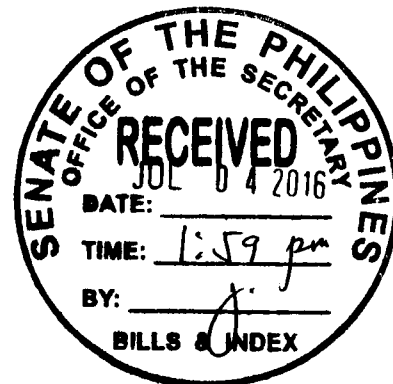


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE
S.B. NO. 336

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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

EXPLANATORY NOTE

As embodied in the 1987 Philippine Constitution under Article II, Section 13, it states, "The State recognizes the vital role of the youth in nation- building and shall promote and protect their physical, moral, spiritual, intellectual, and social being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs".

State responsibility and a sense of accountability for national development should always be nurtured among our youth. Besides the technical skills provided by the academe, should also be a venue that will contribute to their holistic development. Universities should be a place for shaping and building character and a deep sense of nationalism and patriotism among our youth.

Consonant to this responsibility, a student's right to organize and join student organizations should not only be protected but also promoted by the State as defined and guaranteed by the Constitution of the Philippines and by international statutes protecting academic freedom.

To ensure this cherish freedom, there should be a Magna Carta for student rights and welfare that should approximate the highest level of practice the student population would enjoy.

Albeit, it is a fact that even without any existing law on student rights and welfare, there were inroads and significant gains that were achieved by the students especially during the democratic rights movement in the early 80's.

Unfortunately, these basic rights are not enforced and embedded in educational institution's rules and regulations and policies. Democratic

rights and academic freedoms often fall and subject to the interpretation and tolerance of the school administrations.

At present a few school enjoys these rights and academic freedom. Therefore the spirit of enacting this law for student rights and welfare should be guided with the recognition of student potentials and their capacity to contribute in social transformation.

The benchmark for any landmark law on student rights and welfare should be based on the presently enjoyed rights and welfare in certain universities like the University of the Philippines as well as the Polytechnic University of the Philippines. To do otherwise will be a form of repression and curtailment of rights masquerading as a move to champion student rights and academic freedom.

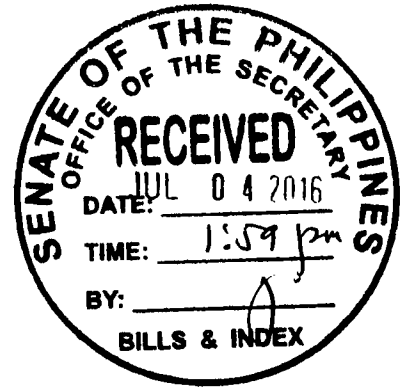
It should also be noted that the basic right to accessible quality education should be included and serve as a basis for any Magna Carta for students. The premise should be that the students are able to afford education and then enjoy his rights as a student. Therefore, the basic spirit of any Magna Carta for student rights and welfare should begin with ensuring the right to quality accessible education for all.

In view of the foregoing, the passage of this measure is earnestly sought.



JOSEPH VICTOR G. EJERCITO

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

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

I. General Provisions

1 **Section. 1. Title:** This Act shall be called "Magna Carta of Students
2 Rights and Welfare Act of 2016".

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

7 **Section. 3. Guiding principles:** This Act shall be guided by the
8 following basic principles

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

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

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

19 d. The right of student to organize and free speech shall be protected.
20 Student organizations shall not be subjected to any rules and regulations
21 that hamper or infringe on their basic rights to organize and express their
22 views and opinion.
23

1 e. Student publications are the main conduit of the students to
2 freedom of expressing their ideas. The State shall protect and promote
3 campus journalism in every university, facilitate in establishing student
4 publication in schools where there is none and uphold and protect the
5 freedom of the press at the campus level.
6

7 **Sec.4. Definition of Terms.** The following terms shall mean:

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

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

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

17 d. *Governing Board* - the highest policy making body of the school
18 composed of the Board of Directors, Trustees and Regents.

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

23 f. *Council of Leaders* - the body composed of the heads of various
24 student organizations chaired by the president/chairman of the Student
25 Council/Government.
26

27 g. *Student organization* - an association or group of students bound
28 by common ideals, principles, visions and interests and working towards
29 achieving and realizing their goals and aspirations.

30 h. *Student publication* - publications managed and published by
31 students, which are autonomous and independent from other sectors of the
32 school. Any printed issue and/or online materials such as, but not limited
33 to, newspapers, wall news, literary folios, newsletters and other similar
34 forms.

35 i. *Tuition* - the fee representing direct costs of instruction, training
36 and other related activities, and the use of school facilities. The term "other
37 school fees" refers to fees, which covers other necessary costs supportive of
38 instruction, including but not limited to medical and dental, athletic, library,
39 laboratory and NSTP fees.

40 **II. Admission, Non-Discrimination and Quality Education**

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

9 **Section 6. Right to Choose Field of Study:** A student shall have the
10 right to freely choose his/her field of study subject to existing curricula, and
11 to continue his/her course up to graduation except in cases of academic
12 deficiency or violation of disciplinary regulations, which do not infringe upon
13 the exercise of student rights.
14

15 **Section 7. Right to Competent Instruction and Relevant Quality**
16 **Education:** Every student shall have the right to competent instruction and
17 quality education relevant to his/her chosen field of study and for his/her
18 personal growth. To aid this goal, schools and educational institutions are
19 required to conduct reasonable and equitable evaluation of performance of
20 teachers at the end of every semester/trimester.

21 There shall be one (1) student representative in the body or committee
22 which screens incoming faculty members. The student representative
23 should be an elected Student Council official endorsed by the majority
24 members of the Council or a duly appointed student endorsed by the
25 Student Council.
26

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

31 a. Adequate laboratory, library, recreation and physical education
32 facilities;

33 b. Free annual physical check-up;

34 c. Counseling;

35 d. Communication system to ensure prompt notification of letters and
36 relevant information;

1 e. Safe and clean student housing such as dormitories. In cases that
2 schools do not have dormitories and housing facilities, the school
3 administration and the student council shall be required to accredit out-of-
4 campus student housing facilities such as boarding houses; and

5 f. Legal assistance in cases involving the exercise and enjoyment of
6 rights and freedoms stipulated in this act.

7 **III. Right to Organize and Freedom of Association**

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

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

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

23 There shall be an Accreditation Board on Campus Organizations that shall
24 take charge of the accreditation of all student organizations in the school
25 campus. It shall be composed of:

26 a. Two (2) representatives from the student organizations duly elected
27 by the heads of all accredited student organizations in the school.

28 b. Representative from the Student Council/Government

29 c. Representative from the Student Affairs Office

30 d. Representative from the school Faculty selected by their association

31 **Section 11. Right to Hold Activities:** Student organizations and
32 associations shall have the right to conduct activities inside and outside
33 campus. Any Student activity for purposes not contrary to law shall not be
34 abridged.

35 The school administration shall not discriminate in the assignment of school
36 facilities and the granting of other privileges to student organizations. The
37 school administration shall provide, free of charge, a space, hall or building

1 to house the offices of the different student organizations within the school
2 campus.

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

7 **Sec.12. Prohibited Acts of Restraints Against the Right to**
8 **Organize and Associate:** Acts that impair the rights of students to organize
9 are prohibited, such as:

10 a. Signing of waivers or similar documents that use membership to any
11 organization as a basis for admission to or expulsion from schools, including
12 the imposition of disciplinary actions;

13
14 b. Imposition of unreasonable requirements on student organizations
15 seeking recognition, such as but not limited to: imposition of minimum
16 size of membership and the imposition of unreasonable community
17 service duties;

18
19 c. Discriminatory policies in the assignment of school facilities and in
20 granting other privileges to student organizations;

21
22 d. Imposing any user fees and other charges for the use of school
23 facilities on the basis that such facilities are already being paid for
24 through tuition and other fees;

25
26 e. Imposition of requirements for admission and continued
27 membership to a student organization that are contrary to law.

28 **Sec.13. Right to Establish a Student Councilor Government:** There
29 shall be one university student councilor government for each school,
30 college or university campus that shall be recognized by the schools,
31 colleges, and universities concerned. It shall have its own set of officers
32 elected in an annual popular election; provided that the previous practices
33 in choosing student council or government officers, except in cases of
34 appointment by the school administration, prior to the effectivity of this Act
35 shall be recognized. Although, for these schools whose student council is
36 appointed by the school administration, a student council election should be
37 held immediately to choose student representatives among themselves.

38 **Sec. 14. The Student Council Constitution:** There shall be a
39 constitution or a charter of the student council or government crafted by the
40 heads or representatives of all accredited student organizations ratified by a
41 simple majority (50% plus 1) of the students who cast their votes in a
42 ratification that shall lay down the rights, privileges, functions and
43 responsibilities of the student councilor government. To protect the right of
44 unaffiliated students, the student council shall devise a mechanism to

1 ensure their representation and participation in the crafting of the
2 constitution.

3 For schools with existing charters and/or constitution for student councils
4 or government that have been previously ratified by the students, it will
5 remain in effect even after the implementation of this Act.
6

7 **Sec. 18. Right to Policy-Making on Student Activities:** Every
8 student councilor government shall have the right to determine its policies
9 and programs on student activities subject to the student council or
10 government charter or constitution and to school rules and regulations;
11 provided that the latter does not infringe on basic student rights and
12 freedoms of students;
13

14 **Sec.16. Student Council Elections:** There shall be an independent
15 Commission on Elections (COMELEC) of the students that shall oversee and
16 facilitate the honest, orderly, and peaceful conduct of election of officers of
17 the student councilor government. The COMELEC shall be composed only of
18 bona fide students and shall be chosen by the Council of Leaders from the
19 list of nominees provided by the student organizations. The school must
20 provide sufficient funds to the COMELEC to ensure that it is able to
21 function.

22 **Sec.17. Student Council Funds:** There shall be a fee to be collected
23 from the students to finance the operations of the student councilor
24 government in consultation with the student body. The school
25 administration shall facilitate the collection of the student councilor
26 government fee during enrollment period and shall turn over the collected
27 amount to the student councilor government within (15) days after the last
28 day of enrollment.

29 The student council fee will be based on a reasonable and equitable basis.
30 The collection of this fee will be collected by the administration and or by the
31 student council. If the mode of collection of fees will be facilitated by the
32 administration, for these purpose, the number of bona fide students
33 enrolled for the current semester or term shall be used as basis for the
34 amount of the student council funds that shall be released by the school
35 administration who shall issue a list of the students enrolled for the current
36 semester or term to the student council.

37 The student councilor government shall issue to the student body a
38 financial report at the end of its term. To take effect, a proposal to increase
39 the student council or government fee shall require a vote of simple majority
40 of the total votes cast in a referendum.

41 **Sec. 18. Student Council Faculty Adviser:** The appointment of a
42 faculty adviser shall not be a requisite to the establishment and recognition

1 of a student council. Should the students, through the student council
2 constitution or charter, decide to have a faculty adviser, the student council
3 shall have the right to choose the person to hold such position from among
4 the school faculty, whose functions shall be limited to technical assistance.
5 The approval of the faculty adviser shall not be a precondition to the
6 execution of any student council activity.

7 **Sec.19. Right to Join Student Council Alliances and Similar**
8 **Formations:** No policy restricting the right of student councils or
9 governments to join federations or alliances of student councils or
10 government shall be imposed by the school administration.

11 **IV. Right to expression and Free Speech**

12 **Sec.20. Right to Freedom of Expression:** Students shall have the
13 right to freely exercise their constitutional rights to peaceful assembly and
14 free speech and expression, or petition the school authorities for redress or
15 any grievances. No school regulation shall be imposed violating or abridging
16 any of the above-mentioned rights. No student may be subjected to any
17 disciplinary action solely on the basis of any of the above-mentioned rights
18 unless it is outside the confines of freedom of expression.

19 **Sec.21. Right of Access to Mass Media:** Students shall have access
20 to print and broadcast media in their respective activities. They shall have
21 the right to print, circulate, and/or mount leaflets, newsletters, posters, wall
22 news, petitions and other such materials. School authorities shall ensure
23 the provision of such facilities as bulletin boards for the aforementioned
24 materials.

25 **Sec.22. Proportionality of Offense and Sanction:** If the exercise of
26 any such constitutional rights is determined to be outside the confines of
27 freedom of expression upon compliance of due process, the concept of
28 proportionality between the offense committed and the sanction imposed
29 shall be followed, provided that the penalty of expulsion, exclusion or forced
30 transfer and the like shall not be imposed for any infraction or improper
31 conduct that may arise by reason of exercise of any of such constitutional
32 rights.

33 **Sec.23. Right to Publish a Student Newspaper and Other Similar**
34 **Publications:** (a) all educational institutions on elementary, secondary and
35 tertiary levels, public or private, shall be mandated to establish an
36 independent student publication. Every school shall have at least one (1)
37 student publication without prejudice to other publications established
38 within the campus. A student publication shall be published by the student-

1 body through an editorial board and publication staff composed of students
2 through fair and competitive examinations.

3 **SEC.24 Revival of closed Student publications:** All student
4 publications whose operations ceased upon directives of the school
5 administration shall be revived and allowed to operate again. Once the
6 publication is established or reopened, the editorial board shall freely
7 'determine its editorial policies and manage the publication funds.

8 **Sec.25. Student Publication Funds:** Funding for the student
9 publication shall be sourced primarily from student publication fees
10 collected by the school administration. It shall be mandatory for the school
11 administration to collect the student publication/subscription fees during
12 enrollment period. The members of the student publication can, opt' to
13 collect the publication funds themselves upon their initiative and under full
14 discretion and without administrative intervention. For these purposes, the
15 number of bona fide students enrolled in a current semester or term shall be
16 used as basis for the amount of publication
17 funds that shall ge released by the school administrator who shall issue a
18 list of the students enrolled for the current semester or term of the editorial
19 board.

20

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

26

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

31

32 **Sec.26. Student Publication Adviser:** The editorial board shall have
33 the discretion whether or not they will appoint a faculty adviser. In case the
34 student publication decides to appoint a faculty adviser, the editorial board
35 shall have the power to choose its adviser, whose functions shall be limited
36 merely to technical assistance. The approval of the faculty adviser shall not
37 be a pre-condition to publication of written material or photographs.

38 **Sec.27. Independence of Student Journalists and Freedom from**
39 **Threat:** Members of the student publication shall not be suspended,
40 expelled or punished with administrative sanctions solely on the basis of the
41 articles he/she has written except when such articles constitute a violation
42 of the law. A student journalist's academic performance as a student shall
43 not be used as basis for his or her dismissal from the student publication.

1 **Sec.28. Management of the Student Publication and Funds:** The
2 editorial board shall be primarily accountable with regard the operation of
3 the student publication and management of its funds. At the end of each
4 semester or term, as the case may be, the editorial board shall prepare a
5 report of disbursement of funds subject to accounting and auditing rules.
6 Such report shall be posted at the school's bulletin board or published in
7 the school publication.

8 **Sec.29. Printing of the Student Publication:** The editorial board
9 and the student publication staff through canvass or public bidding shall
10 conduct the printing of the student publication. For public schools, the
11 student publication shall be exempted from undergoing formal bidding
12 process under Republic Act 9184 also known as the Procurement Act with
13 regard the selection of a printing press and purchase of equipment and
14 materials necessary for its operations. The editorial board shall freely choose
15 the printing press it wants to avail the services of.

16 **V.Academic Freedom of Students**

17 **Sec.30. Academic Freedom:** Student's academic freedom shall
18 consist of, but not limited to, the following:

19 a. To conduct research in connection with -academic work, and to
20 freely discuss and publish their findings and recommendations;

21 b. To conduct inquiry in curricular and extra-curricular activities
22 within the campus and in appropriate circumstances;

23 c. To choose a field of study for research and to pursue the quest for
24 truth; to express their opinion on any subject of public or general
25 concern which directly or indirectly affects the stUdents or the
26 educational system;

27 d. To invite off-campus speakers or resource persons to student
28 sponsored assemblies, for a, symposia, and other activities of similar
29 nature;

30 e. To express dissenting opinions inside and outside the classroom;

31 f. To participate in the drafting of a new curriculum and in the review
32 or revision of the old;

33 g. To participate in the drafting and/or revising of the student
34 handbook which shall include the school rules and regulations, a copy
35 of which shall be furnished the students upon admission to the
36 school;

37 h. To freely discuss and criticize university policies and national
38 policies.

1 **VI. Right to Information**

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

7 **VII. Right to Participate in Policy Making**

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

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

21 **Sec.33. Participation in National Policy-Making:** Representatives
22 of national student organizations shall actively participate and possess
23 voting powers in the formulation of national policies by the governmental
24 agencies on matters affecting student rights and welfare including tuition.

25 **Sec.34. Student's Initiative and Referendum:** The student council/
26 government through a majority vote of all its members shall have the right
27 to initiate the formulation, modification or reflection of school policy
28 affecting the students. The proposition for the formulation, modification or
29 reflection of a school policy affecting the students shall be submitted to and
30 approved by a majority of the votes cast by all the bona fide students of the
31 school in the referendum called for the purpose.

32 **Sec.35. Right to File an Appeal:** The student council or government
33 through a majority vote of all its members shall have the right to file an
34 appeal on a decision of any policy-making body subordinate to the governing
35 board. Such appeal shall be filed with the governing board.

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

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

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

9 **Sec.36. School fees and other Tariffs:**

10 a. All involuntary contributions shall be prohibited.

11 b. In releasing documents, academic records, and similar
12 certifications, schools are prohibited from imposing fees beyond the actual
13 cost of reproducing the documents.

14 c. It is hereby created a set of guidelines schools with proposed
15 increases in tuition and all other fees must follow:

16 1. The school shall effectively inform the students, parents, teachers
17 and non-teaching personnel of the proposed tuition and other fee
18 increase and the place and date of the consultation at least 30 days
19 before the consultation proper.

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

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

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

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

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

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

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

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

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

8 **VIII. Due Process and Disciplinary Proceedings**

9 **Sec.37. Right to Due Process:** The right to due process of students
10 subjected to disciplinary proceedings shall be observed and respected.

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

13 b. There shall be an independent Student Disciplinary Board to be
14 composed of one (1) representative from the school administration, two (2)
15 faculty members, two (2) students to conduct investigation into and decide
16 on cases of student violations of disciplinary standards. For the purpose of
17 impartiality, members of the SDB shall be chosen from the list of nominees
18 submitted by the student councilor government from its ranks, the same
19 process will apply for both the school administration and the faculty.

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

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

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

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

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

31 5.The right against self-incrimination; and the right to appeal
32 adverse decisions of the Disciplinary Board to the governing board
33 and ultimately to appropriate agencies of the government.

34 d. The decision in any disciplinary proceeding must be rendered on
35 the basis of relevant and substantial evidence presented at the hearing, or at
36 least contained in the record and disclosed to the student affected. The
37 deciding body must act on its own independent consideration of the facts of
38 the case. The body, shall, in all controversial questions render its decision in

1 such a manner that the issue involved and the reason for any decision are
2 made clear to the student.

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

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

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

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

24 **IX. Other Rights**

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

30 **Sec.39. Right of Entry:** In case of violations of "No ID, No Entry" or
31 uniform policies, the student concerned shall not be denied entry provided
32 that he/she sufficiently provides proof that he/she is a bona fide student of
33 the school. Provided however that repetitive violations of campus regulation
34 on "no ID, no Entry" shall be subject to disciplinary actions by the school
35 governing board.

36

37

1 **Sec.40. Access to School Records and Issuance of Official**
2 **Certificates:**

3 Subject to the provision of the following section, every student shall have
4 access to his/her own school records, the confidentiality of which the school
5 shall maintain. He/she shall have the right to be issued official certificates,
6 diplomas, transcript of records, grades, transfer credentials and other
7 similar documents within thirty (30) days from the filing of request and
8 accomplishment of all pertinent requirements.

9 **Sec.41. Unpaid Tuition Fees and Examinations:** Student with
10 delinquent fees shall have the right to take an examination. No student shall
11 be prohibited from taking a periodic or final examination because of unpaid
12 tuition and other school fees. Nevertheless, such students shall be subject
13 to the right of the school concerned to withhold the release or issuance of
14 their school clearance prior to the end of the academic year.

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

22 **x. Final Provisions**

23 **Sec.43. Rules and Regulations:** The DepEd, TESDA, CHED, and the
24 Commission on Human Rights (CHR), together with the representatives of
25 national student organizations, national student formations, representatives
26 of school administration and the National Youth Commission (NYC) shall
27 promulgate the necessary rules and regulations to implement the provisions
28 of this act within ninety (90) days from its approval.

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

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

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

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

7 **Sec. 47. Effectivity:** This Act shall take effect fifteen (15) days
8 following its publication in at least two(2) newspapers of general circulation.

9 **Adopted,**

10