


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



16 JUL 19 110:13

SENATE

S.B. No. 417

RECEIVED BY: 

Introduced by **SENATOR LOREN LEGARDA**

AN ACT PROVIDING FOR A NATIONAL POLICY ON STUDENTS' RIGHTS AND WELFARE

Explanatory Note

This bill seeks to guarantee students their right to quality education, freedom, welfare services, among others and to protect them from discrimination, in accordance with the rights and freedoms accorded by the 1987 Constitution and international human rights agreements.

Recognizing that education is a right and as such it can only be exercised and enjoyed fully in a climate where the rights and welfare of students and the youth are promoted and protected, this proposed measure enumerates the following rights of the students:

- a) Right against discrimination;
- b) Right to competent instruction and relevant quality education;
- c) Right to organize;
- d) Right to establish a student council/government;
- e) Right to publish a student newspaper;
- f) Right to adequate welfare services;
- g) Right to be represented in the highest policy-making body of the school;
- h) Right to access to information;
- i) Right to freedom of expression;
- j) Right to academic freedom;
- k) Right to due process;
- l) Right against illegal searches and seizures; and
- m) Right to privacy.

The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) are bestowed with necessary powers to investigate and impose administrative sanctions on schools that shall violate these rights.

Students are important members of society, not only because of their potential role as leaders of the country, but because of their role as catalysts for development and effective change. They have taken and are continuously taking proactive participation in the pursuit of social equality, democracy and justice. We should therefore ensure that their rights and welfare are promoted and guaranteed.

In view of the foregoing, the passage of this significant piece of legislation is earnestly sought.


LOREN LEGARDA
Senator

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SENATE

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AN ACT PROVIDING FOR A NATIONAL POLICY ON STUDENTS' RIGHTS AND WELFARE

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Students' Rights
2 and Welfare Act."
3

4 **Sec. 2. Declaration of Policy.** - The State:
5

- 6 (a) In accordance with several international human rights agreements,
7 including the International Convention on Civil and Political Rights,
8 International Convention on Economic and Social Rights, the Universal
9 Declaration on Human Rights, International Convention on the Rights of
10 the Child, Convention on the Elimination of All Forms of Discrimination
11 Against Women, declares its commitment to protect and promote the
12 rights and welfare of Filipino students;
13
- 14 (b) Recognizes that education is a right and as such it can only be exercised
15 and enjoyed fully in a climate where the rights and welfare of students
16 and young Filipinos are promoted and protected;
17
- 18 (c) Acknowledges that education is an important institution in ensuring that
19 all Filipinos are able to participate fully in nation-building and the socie-
20 ty and in inculcating patriotism and nationalism, critical and creative
21 thinking, and values necessary to promote civil liberties, human rights,
22 and fundamental freedoms;
23
- 24 (d) Affirms that students have the right to meaningful participation in
25 decision-making processes inside and outside educational institutions,
26 especially in the crafting and formulation of policies affecting students,
27 and the promotion of this right is an integral part of the nation's
28 democratic processes;
29
- 30 (e) Affirms that the fundamental right to expression of students, and such
31 right shall be unabridged and autonomous from the influences of
32 educational institutions;
33
- 34 (f) Affirms the students' right to organize, which encompasses the right to
35 establish student organizations, student unions, and student councils
36 and governments.

1
2 **Sec. 3. Definition of Terms.** - As used in this Act the following shall mean:
3

4 (a) Student - any person enrolled in the secondary, post-secondary tertiary,
5 graduate, and post graduate levels, including those enrolled in vocational and
6 technical education.
7

8 (b) School - any private, public or government-run and funded academic
9 educational institution offering any or all courses in the above-mentioned
10 levels.
11

12 (c) School campus - the totality of all contiguous or proximate buildings,
13 grounds, and other facilities designated by the school authorities as areas or
14 facilities for the use of their students.
15

16 (d) Governing Board - the highest policy making body of the school such as the
17 Board of Directors, Trustees or Regents.
18

19 (e) Student Council or Government - the body representing the whole student
20 population in one school or school campus whose officers are annually elected
21 at large by the whole student population pursuant to its charter or
22 constitution. This definition shall include student councils or governments at
23 the level of colleges, campuses, etc.
24

25 (f) Council of Leaders - the body composed of the heads of various student or-
26 ganizations chaired by the President or Chairperson of the Student Council or
27 by any student duly elected by the student organizations.
28

29 (g) Tuition - the fee representing direct costs of instruction, training and other
30 related activities, and the use of school facilities. The term other school fees
31 refers to fees which cover other necessary costs supportive of instruction,
32 including but not limited to medical and dental, athletic, library, laboratory,
33 and NSTP fees.
34

35 **Sec. 4. Right against discrimination in educational institutions** - No
36 student shall be denied admission, expelled from an educational institution,
37 punished with disciplinary action, including mandatory counseling, or denied
38 welfare services, scholarships and other privileges on the basis of his/her
39 physical handicap, socioeconomic status, political and religious beliefs, sexual
40 orientation, or membership in student organizations. Pregnant students,
41 certified reformed drug abusers, and students with HIV/ AIDS shall not be
42 discriminated against.
43

44 **Sec. 5. Right to competent instruction and relevant quality education.** -
45 Every student shall have the right to competent instruction and quality
46 education relevant to his/her personal and cultural development and that of
47 the nation. To achieve this goal, schools and educational institutions are
48 required to enforce a written evaluation of the performance of teachers by
49 students at the end of the school term.
50

51 **Sec. 6. Right to organize.** - The right of students to form, assist, or join
52 organizations, alliances, or federations within their physical, intellectual, mor-
53 al, cultural, civic, spiritual, and political interests shall not be abridged. Pro-
54 vided, that these groups are not formed for purposes of committing criminal
55 acts or for committing acts in contravention of the Constitution and the laws of
56 the country.

1
2 The Office of Student Affairs of schools, colleges and universities, in
3 coordination with the student council or government, shall take charge of the
4 accreditation of student organizations. The guidelines for accreditation of
5 student organizations shall be formulated by the student council and the
6 heads of all student organizations.
7

8 The Office of Student Affairs shall have the mandate to implement the
9 guidelines and mediate in conflicts emerging from the accreditation process as
10 well as internal disputes of these youth/student groups. Accreditation of
11 student organizations shall be granted upon the submission of a formal letter
12 of application for accreditation, constitution, list of activities, and list of
13 officers. The Office of Student Affairs may impose sanctions on inactive
14 organizations.
15

16 The Office of Student Affairs shall coordinate on and off campus activities of
17 student organizations.
18

19 The school administration shall endeavor to provide, free of charge, a hall or
20 building to house the offices of student organizations within the premises of
21 the school. Furthermore, whenever possible, the school administration shall
22 allow student organizations to use school facilities free of charge;
23

24 Acts that impair the right of students to organize, such as the following, are
25 prohibited:
26

- 27 1. Signing of waivers or similar documents that use membership to any
28 organization as a basis for admission to or expulsion from schools,
29 including the imposition of disciplinary actions;
- 30 2. Imposition of unreasonable requirements on student organizations seek-
31 ing recognition;
- 32 3. Discriminatory policies in the assignment of school facilities and in
33 granting other privileges to student organizations;
- 34 4. Excessive charges for the use of school facilities;
- 35 5. Excessive fees imposed by student organizations to members, and;
- 36 6. Imposition of unnecessary requirements for admission and continued
37 membership to a student organization including, but not limited to,
38 hazing or other acts prohibited under RA 8049, or the Anti-hazing law.
39

40 **Sec. 7. Right to establish a student council or government. -**
41

- 42 (a) There shall be one (1) university student council or government for each
43 school, college, or university campus that shall be recognized by the
44 schools, colleges and universities concerned. It shall have its own set of
45 officers elected in annual popular elections.
46
- 47 (b) There shall be a Constitution or Charter of the Student Council or
48 Government crafted by the head or representatives of all student
49 organizations in a school and ratified by a two-thirds (2/3) vote by the
50 student body that shall lay down the organization, functions, and
51 responsibilities of the student council or government. Representation for
52 unorganized students shall be ensured for the crafting of the draft
53 constitution or charter.
54
- 55 (c) Every student council or government shall have the right to determine its
56 policies and programs on student activities, subject to the Student

1 Council or Government charter or constitution as well as their respective
2 school rules and regulations. Provided, that the latter do not infringe on
3 basic rights and freedoms of students; Provided further that all these
4 rules and regulations should conform to the laws of the country and the
5 1987 Constitution.
6

7 (d) There shall be an independent Commission on Elections for Students
8 (COMELEC) that shall oversee the honest, orderly, and peaceful conduct
9 of election of officers of the student council or government. The
10 COMELEC for Students shall be chosen from a list of nominees provided
11 by the heads of student organizations. The school must provide sufficient
12 funds to the COMELEC to ensure that it is able to function.
13

14 (e) There shall be a fee to be collected from students to finance the
15 operations of the student council or government, the amount of which
16 shall be determined by the student council or government in
17 consultation with the student body. Provided, these fees are reasonable
18 and not excessive, taking into consideration the students' capacity to
19 pay. The school administration shall facilitate the collection of the
20 student council or government fee and shall turn over the collected
21 amount to the student council or government within fifteen (15) days
22 after the start of the semester or school period. The student council or
23 government shall issue to the student body a financial report at the end
24 of its term. A proposal to increase the student council or government fee
25 shall require a vote of simple majority of the student council as well as a
26 vote of simple majority by the whole student body.
27

28 (f) No policy restricting the right of student councils or governments to join
29 federations or alliances of student councils or governments shall be im-
30 posed by the school administration.
31

32 **Sec. 8. Right to publish a student newspaper and other similar**
33 **publications. -**
34

35 (a) In accordance with RA 7079 or the Campus Journalism Act of 1991,
36 students shall have the right to publish student newspaper and other
37 similar publications.
38

39 (b) The editorial staff of the student paper shall be comprised of students.
40 No person who is not a member of the publication shall determine its
41 content. The role of the faculty adviser in the student paper shall be
42 limited to technical assistance.
43

44 (c) The selection of the student Editor-in-Chief and the members of the
45 editorial board shall be conducted annually through a fair and
46 competitive examination to be administered by an impartial Board of
47 Judges, which shall be comprised of professional journalists,
48 representatives from the faculty and the student body.
49

50 (d) Ethics in journalism shall be observed by the editorial staff. It shall be
51 the responsibility of the editorial staff to ensure that the student paper is
52 not used for purposes contrary to law.
53

54 (e) Unless sooner removed for cause and with due process, the
55 Editor-in-Chief and editorial staff shall be assured of security of tenure
56 for the duration of his/her prescribed term;

- 1
2 (f) The student publication shall be financially autonomous from the school
3 administration. A fee for student publication shall be collected from
4 students and shall be held in trust by the school administration. No
5 policy shall be imposed by the school administration to hamper the
6 access of the editorial board to the student publication fund, subject to
7 existing regulation in the disbursement of funds. The school
8 administration shall also be prohibited from using the aforementioned
9 fund. At the end of each term, the editorial board shall publish a
10 financial statement of the funds used.

11
12 **Sec. 9. Right to adequate welfare services and academic facilities.** - Denial
13 of access to adequate welfare services and academic facilities shall be
14 prohibited. These services and facilities shall include:

- 15
16 (a) Free annual physical check-up to the students;
17 (b) Legal assistance in cases involving the exercise and enjoyment of
18 rights and freedoms stipulated under this Act;
19 (c) Counseling;
20 (d) Adequate laboratory, library, research, recreation and physical
21 education facilities;
22 (e) Communications system to ensure that students are promptly
23 notified of letters and other relevant information, and;
24 (f) Adequate, safe and clean housing facilities, such as dormitories, for
25 students inside campuses. In case the school has no in-campus
26 dormitories or housing facilities, the school administration and the
27 student council or government shall be required to accredit
28 out-of-campus dormitories. Students shall be encouraged to stay in
29 the accredited dormitories.
30

31 **Sec. 10. Representation in the school's highest policy-making body.** -
32 There shall be a student representative in the highest policy-making body of
33 the school. He or she shall be chosen through a selection process formulated
34 and crafted by the student council and government and shall have the same
35 rights as that of the regular members of the same body. Provided, however,
36 that his or her financial privileges shall be limited to the actual expenses
37 incurred in attending meetings of the aforementioned body. Provided, further,
38 that the aforementioned student representative is prohibited from taking any
39 other position in public offices or student council or government.
40

41 **Sec. 11. Right to information.** - The right of students to information on
42 matters affecting their welfare shall be recognized. Therefore, students shall
43 have access to the school's official acts, transactions or decisions relating to
44 students' rights and welfare subject only to reasonable regulations.
45

46 **Sec. 12. Right to freedom of expression.** -
47

48 (a) Students shall have the right to freely express their views and opinions.
49 They shall have the right to peaceably assemble and petition the government
50 and school authorities for the redress of their grievances. No school regulation
51 shall be imposed violating or abridging the student's right to peaceful
52 assembly.
53

54 (b) Student shall have access to print and broadcast media in their
55 information activities. They shall also have the right to print, circulate and/or
56 mount leaflets, newsletters, posters, wall news, petitions and such other

1 materials. School authorities shall ensure the provision of facilities such as
2 bulletin boards for the mounting of the aforementioned materials.

3 (c) School authorities are required to designate a certain area within school
4 premises where students can express their grievances or organize activities.
5

6 **Sec. 13. Academic freedom** - Students' academic freedom shall consist of, but
7 not limited to, the following:
8

- 9 (a) To conduct research in connection with academic work and to freely
10 discuss and publish their findings and recommendations;
- 11 (b) To conduct inquiry within the campus in curricular and
12 extra-curricular activities;
- 13 (c) To choose a field of study and to pursue the quest for truth; to
14 express their opinion on any subject of public or general concern
15 which directly or indirectly affects the students of the educational
16 system;
- 17 (d) To invite off-campus speakers or resource persons to
18 student-sponsored assemblies, form, symposia, and other similar
19 activities;
- 20 (e) To express contrary interpretations or dissenting opinions inside and
21 outside the classroom;
- 22 (f) To participate in the drafting of a new curriculum and in the review
23 or revision of the old;
- 24 (g) To participate in the drafting and/or revising of the student
25 handbook which shall include the school rules and regulations, a
26 copy of which shall be furnished the students upon admission to the
27 school; and
- 28 (h) To be free from any form of indoctrination leading to imposed
29 ideological hegemony.
30

31 **Sec. 14. Right to due process.** - The right to due process of students who are
32 subjected to disciplinary proceedings shall be observed and respected:
33

- 34 (a) He shall have the right to defend himself, to be heard and to present
35 evidence on his behalf before an impartial body.
36
- 37 (b) There shall be an independent Student Disciplinary Board to be
38 composed of one (1) representative from the school administration,
39 two (2) faculty members and two (2) students to conduct
40 investigations into and decide on cases of student violations of
41 disciplinary standards. The member from the administration shall
42 serve for five years, the members from the faculty for three years, and
43 the members from the student body for one year. The faculty and stu-
44 dent representatives shall be endorsed by the student council or
45 government. The Student Disciplinary Board shall formulate the
46 guidelines for the imposition of the disciplinary proceedings.
47
- 48 (c) The blacklisting, expulsion, suspension and other such disciplinary
49 sanctions that maybe taken against a student shall not be valid,
50 unless the following rights have been observed and accorded the
51 student:
52
 - 53 1) The right to be informed in writing of the nature and cause of
54 the accusation;
 - 55 2) The right to confront witness against him/her and to have full
56 access to the evidence against him/her;

- 1 3) The right to defend himself/herself and be defended by a
- 2 representative or counsel of his/her choice, as well as to be
- 3 given adequate time for the preparation for his/her defense;
- 4 4) The right to a hearing before the Student Disciplinary Board;
- 5 5) The right against self-incrimination;
- 6 6) The right to appeal an adverse decision of the Student
- 7 Disciplinary Board to the governing board and ultimately to the
- 8 appropriate education agencies; and
- 9 7) The right to confidentiality.

10
11 (d) The decision in any disciplinary proceeding must be rendered on the
12 basis of relevant and substantial evidence presented at the hearing, or
13 at the least contained in the record and disclosed to the affected
14 student. The deciding body should, in all controversial questions,
15 render its decision in such a manner that the issues involved and the
16 reasons for any decision rendered are made clear to the student.

17
18 (e) Subject to existing laws, a decision on a case or complaint filed before
19 the Student Disciplinary Tribunal shall be resolved within three (3)
20 months after the filing of such a case or complaint.

21
22 (f) The Office of the Guidance Counselor of the respective schools in
23 consultation with the Student Disciplinary Board shall publish on a
24 periodic basis acts that are deemed violative of the school rules and
25 regulations and the corresponding disciplinary sanctions. Provided,
26 that such rules and regulations do not violate the rights guaranteed
27 herein and those protected under the Constitution.

28
29 **Sec. 15. Right against illegal searches and seizures.** - **except** for the
30 following instances, any form of unreasonable search and seizure shall be
31 illegal:

- 32
33 a) Searches made at the point of ingress and egress by authorized
- 34 personnel of the school;
- 35 b) Searches and seizure of articles deemed illegal under existing laws
- 36 falling in plain view of duly authorized personnel;
- 37 c) Searches and seizures of illegal articles which are inadvertently
- 38 discovered by duly authorized personnel;
- 39 d) Searches made when the student is about to commit, is committing or
- 40 has just committed a crime or a serious infraction of the school's rules
- 41 and regulations;
- 42 e) Searches made with a valid search warrant.

43
44 Articles seized in violation of the hereinabove rights and those not falling
45 under the exceptions provided above shall not be used as evidence against the
46 student in any disciplinary or criminal action that may be brought against
47 him/ her.

48
49 **Sec. 16. Access to school records and issuance of official certificates.** -
50 Every student shall have access to his/ her own school records, the
51 confidentiality of which the school shall maintain. He/She shall have the right
52 to be issued official certificates, diplomas, transcripts of records,
53 grades, transfer credentials, and other similar documents within thirty (30)
54 days from the filing of request and accomplishment of all pertinent
55 requirements.

1 **Sec. 17. Right to privacy.** - The privacy of communication and
2 correspondence of students shall remain inviolable. Documents and
3 communication acquired in violation of the hereinabove rights and those rights
4 provided under law and the Constitution shall not be used as evidence against
5 the student in any disciplinary, civil or criminal action that may be brought
6 against him/ her.

7
8 **Sec. 18. Firearms ban.** - The carrying of firearms or explosives in schools or
9 campuses shall be banned.

10
11 **Sec. 19. School fees and other tariffs.** -

12
13 (a) All involuntary contributions shall be prohibited.

14 (b) In releasing documents, academic records, and similar certifications,
15 schools are prohibited from imposing fees beyond the actual cost of
16 reproducing the documents.

17 (c) Minimum standards in consultation shall be strictly observed in imposing
18 tuition fee increases. To this end, no tuition or other school fee increase shall
19 be allowed unless the following procedures are observed:

20
21 1) Posting of notice of increase in tuition or other school fees in
22 conspicuous locations a year prior to the implementation of the
23 proposed increase. The heads of student organizations and student
24 council or government officers shall also be directly notified about the
25 proposed increase.

26
27 2) At least one public meeting shall be held with the students, heads of
28 student organizations and student council or government officers to
29 discuss the proposed increase. This shall be attended by the President
30 of the school and at least one member of the Governing board. Parents
31 of students shall be allowed to attend the public meetings.

32
33 3) All documents pertaining to the proposed increase shall be made
34 available to
35 the student council or government.

36
37 4) Prior to the final approval of the proposed increase, the student body
38 shall be allowed to present their position to the Governing Board on
39 the proposed increase.

40
41 **Sec. 20. Rules and Regulation.** - the Department of Education (DepEd),
42 TESDA, Commission on Higher Education (CHED), and Commission on Human
43 Rights (CHR), together with the representatives of national student
44 organizations, representatives of school administrations and the National
45 Youth Commission (NYC) shall promulgate the necessary rules and regulations
46 to implement the provisions of this Act with ninety (90) days from the approval
47 of this Act.

48
49 **Sec. 21. Administrative sanctions.** - The Department of Education,
50 Commission on Higher Education, and TESDA are hereby vested with powers
51 necessary to investigate and impose administrative penalties to ensure the
52 enforcement of this Act. Any student, student council or government, or
53 national organization of student councils, governments, or organizations, may
54 file complaints before the aforementioned agencies, after exhaustion of
55 remedies in the academic/school level, if available.

56

1 The appropriate education agency shall cause the suspension or
2 revocation of the license or permit of any school, college or university found to
3 be guilty of violating rights guaranteed under this Act. A fine of not less than
4 two hundred thousand pesos (P200,000.00) but not more than five hundred
5 thousand pesos (P500,000.00) shall be imposed on any school, college or
6 university found liable for violating this Act.

7
8 Upon final judgment, the appropriate education agency may recommend
9 to the Department of Justice the prosecution of any school, college or
10 university before a regular Court for violating the provisions of this Act.

11
12 If the offender is a student or a student organization, the school, college
13 or university shall cause, depending on the gravity of the offense, the
14 suspension or expulsion of the offending student and/or the suspension or
15 revocation of the accreditation of the offending organization, including other
16 administrative penalties, subject to the establishment of guidelines to be
17 crafted by the school administration with the student council or government,
18 student organizations and the student body.

19
20 **Sec. 22. Penal Provisions. -**

21
22 (a) Any person who shall willfully interfere with, restrain or coerce any
23 student in the exercise and enjoyment of rights guaranteed by this Act
24 shall, upon conviction, be punished by a fine of not less than Fifty
25 Thousand Pesos (P50,000.00) but not more than One Hundred Thousand
26 (P100,000.00) Pesos or by imprisonment of not less than one (1) year but
27 not more than five (5) years, or both at the discretion of the Court.

28
29 (b) If the offender is a juridical person, the penalty shall be imposed upon
30 the President, Treasurer, Secretary or any officer or person responsible
31 for the violation. If the offender is a public officer or employee, the Court
32 shall, in addition to the penalties above, order his or her dismissal from
33 government service.

34
35 (c) Refusal of any government official, including those working in state
36 colleges and universities, whose duty includes investigating or acting on
37 any complaint for a violation of this Act to perform his or her duty shall
38 be considered as gross negligence on the part of such official who shall
39 suffer the appropriate penalty under civil service laws, rules and regula-
40 tions.

41
42 (d) Any student whose rights have been violated as stipulated in this Act
43 may file an independent civil case for damages as well as those
44 provisions for violation of constitutional rights under the Civil Code
45 under Article 32 against the offending persons, natural or juridical. He or
46 she shall be exempt from filing fees.

47
48 **Sec. 23. Oversight. -**

49
50 (a) The Department of Education, TESDA and Commission on Higher
51 Education shall monitor the implementation of this Act. They shall
52 submit an annual report to the Office of the President and Congress. For
53 this purpose, the aforementioned agencies may avail of the support of
54 national student organizations.

55
56 (b) An Oversight Committee is hereby created composed of two (2) members

1 each from the Committee on Basic Education and two (2) members from
2 the Committee on Higher Education of the Senate and House of
3 Representatives, to be constituted and co-chaired by the head of the
4 committees to evaluate and monitor the implementation of this Act. The
5 Oversight Committee shall automatically consider the reports of the
6 concerned government agencies, student organizations, and student
7 councils and governments.
8

9 **Sec. 24. Separability Clause.** - If any part or provision of this Act is held
10 unconstitutional or invalid, other provisions hereof which are not affected
11 thereby shall continue to be in full force and effect.
12

13 **Sec. 25. Repealing Clause.**- All laws, decrees, orders, rules, and regulations
14 or other issuances or parts thereof, inconsistent with the provisions of this Act
15 are hereby repealed or modified accordingly.
16

17 **Sec. 26. Effectivity.** - This Act shall take effect fifteen (15) days after its
18 complete publication in two (2) newspapers of general circulation.
19

20 Approved,