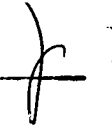


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'16 JUL 20 P 4 :09

SENATE
S.B. No. 693

RECEIVED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT PROVIDING A NATIONAL FRAMEWORK FOR STUDENTS' RIGHTS AND WELFARE

Explanatory Note

As education plays a vital role in shaping any nation, it provides young citizens the key knowledge, skills and attitudes to be able to participate and contribute meaningfully to the growth of society.

While there is an effort to improve the technical content and curriculum, and the delivery and instruction, there is also a need to reform the non-academic side of education.


This bill proposes to broaden the focus of education institutions towards a more holistic formation of students. By providing a national framework for students' rights and welfare, this measure seeks to create a conducive atmosphere to maximize their learning and growth.

Service-learning modules provide the chance for students to learn about empathy and compassion; volunteer organizations present the world outside the four walls of the classroom and show the faces of poverty and injustice.

Student-governments and campus publications are spaces where students are able to strengthen values of leadership, integrity, transparency and accountability. Dialogues and consultations with school administrations further enhance the value for respect and critical thinking among future leaders of the country.

Students are no longer just the future of the country. We count on them to be leaders in their communities in the here and now.

In view of the foregoing, the approval of this bill is earnestly sought.


Senator Paolo Benigno "Bam" A. Aquino IV

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AN ACT PROVIDING A NATIONAL FRAMEWORK FOR STUDENTS' RIGHTS AND WELFARE

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "*Students' Rights and*
2 *Welfare (STRAW) Act.*"

3 **SEC. 2. Declaration of Policy.**— Pursuant to Article II, Section 17 of the 1987
4 Philippine Constitution, which makes it an obligation of the State to prioritize education,
5 science and technology, arts, culture and sports with the end of fostering patriotism and
6 nationalism, accelerating social progress, and promoting total human liberation and
7 development; to Article III of the Constitution which guarantees fundamental rights of every
8 Filipino citizen; and in accordance with State obligations under international agreements,
9 including the International Convention on Civil and Political Rights, International Convention
10 on Economic and Social Rights, International Convention on the Rights of the Child,
11 Convention on the Elimination of All Forms of Discrimination Against Women, it is hereby
12 declared a policy of the State to protect and promote the welfare of Filipino students.

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

17 Towards this end, the State:

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

- 1 c) Affirms that students have the right to meaningful participation in decision-making
2 processes inside and outside educational institutions, especially in the crafting and
3 formulation of policies directly affecting them. The promotion of this right to
4 participate is an integral part of the nation's democratic processes; and
5 d) Affirms that the fundamental right to expression of students shall be unabridged and
6 autonomous from the influences of educational institutions.

7 **SEC. 3. Definition of Terms.** — As used in this Act, the following terms shall mean:

- 8 a) *"School"* - an institution for learning in all levels of education, regardless if privately
9 or publicly-operated. For purposes of this Act, the term shall include institutions for
10 vocational and technical education but excludes those institutions for enhanced
11 basic education. A school is comprised of the studentry, administration, faculty and
12 non-faculty personnel;
13 b) *"School campus"* - areas designated by school administration for use by students,
14 which shall include, but not be limited to, facilities, contiguous or proximate
15 buildings and the school grounds;
16 c) *"Student"* - any person enrolled in a particular school, as the latter is defined in
17 subparagraph (a) of this Section;
18 d) *"Governing board"* - the highest policy-making body of the school such as a board of
19 directors, regents or trustees;
20 e) *"Student council"* or *"student government"* - the collective term to refer to the
21 representatives of students in a school or of students in different independent units
22 in a school, like a college in a university. A designated student population annually
23 elects members of the student council or of the student government at large
24 following election rules in the charter or constitution of the student council or the
25 student government;
26 f) *"Council of leaders"* - a duly constituted body composed of the heads of all, or almost
27 all, of student organizations in a school. The chairperson or president of the student
28 council or student government, or any student duly elected by the members of the
29 council of leaders, shall preside over the council of leaders;
30 g) *"Tuition"* - amounts paid for the privilege to receive education in a school; and
31 h) *"Other school fees"* - fees other than the tuition, and includes library and athletic
32 fees, laboratory fees, entrance fees, National Service Training Programs fees, student
33 council or student government fees, graduation fees, medical and dental fees, and
34 other similar fees.

35 **SEC. 4. Right Against Discrimination In Educational Institutions.** — No student shall
36 be denied admission or expelled from an educational institution, punished with disciplinary
37 action, given mandatory counseling, or denied welfare services, scholarships and other
38 student privileges solely on the basis of physical handicap, socio-economic status, political
39 and religious beliefs, sexual orientation, or membership in organizations.

40 **SEC. 5. Right to Competent Instruction and Accessible, Quality, Relevant Education.**
41 — Students have the right to accessible, competent, holistic, quality and relevant education
42 that is essential to personal development and to the development of the nation. The
43 performance of teachers shall be assessed by students through written evaluations at the

1 end of each school term. The conduct of such assessments shall be the obligation of the
2 school administration.

3 **SEC. 6. Right to Organize.** — The right of students to form, assist or join
4 organizations, alliances, or federations shall not be abridged.

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

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

15 Accredited student organizations shall coordinate with the office of student affairs
16 for on- and off-campus activities. The school shall provide, free of charge, a hall or building
17 within the school campus where a student organization may establish its office or
18 permanent meeting area.

19 **SEC. 7. Right to establish a student council or government.** — There shall be a
20 student council or student government recognized in every school, university or college, as
21 the case may be.

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

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

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

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

1 the council of leaders. The school concerned shall ensure that the commission on
2 elections has sufficient funds to carry out its mandate.

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

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

12 A "student council or student government fee" may be collected from students to
13 finance the operations of the student council or student government, the amount of which
14 shall be determined by the student council or student government in consultation with the
15 student body and should be consistent with the student council or student government's
16 general plan of action or list of activities for a specific term. The school administration shall
17 facilitate the collection of the student council or student government fee and shall turn over
18 the collected amount to the student council or student government within fifteen (15) days
19 after the start of the semester or school period. The student council or student government
20 shall release a financial report at the end of its term. To take effect, a proposal to increase
21 the student council or student government fee shall require a vote of simple majority by the
22 designated student population.

23 No policy restricting the right of student councils or student governments to join
24 federations or alliances of student councils shall be imposed by the school administration.

25 **SEC. 8. Right to publish a student newspaper and other similar publications.** — In
26 accordance with Republic Act No. 7079 or the "Campus Journalism Act of 1991," students
27 shall have the right to publish a student newspaper and other similar publications.

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

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

34 The editorial staff shall observe ethics in journalism. It shall be the responsibility of
35 the editorial staff to ensure that the student paper is not used for purposes contrary to law.

36 Unless sooner removed for cause and with due process, the editor-in-chief and
37 editorial staff shall have security of tenure.

1 The student publication shall be financially autonomous from the school
2 administration. A "student publication fee" shall be collected from the students and shall be
3 held in trust by the school administration. No policy shall be imposed by the school
4 administration to hamper the access of the editorial staff to such fund, subject to existing
5 school regulations in the disbursement of funds. The school administration shall also be
6 prohibited from using such fund. At the end of each term, the editorial board shall publish a
7 financial statement.

8 **SEC. 9. Right to adequate welfare services and academic facilities.** — The school
9 administration shall endeavor to provide the following services:

- 10 a) Health services for students with at least one (1) functioning clinic and a registered
11 nurse to provide basic care for common ailments;
- 12 b) Legal assistance in cases involving the exercise and enjoyment of rights and
13 freedoms provided in this Act;
- 14 c) Counseling;
- 15 d) Adequate laboratory, library, research, recreation and physical education facilities;
- 16 e) Effective communications system to ensure that students are promptly notified and
17 informed; and
- 18 f) Adequate, safe and clean board and lodging facilities, such as dormitories, inside the
19 school campus. In case the school has no in-campus dormitories, the school
20 administration and the student council or government shall be required to accredit
21 or recommend out-of-campus dormitories where students are encouraged to stay.

22 **SEC. 10. Representation in the School's Highest Policy-Making Body.** — There shall
23 be a student representative in the governing board. The selection process for the student
24 representative will be formulated by the student council or student government, but
25 adopted through a referendum among the students.

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

30 **SEC. 11. Right to Information.** — The right of students to information on matters
31 affecting their welfare shall be recognized.

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

- 33 a) Official school acts embodying school policies;
- 34 b) The school's annual budget information, including pertinent transactions; and

1 c) Any other document that involves the rights and welfare of the students.

2 Any student who wishes to obtain information from the school administration shall
3 simply forward a written request through mail or electronic means to the school registrar.

4 **SEC. 12. Right to Freedom of Expression.** — Students shall have the right to freely
5 express their views and opinions. They shall have the right to peaceably assemble and
6 petition the government and school authorities for the redress of their grievances. No
7 school regulation shall be imposed violating or abridging the student's right to assembly.

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

12 **SEC. 13. Academic Freedom.** — Students' academic freedom shall consist of, but not
13 limited to, the following rights:

- 14 a) To conduct research in connection with academic work, and to freely discuss and
15 publish their findings and recommendations;
- 16 b) To conduct inquiry within the campus in relation to curricular and extra-curricular
17 activities;
- 18 c) To choose a field of study and to pursue the quest for truth;
- 19 d) To express their opinion on any subject or public or general concern which directly or
20 indirectly affects the students of the educational system;
- 21 e) To invite off-campus speakers or resource persons to student-sponsored assemblies,
22 forums, symposia, and other similar activities;
- 23 f) To express contrary interpretations or dissenting opinions inside and outside the
24 classroom;
- 25 g) To participate in the drafting of a new curriculum and in the review or revision of the
26 old through consultations and invitations in working groups;
- 27 h) To participate in the process of revising the student handbook and school rules and
28 regulations. A copy of the existing student handbook will be given to students upon
29 admission to the school; and
- 30 i) To decide and choose actions according to personal and political beliefs, and be free
31 from the imposition of any thought, ideology or principle.

32 **SEC. 14. Rights on Academic Procedure.** —

1 a) Syllabus

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

5 b) Class requirements and measures for evaluation

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

13 c) Class performance

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

16 d) Consultations

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

20 **SEC. 15. *Right to Due Process.*** — The right of student to due process shall be
21 observed and respected especially during disciplinary proceedings.

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

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

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

- 1 a) To a hearing before the board, which includes the right to present one's case and
2 submit evidence in support thereof;
- 3 b) Against self-incrimination;
- 4 c) To be defended by a representative or counsel of choice, adequate time being given
5 for the preparation of the defense;
- 6 d) To have the decision rendered on the evidence presented at the hearing, or at least
7 contained in the record and disclosed to the parties affected;
- 8 e) To appeal adverse decisions of the student disciplinary board to the governing board
9 and ultimately to the appropriate education agencies;
- 10 f) To have the deciding body, in all controversial questions, render its decision in such a
11 manner that the issues involved, and the reasons for any decision rendered are
12 made clear to the student;
- 13 g) To confidentiality; and
- 14 h) Any other rights as afforded and guaranteed to an accused under the Constitution.

15 Subject to existing laws, a decision on a case filed before a student disciplinary board
16 shall be resolved within three (3) months after the filing of such a case or complaint.

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

22 **SEC. 16. Right Against Illegal Searches and Seizures.** – Except for the following, any
23 other form of search and seizure shall be unreasonable and illegal:

- 24 a) Searches made with a valid search warrant;
- 25 b) Searches made at the point of ingress and egress by a person authorized by the
26 school;
- 27 c) Seizure of articles deemed illegal under existing laws falling in the plain view of duly
28 confiscating authority; and
- 29 d) Searches and seizures made when the student is about to commit, is committing, or
30 has just committed a crime or a serious infraction of school rules and regulations.

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

4 **SEC. 17. Access to School Records and Issuance of Official Certificates.** — Students
5 shall have access to their own school records, and have the right to be issued official
6 certificates, diplomas, copies of transcript of records, copies of grades, documents required
7 as transfer credentials, and other similar documents within thirty (30) days from the filing of
8 a written request together with other reasonable requirements.

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

10 **SEC. 18. Right to Privacy.** — The right of students to the privacy of their
11 communication and correspondence is affirmed and shall remain inviolable. This right to
12 privacy also extends to the following:

- 13 a) The public use of a student's name or likeness;
- 14 b) A student's private affairs, including seclusion or solitude;
- 15 c) Personal circumstances, whether facts or otherwise, especially those which are, from
16 the point of view of the student, will cause him to be embarrassed when made
17 public; and
- 18 d) Those information which might put any person in false light and destroy good
19 repute.

20 **SEC. 19. Ban on Firearms.** — No person shall carry firearms or explosives in school
21 campuses except if such person has the necessary permit to carry such firearm issued by
22 appropriate government authorities by reason of his obligation to ensure peace and security
23 of the school campus, such as that of a member of the Philippine National Police.

24 **SEC. 20. School Fees and Other Tariffs.** — Contributions which do not pertain to the
25 tuition or other fees, as well as to other fees allowed to be collected in this Act, shall prima
26 facie be considered unnecessary and shall be prohibited from being collected.

27 To comply with student requests for information as provided in Section 17 of this
28 Act, schools are prohibited from imposing fees beyond the actual cost of reproducing school
29 records, official certificates, copies of transcript of records, copies of grades, and other
30 documents required as transfer credentials.

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

- 32 a) A notice of increase specifying the particular fee to be increased is publicly
33 announced and posted in conspicuous locations a year prior before the proposed
34 increase is planned to take effect. The council of leaders and the student council or
35 student government shall be directly notified about the proposed increase;

- 1 b) At least one (1) public meeting was held where students, the council of leaders, and
2 the student council or student government has an open discussion with the school
3 administration as regards the proposed increase. The head of the governing board
4 shall be present during this public meeting. Parents of students may be allowed to
5 attend. The conduct of the public meeting shall not be interpreted as denying the
6 students a continuous consultation process as regards the proposed increase;
- 7 c) All documents pertaining to the proposed increase are made available to the student
8 council or student government; and
- 9 d) The presentation of a counterproposal or position of the student to the governing
10 board.

11 **SEC. 21. *Implementing Rules and Regulations.*** — The Commission on Higher
12 Education (CHED), Technical Education and Skills Development Authority (TESDA),
13 Commission on Human Rights (CHR), in coordination with the Department of Education
14 (DepEd), together with the National Youth Commission (NYC), representatives of
15 national student organizations and representatives of school administrations shall
16 promulgate the necessary rules and regulations to implement the provisions of the Act with
17 sixty (60) days from the approval of this Act.

18 **SEC. 22. *Administrative Bodies and Remedies.*** — The CHED and TESDA are hereby
19 vested with powers necessary to investigate and impose administrative penalties to ensure
20 the enforcement of this Act. Any student, member of a student council or student
21 government, or a national organization of student councils or student governments, or
22 youth organization may file written complaints before the CHED and TESDA.

- 23 a) Upon a finding that a school is guilty of violating rights guaranteed under this Act,
24 either CHED or TESDA, as the case may be, may cause the suspension or revocation
25 of the license or permit to operate of any school, college or university;
- 26 b) The order of suspension or revocation of license or permit to operate may carry with
27 it a fine of not less than two hundred thousand Philippine pesos (PhP200,000.00) but
28 not more than five hundred thousand Philippine pesos (PhP500,000.00); and
- 29 c) If the person violating the provisions of this Act is a student or student organization,
30 the CHED or TESDA, may issue a recommendation for the suspension or expulsion of
31 the student or the suspension or revocation of the accreditation of the school
32 organization.

33 **SEC. 23. *Penal Provisions.*** — Any person who shall willfully interfere with, restrain or
34 coerce any student in the exercise and enjoyment of rights guaranteed by this Act shall,
35 upon conviction, be punished by imprisonment for not less than one (1) year but not more
36 than five (5) years, or a fine of not less than fifty thousand Philippine pesos (PhP50,000.000)
37 but not more than one hundred thousand Philippine pesos, or both, at the discretion of the
38 court.

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

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

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

13 **SEC. 24. Oversight Committee.** – The CHED and TESDA shall monitor the
14 implementation of this Act and shall submit an annual report of the results of its monitoring
15 to the Office of the President and to the Philippine Congress.

16 An Oversight Committee is hereby created composed of two (2) members each from
17 the Committee on Basic Education and two (2) members from the Committee on Higher
18 Education of the Senate and House of Representatives, to be constituted and co-chaired by
19 the head of the committees to evaluate and monitor the implementation of this Act. The
20 Oversight Committee shall automatically consider the reports of the concerned government
21 agencies, student organizations, and student councils and governments.

22 **SEC. 25. Separability Clause.** – If, for any reason, any part, section or provision of this
23 Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall
24 continue to be in force and effect.

25 **SEC. 26. Repealing Clause.** – All laws, decrees, executive orders, proclamations, rules
26 and regulations, and other issuances, or part or parts thereof, including inconsistent
27 provisions of the Education Act of 1982, which are inconsistent with the provisions of this
28 Act, are hereby repealed, amended or modified accordingly.

29 **SEC. 27. Effectivity Clause.** – This Act shall take effect immediately after the
30 completion of its publication in the Official Gazette or at least two (2) newspapers of general
31 circulation.

32 *Approved,*