following terms shall mean:

(a) *Student* - Any person enrolled in and regularly attending school in the secondary, graduate and post graduate level including vocational and technical education.

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

(c) *School Campus*-The totality of all contiguous or proximate buildings, grounds and other facilities designated by the school as areas or facilities for the use of its students.

(d) *Governing Board*- The highest policy making body of the school composed of the Board of Directors, Trustees and Regents.

(e) *Student Council/Government* - The body representing the whole student population in one school or school campus whose officers are annually elected at large by the whole student population pursuant to its Constitution and By-laws, if any.

(f) *Council of Leaders* - The body composed of the heads of various student organizations chaired by the president/chairman of the Student Council/Government.

(g) *Student Organization*- An association or group of students bound by common ideals, principles, visions and interests and working towards achieving and realizing their goals and aspirations.

(h) *Student Publication* - Publications managed and published by students, which are autonomous and independent from other sectors of the school. Any printed issue and/or online materials such as, but not limited to, newspapers, wall news, literary folios, newsletters and other similar forms.

(i) *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 covers other necessary costs supportive of instruction, including but not limited to medical and dental, athletic, library, laboratory and NSTP fees.

## Chapter II

### Admission, Non-Discrimination and Quality Education

**SECTION 5. *Right to Admission and Non-Discrimination.*** - No Student shall be denied admission to any school after complying with reasonable and equitable admission requirement. No student shall be denied admission on account of his/her physical handicap, socio-economic status, political or religious belief, sexual orientation or membership in student organizations. Pregnant students, certified reformed drug users, and those suffering from the Acquired Immune Deficiency Syndrome will not be discriminated against.

**SECTION 6. *Right to Choose Field of Study.*** -A student shall have the right to freely choose his/her field of study subject to existing curricula and to continue his/her course up to graduation except in cases of academic deficiency or violation of disciplinary regulations, which do not infringe upon the exercise of student rights.

**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 chosen field of study and for his/her personal growth. To aid this goal, schools and education institutions are required to conduct reasonable and equitable evaluation of performance of teachers at the end of every semester/trimester.

There shall be one (1) student representative in the body or committee which screens incoming faculty members. The student representative should be an elected Student Council official endorsed by the majority members of the Council or a duly appointed student endorsed by the Student Council.

**SECTION 8. *Right to Adequate Welfare Services and Academic Facilities.*** - It shall be the responsibility of the school administration to provide students with adequate welfare services and academic facilities. These services and facilities shall include:

- (a) Adequate laboratory, library, recreation and physical education facilities;
- (b) Free annual physical check-up;
- (c) Counseling;
- (d) Communication system to ensure prompt notification of letters and relevant information;
- (e) Safe and clean student housing such as dormitories. In cases that schools do not have dormitories and housing facilities, the school administration and

the student council 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.

### **Chapter III**

#### **Right to Organize and Freedom of Association**

**SECTION 9. *Right to Organize and to Associate.*** - The right of students to form, join, actively participate in any campus organization, association, alliance or federation for their physical, intellectual, moral, cultural, civic, spiritual and political interests shall not be curtailed, suppressed nor abridged. Such student formations shall be treated as independent from school or any of its departments, and as separate and distinct juridical entities.

Pursuant thereto, the practice of making the students sign waiver documents which state that they are not members of and will not join a specified organization before being allowed to enroll is hereby prohibited.

**SECTION 10. *Accreditation of Student Organizations.*** - No student organization or association shall be denied accreditation after fulfilling a reasonable and equitable accreditation requirement unless the same is created for purposes contrary to law in accordance with the 1987 Philippine Constitution.

There shall be an Accreditation Board on Campus Organizations that shall take charge of the accreditation of all student organizations in the school campus.

It shall be composed of:

- (a) Two (2) representatives from the student organizations duly elected by the heads of all accredited student organizations in the school.
- (b) Representative from the Student Council/Government
- (c) Representative from the Student Affairs Office
- (d) Representative from the school Faculty selected by their association.

**SECTION 11. *Right to Hold Activities.*** - Student organizations and associations shall have the right to conduct activities inside and outside campus. Any Student activity for purposes not contrary to law shall not be abridged.

The school administration shall not discriminate in the assignment of school facilities and the granting of other privileges to student organizations. The school administration shall provide, free of charge, a space, hall or building to house the offices of the different student organizations within the school campus.

Excessive fees or unreasonable charges for the use of school facilities such as function rooms shall be prohibited. Whenever possible, the school administration shall allow organizations to use school facilities free of charge.

**SECTION 12. *Prohibited Acts of Restraints Against the Right to Organize and 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 not limited to: imposition of minimum size of membership and in 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 Councilor Government.*** - There shall be one university student councilor 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 an annual popular election; *Provided*, That the previous practices in choosing student council or government officers, except in cases of appointment by school administration, prior to the effectivity of this Act shall be recognized. Although, for these schools whose student council is appointed by the school administration, a student council election should be held immediately to choose student representatives among themselves.

**SECTION 14. *The Student Council Constitution.*** - There shall be a constitution or a charter of the student council or government crafted by the heads or representatives of all accredited student organizations ratified by a simple majority (50% plus 1) of the students who cast their votes in a ratification that shall lay down the rights, privileges, functions and responsibilities of the student councilor 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.

For schools with existing charters and/or constitution for student councils or government that have been previously ratified by the students, it will remain in effect even after the implementation of this Act.

**SECTION 15. *Right to Policymaking on Student Activities.*** – Every student councilor 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 student rights and freedoms of students.

**SECTION 16. *Student Council Elections.*** - There shall be an independent Commission on Elections (COMELEC) of the students that shall oversee and facilitate the honest, orderly, and peaceful conduct of election of officers of the student councilor 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 the students to finance the operations of the student councilor government in consultation with the student body. The school administration shall facilitate the collection of the student councilor government fee during enrollment period and shall turn over the collected amount to the student councilor government within fifteen (15) days after the last day of enrollment.

The student council fee will be based on a reasonable and equitable basis. The collection of this fee will be collected by the administration and/or by the student council. If the mode of collection of fees will be facilitated by the administration, for this purpose, the number of bona fide students enrolled for the current semester or term shall be used as 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 councilor 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 of the total votes cast in a referendum.

**SECTION 18. *Student Council Faculty Advisor.*** - The appointment of a faculty advisor shall not be a requisite to the establishment and recognition of a student council. Should the students, through the student council constitution or charter, decide to have a faculty advisor, the student council shall have the right to choose the person to hold such position from among the school faculty, whose functions shall be limited to technical assistance. The approval of the faculty advisor 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 government shall be imposed by the school administration.

## Chapter IV

### Right to 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 for redress or any grievances. No school regulation shall be imposed violating or abridging any of the above-mentioned 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 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 as bulletin boards for the aforementioned materials.

**SECTION 22. *Proportionality of Offense and Sanction.*** - If the exercise of any such constitutional rights is determined to be outside the confines of freedom of expression upon compliance of 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 exercise of any of such constitutional rights.

**SECTION 23. *Right to Publish a Student Newspaper and Other Similar Publications.*** - (a) all educational institutions on 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 through fair and competitive examinations.

**SEC. 24. *Revival of Closed Student Publications.*** - All student publications whose operations ceased upon 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 funds.

**SEC. 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 enrollment period. The members of the student publication can opt to collect the publication funds themselves upon their initiative and under full discretion and without administrative intervention. For these purposes, the number of bona fide students enrolled in a current semester or term shall be used as basis for the amount of 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 of the editorial board.

The school administration shall effect the automatic release of the student subscription fees to the student publication within fifteen (15) days alter 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 the Commission on Higher Education, Technical Education and Skills Development Authority and the Department of Education, as the case may be, or the school administration concerned, withhold the release of funds intended for the student publication.

**SEC. 26. *Student Publication Advisor.*** - The editorial board shall have the discretion whether or not they will appoint a faculty advisor. In case the student publication decides to appoint a faculty advisor, the editorial board shall

have the power to choose its advisor, whose functions shall be limited merely to technical assistance. The approval of the faculty advisor shall not be a pre-condition to publication of written material or photographs.

**SEC. 27. Independence of Student Journalists and Freedom from Threat.** - Members of the student publication 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 basis for his or her dismissal from the student publication.

**SEC. 28. Management of the Student Publication and Funds.** – The editorial board shall be primarily accountable with regard the operation of the student publication and management of its funds. At the end of each semester or term, as the case may be, the editorial board shall prepare a report of 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.

**SEC. 29. Printing of the Student Publication.** -The editorial board and the student publication staff through canvass or public bidding shall conduct the printing of the student publication. For public schools, the student publication shall be exempted from undergoing formal bidding process under Republic Act 9184 also known as the *Procurement Act* with regard the selection of a printing press and 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

**SEC. 30. Academic Freedom.** -Student's 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 extra-curricular 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 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 to the students upon admission to the school;

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

## **Chapter VI Right to Information**

**SEC. 31. *Right to be Informed.*** -The right of students to information on matters directly or indirectly affecting their welfare shall be reorganized. 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**

**SEC. 32. *Participation in Policy-making Process in Schools.*** - There shall be student representation in the Governing Board of the school. The chairman/ president of the student council or any designated representative chosen by the heads of various local college student councils shall be the student representative and shall have the same rights as those of a regular member, *Provided*, That his/her privileges shall be limited to reimbursement for actual expenses incurred in attending meetings. The same rights shall be granted to 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 student representative shall be appointed or designated by their student council body.

**SEC. 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 the governmental agencies on matters affecting student rights and welfare including tuition.

**SEC. 34. *Student's 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 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 all the bona fide students of the school in the referendum called for the purpose.

**SEC. 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 appeal shall be filed with the governing board.

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

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

**SEC. 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:

1. 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 thirty (30) days before the consultation proper;

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

3. The school shall make easily available at least thirty (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 students, parents, faculty, and non-teaching personnel;

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

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

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

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

8. The school publication shall be allowed to cover and report the consultation proceedings;

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

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

**Chapter VIII  
Due Process and Disciplinary Proceedings**

**SEC. 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 (SOB) to be composed of one (1) representative from the school administration, two (2)

faculty members, two (2) students to conduct investigation into and decide on cases of student violations of disciplinary standards. For the purpose of impartiality, members of the SOB shall be chosen from the list of nominees submitted by the student councilor government from its ranks, the same process will apply for both the school administration and the faculty.

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

1. The right to be informed in writing of the nature and cause of accusation against him/her;
2. The right to confront witnesses against him/her and 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 for the preparation of his/her defense;
4. The right to a hearing before the Student Disciplinary Board;
5. The right against self-incrimination; and
6. The right to appeal adverse decisions of the Disciplinary Board to the governing board and ultimately to appropriate agencies of the government.

(d) The decision in any disciplinary proceeding must be rendered on the basis of relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the student affected. The deciding body must act on its own independent consideration of the facts of the case. The body, shall, in all controversial questions render its decisions in such a manner that the issue involved and the reason for any decision are made clear to the student.

(e) Disciplinary actions shall be corrective rather than punitive or penal in nature. The gravity of disciplinary sanctions must be proportionate to the seriousness of the violation committed.

(f) No preventive suspension shall be imposed upon a student by reason on the exercise of his constitutional rights; provided, that in the cases where preventive suspension may be imposed, the same shall not be beyond five (5) days.

(g) The Office of the Guidance Counselor or any office dealing with student discipline of the respective schools shall publish on a periodic basis acts which are deemed violative of school rules and regulations and the corresponding disciplinary sanctions. Provided, that such rules and regulations do not violate the rights guaranteed here and under the Constitution.

(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; *Provided*, However, should the student be found guilty therefore 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 the criminal or civil case based on the doctrine of exhaustion of administrative remedies.

## **Chapter IX Other Rights**

**SEC. 38. *Right Against Illegal Searches and Seizures.*** - Any form of unlawful and unreasonable search and seizures shall be illegal. Articles seized in violation of the herein above right shall be inadmissible in evidence against the student in disciplinary action that may be brought against him/her.

**SEC. 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. *Provided* however that repetitive violations of campus regulation on "no ID, no Entry" shall be subject to disciplinary actions by the school governing board.

**SEC. 40. *Access to School Records and Issuance of Official Certificates.*** - Subject to the provision of the following section, every student shall have access to his/her own school records, the confidentiality of which the school shall maintain. He/she shall have the right to be issued official certificates, diplomas, transcript of records, grades, transfer credentials and other similar documents within thirty (30) days from the filing of request and accomplishment of all pertinent requirements.

**SEC. 41. *Unpaid Tuition Fees and Examinations.*** - Student 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 the end of the academic year.

**SEC. 42. *Guarantee of Demilitarized School Campuses.*** - Except in cases of national or local emergencies, such as war, natural calamities or if the prevailing situation so requires, military detachments may not be installed or maintained in a campus. Military elements and/or policemen in uniform or in plain clothes and school security forces shall not interfere with student activities, particularly peaceful mass actions, inside the school campus.

## **Chapter X Final Provisions**

**SEC. 43. *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 provision of this act within ninety (90) days from its approval.

**SEC. 44. Administration and Enforcement.** - The Department of Education shall create a multi-sectoral body composed of representatives from this Department, the school's administration and the student body to monitor the different school campuses to ensure that the student rights are protected. When there is a finding of the school's willful and repetitious infringement of student's rights, the body shall recommend to the proper agency of the DepEd measures appropriate to the situation including, when necessary, the suspension or cancellation of its license or permit to operate the school

National student organizations, student councils, government or any concerned student and/or person shall have the right to report to and demand an investigation from the appropriate education agency into act or acts committed by school authorities and/or administrations violative of their rights as provided for in this Act.

**SEC. 45. Separability Clause.** - If any provision of this Act is declared invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

**SEC. 46. Repealing Clause.** - All Laws, decrees, order, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly

**SEC. 47. Effectivity Clause.** -This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

*Approved,*