

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

5 APR 11 P1 59

SENATE
S. B. No. 1975

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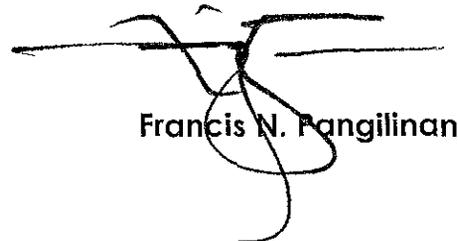
Introduced by Senator Francis N. Pangilinan

EXPLANATORY NOTE

The State acknowledges that education plays a vital role in the development of civil society. This premium on education finds support in Section 4(5), Article XIV of the 1987 Constitution, which provides that "the State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment."

The attempts to enact a Magna Carta for students during the previous Congress have not resulted into a concrete law providing for the rights of students. It is imperative that the rights and responsibilities of students be taken up immediately by the Senate if we are to comply with the Constitutional mandate to recognize the vital role of youth in nation building and the right of student youth to quality education relevant to the needs of the people and society.

We all recognize that the future leaders of this country will come from the dynamic and talented student youth of today. The youth and the student sector deserve our utmost attention in these changing times. The force and strength of the youth and the student sectors as factors in political change were manifested in the recent political upheaval that was EDSA II. Through the Magna Carta, the student youth will be able to assert their rights and responsibly perform their duties. As our nation's future leaders, they should be responsive citizens who will uphold the rights of our people.


Francis N. Pangilinan

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AN ACT PROVIDING FOR A MAGNA CARTA FOR STUDENTS

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

Section 1. *Title* – This Act shall be known as the Magna Carta for Students

Section 2. *Definition of Terms* – For the purpose of this Act, the following terms shall mean:

- (a) Student – any person enrolled in and regularly attending school in the secondary, post-secondary, graduate and post-graduate level
- (b) School – shall mean any educational institution offering any or all courses in the abovementioned levels, private or public.
- (c) School Campus – shall mean all contiguous or proximate buildings, grounds and their facilities designated by the institution's or school's rules and regulations as the areas or facilities for use by the students

Section 3. *Admission Subject to No Other Restraint* – Subject to fair, reasonable and equitable admission and academic requirements, no student shall be denied admission to any school on account of his physical handicap, social status, political or religious beliefs.

Section 4. *Rights of Students* – In addition to their constitutionally guaranteed political rights, and subject to the limitations prescribed by law and jurisprudence, students in all schools shall enjoy the following rights:

- (a) The right to receive relevant quality education, in line with the needs of the people and society, through competent instruction;
- (b) The right to freely choose their field of study, subject to existing curricula, and to pursue their studies until graduation, except in cases of academic deficiency or violation of disciplinary regulations;

- (c) The right to school guidance and counseling services to help them make decisions and select the alternatives in fields of work according to their potentialities;
- (d) The right to access their own school records, the confidentiality of which the school shall maintain and preserve. Such right shall be subject, however, to reasonable regulations such as the time of viewing;
- (e) The right to the issuance of official certificates, diplomas, transcript of records, grades, transfer credentials and other similar documents within thirty (30) days from the date request was received by the school administrators and officials concerned;
- (f) The right to publish a student newspaper and similar publications, as well as the right to conduct assemblies, symposia and other activities of similar nature;
- (g) The right to free expression of opinions and suggestions, and to effective channels of communication with appropriate academic and administrative bodies of the school or institution;
- (h) The right to form, establish, join and participate in organizations and societies recognized by the school to enhance their intellectual, cultural, spiritual and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law;
- (i) The right to be free from involuntary contributions, except those approved by their own organizations or societies;
- (j) Every student shall be free from any form of unreasonable search and seizure within the school campus. Except for the following instances, no search and seizure of a student shall be deemed valid –
 - (i) searches made at the point of ingress and egress by authorized personnel of the school;
 - (ii) search and seizures of illegal articles or articles violative of the school's rules and regulations falling in the plain view of duly authorized personnel;
 - (iii) search and seizures of articles that are illegal or violative of the school's rules and regulations discovered inadvertently by duly authorized personnel;
 - (iv) searches made when the student is about to commit, is committing or has just committed a crime or a serious infraction of the school's rules and regulations; or
 - (v) searches made with a valid search warrant;

Articles seized in violation of the abovementioned right may not be used as evidence against the student in any disciplinary action that may be brought against him.

- (k) The right to the observance of administrative due process in any disciplinary action against a student;
- (l) The right to freedom of intellectual inquiry within the campus shall be respected and students shall not be subjected to any form of indoctrination, ideological or otherwise.
- (m) The right to adequate, safe and clean housing facilities within or near the school campus; and
- (n) The right to be consulted and be informed about tuition fee increases ninety (90) days before their effectivity.

Section 5. *Student Government* – The State shall ensure the democratic exercise of student governments. There shall be one central student council/government for each school or campus. It shall have its own set of officers elected in annual popular elections and it shall have the right to determine its policies and programs on student activities, subject to the provisions of the charter governing it.

Section 6. *Student Government Charter or Constitution* – The contents of the student government charter shall be determined by representatives of students and the school's student affairs department.

Section 7. *Student Council Fees* – The school administration shall assist the student council/government in financial matters through the collection of student council/government fees from students. Such funds shall be turned over to the student council/government after thirty (30) days from the last day of registration at the start of every school year. The student council shall thereupon, be accountable to the student body for such funds.

Section 8. *Student Representation in Policy Making Body* – As far as practicable and consistent with the school's rules and regulations, there shall be student representative in the policy-formulating body of the school. The Chairman of the central student council/government shall automatically be the student representative to the policy-making body. He shall have the same rights as that of a regular member, but his privileges shall be limited to reimbursements for actual expenses in attending meetings.

Section 9. *Accreditation and Supervision of Student Organizations* – There shall be a Board that shall take charge of the accreditation of student organizations in the school campus. It shall be composed of a representative from the student government, one from the school administration and another from the guidance and counseling office. All campus organizations shall be under the supervision of such Board which shall form part of any existing student affairs department.

Section 10. *No Use of Force and Exaction of Student Fees by Student Organizations* – All campus organizations shall be prohibited from using any form of force or violence in the initiation of its members and from exacting excessive fees from its members.

Section 11. *Student Publications* – Students shall have the right to publish student newspapers free from outside interference and censorship. Pursuant thereto, no individual who is not a staff member of the student publication shall determine its contents. The editor shall take full responsibility for the contents of the publication, including civil and criminal liability. The selection of the student editor and the staff members shall be made by competitive examinations. The student editor shall enjoy security of tenure.

Section 12. *Duty of School Authorities and Student Editorial Staff* – It shall be the duty of both the school authorities and student editorial staff to ensure that the school paper shall remain independent, express and advance the ideas, views and sentiments of the students and the same shall be published regularly.

It shall be the responsibility of the school administration to assist the student paper/organ in its financial matters through collection of student paper/organ fees from the students. Such funds shall be held in trust for the unhampered use in the publication of the student paper or organ.

The student editorial staff shall observe the ethics of professional journalism. It shall be the responsibility of the student editorial staff to ensure that the student paper/organ be not used for purposes contrary to law.

Section 13. *Guarantee of Demilitarized School Campuses* — Except in cases of national or local emergencies, such as war, natural calamities or if the prevailing situation so requires, a military detachment may only be installed or maintained in campuses after the school authorities concerned have been duly consulted, informed and advised within a reasonable period of time.

Section 14. *Duties and Responsibilities of Students* — Every student shall:

- (a) Exercise his rights responsibly knowing that he is responsible for any infringement of the rights of others and violation of laws and regulations;
- (b) Abide by the rules of his school governing academic excellence and peace and order;
- (c) Make full use and advantage of his opportunities for education in order that he may become an asset to his family and may be of service to society;
- (d) Refrain from defacing any part of the school campus or destroying any other property or facilities of the school which are used by the student body in general. He must also refrain from using any part of the campus or school property including bulletin boards or the student paper for illegal or immoral activities; and
- (e) Observe proper conduct and decorum outside the school campus so as not to blemish his school's name and reputation.

Section 15. *Administrative* — The Department of Education ("DepEd") shall create a multi-sectoral body composed of representatives of DepEd, the

school's administration and the student body to promulgate the necessary regulations and to monitor the different school campuses to ensure that student rights are protected. When there is a final finding of a school's willful and repetitious infringement of student's rights, the body shall recommend to the proper agency of the DECS the suspension or cancellation of its license.

Section 16. *Repealing Clause* — All laws, decrees, acts, regulations and rules or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 17. *Separability Clause* — If any provision of the Act is declared unconstitutional or the application thereof to any person, circumstance or transaction is held invalid, the validity of the remaining provisions of the Act, and the applicability of such provisions to other persons, circumstances or transactions shall not be affected thereby.

Section 18. *Effectivity* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,