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SENATE

Senate Bill No. **1641**

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

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

Consistent with the desired objectives of this constitutional provision, this Magna Carta for students is being proposed as a means of recognizing and protecting the rights and welfare of the Philippine Studentry.


The enactment of the proposed measure will have far reaching significance considering that the future leaders of this nation will definitely come from the ranks of dynamic, progressive and nationalistic students.



MANNY VILLAR

7 FEB 20 2017

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AN ACT
PROVIDING FOR A MAGNA CARTA OF STUDENTS

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

1 SECTION 1. *General Principles.* – The State recognizes the crucial role of
2 students in nation building. As such,

3
4 (a) The State shall promote the active participation of students in affecting
5 change, and development in society.

6
7 (b) The State shall promote and protect the right of all students to qualify
8 education at all levels and shall take appropriate steps to make such
9 education accessible to all.

10
11 (c) The intrinsic value of the student as a person stands above other values.
12 The personal right and dignity of individuals shall be held inviolate; it shall
13 take precedence over any academic goal set by any school or learning
14 institution.

15
16 (d) The student shall be considered at all times a responsible person. He or
17 she shall, therefore be encouraged to make informed decisions with
18 respect to his or her own education and to be involved in school decisions
19 to the fullest extent possible.

20
21 (e) The State recognizes the role of student councils, publications and other
22 organizations in the promotion and protection of the students' democratic
23 rights and welfare and in the inculcation of social awareness and
24 responsibility.

25
26 (f) Both the freedom to teach and the freedom to learn depend upon
27 opportunities and conditions in the classrooms, on the campus and in the
28 larger community. The responsibility to provide and maintain general
29 conditions conducive to learning is shared by all members to the
30 academic community.

31

1 SECTION 2. *Definition of Terms.* – As used in this Act:
2

- 3 (a) “Student” means any person enrolled in school, even if on leave for the
4 semester or with minimum course load, pursuing secondary, post
5 secondary, vocational, technical, tertiary, graduate and post graduate
6 studies.
7
- 8 (b) “Student” means any private, public or government run and funded
9 academic institutions offering any or all courses in the above mentioned
10 levels, and collectively those responsible for its control and operations;
11
- 12 (c) “School Campus” means the totality of all contiguous or proximate
13 buildings, grounds or other facilities designated by the school authorities
14 as areas or facilities for the use of its students; a school may consists of
15 more than one campus;
16
- 17 (d) “Governing Board” means the highest policy making body of the school
18 such as the Board of Directors, Trustees or Regents;
19
- 20 (e) “Student Council/Government” means the body representing the whole
21 student population in one campus whose officers are annually elected at
22 large by the whole student population pursuant to its constitution and by
23 laws;
24
- 25 (f) “Council of Leaders” means the body composed of the heads of various
26 student organizations chaired by the President/Chairperson of the
27 Student Council;
28
- 29 (g) “Student Publications” means publications managed and published by
30 students and autonomous and independent from sectors of the school;
31
- 32 (h) “Students Organizations” means an association or group of students
33 bonded by common ideals, principles, visions and interests and working
34 towards achieving their goals and aspirations;
35
- 36 (i) “Instructor” means any person hired by the school to conduct classroom
37 activities;
38
- 39 (j) “Tuition” means the fee representing direct costs of instruction, training
40 and academically related activities, and the use of school facilities. The
41 term “other school fees” refers to fees which cover the necessary costs
42 directly supportive of instruction, such as medical and dental, athletic,
43 library, laboratory, student council fees, publication fees, and Citizen
44 Army Training (CAT) or Citizen Military Training (CMT) fees.
45

46 SECTION 3. *Freedom of Access to Education.* – Under no circumstances
47 shall a student be denied admission to any school and of financial aid, scholarship
48 and other educational privileges and opportunities because of physical disability,
49 socio-economic status, political belief and affiliation, national origin, ancestry, race,
50 religion sex, sexual orientation, marital or parental status, and to the extent specified
51 by law, age, or veteran status; nor shall pregnant students, reformed convicts and
52 drug abusers and those suffering from the Acquired Immune Deficiency Syndrome
53 be discriminated against. Students not allowed to enroll in any school has the right
54 to appeal such ruling to the appropriate education agency.
55

56 Students are free to pursue their educational goals; appropriate opportunities
57 for learning in the classroom and on the campus shall be provided by the school.

1 SECTION 4. *Right to Organize and Freedom of Association.* – Students are
2 free to form, join or participate in any group or organization within or outside of the
3 school campus for any lawful purpose including, but not limited to religious, social,
4 economic, political, intellectual, cultural or recreational purposes.
5

6 There shall be a central student council/government in every school that is
7 autonomous and with annually popularly elected officers. The Committee on
8 Elections constituted to conduct the election of the officers shall be composed solely
9 of *bona fide* students of the school. Every student council/government shall
10 determine its policies and programs on student activities subject to its duly ratified
11 charter and state policy.
12

13 Membership or affiliation to any legitimate student, community, socio-civic,
14 religious, political and other lawfully constituted organizations shall not be a
15 condition to admission in any school. No student shall likewise be coerced not to
16 join any organization as a condition for admission or as a ground for suspension or
17 expulsion.
18

19 Affiliation or disaffiliation with an extramural organization shall not disqualify
20 the school-based branch or chapter from registering as a student organization.
21

22 No unreasonable requirements for accreditation shall be imposed upon any
23 student organization. The Central Student Council/Government shall decide on the
24 accreditation of student organizations in consultation with the Dean of Student
25 Affairs. Upon submission of their constitution and by laws and a formal letter
26 addressed to the Central Student Council/Government and for recognition shall be
27 immediately processed and acted upon in ten (10) days but not more than twenty
28 (20) days. *Provided*, That existing organizations shall only be required to submit the
29 names of their newly elected officers and amendments to their constitution and by-
30 laws, if any.
31

32 SECTION 5. *Freedom of Expression.* – Freedom of expression shall be
33 interpreted to include all forms of written and oral expression, and all forms of
34 dramatic and artistic expression, dissent or controversy.
35

- 36 (a) Students shall have access to print and broadcast media in their
37 information activities;
38
- 39 (b) Students shall be free from censorship in the publication and
40 dissemination of their view as long as these are not represented as the
41 views of the school;
42
- 43 (c) Student publications shall be free from any action controlling editorial
44 policy in accordance with Republic Act No. 7079 otherwise known as the
45 "Campus Journalism Act" and its amendments. Its editors, managers and
46 contributors shall be protected from arbitrary sanctions originating from
47 the outside the student press.
48
- 49 (d) Subject to existing laws, students shall be free to assemble, to
50 demonstrate, to protest, to communicate and to petition the government
51 and school authorities for the redress of their grievances;
52
- 53 (e) School authorities shall designate a certain area on every campus a
54 freedom park where students can freely discuss issues directly and
55 indirectly affecting them.
56

1 SECTION 6. *Academic Rights.* – Students' rights shall include but not limited
2 to the following:

- 3
- 4 (a) A student has the right to choose a field of study and to pursue his
5 course up to graduation.
- 6 (b) A student has the right to be informed in reasonable detail in writing at
7 the first or a second class meeting with the assigned instructor about
8 nature/content of the course and to expect the course to correspond
9 generally to its official description.
- 10
- 11 (c) A student has the right to be informed writing at the first or a second
12 class meeting with the assigned the criteria to be used in evaluating the
13 student's performance and to expect that the grading system described
14 by the school shall be followed;
- 15
- 16 (d) A student has the right to legitimate discussions inside and outside the
17 classroom and to express dissent or advocate alternative views and
18 opinions without being penalized.
- 19
- 20 (e) A student has the right to receive a grade based only upon a fair and just
21 evaluation of performance in a course as measured by the standards
22 announced by the instructor at the first or second meeting. The student
23 will be evaluated on knowledge and academic performance for purpose
24 and granting academic credit and not on the basis of personal and
25 political beliefs.
- 26
- 27 (f) A student has the freedom to conduct academic researches and to freely
28 discuss and publish his/her findings and recommendations.
- 29
- 30 (g) Students may invite and hear speakers of their choice on subjects of their
31 choice, and the school for the purpose of censorship shall not withhold
32 approval.
- 33
- 34 (h) Students have the right to make a written evaluation of the performance
35 of their teachers towards the end of the school term, to propose
36 improvements in the quality of instruction and in the screening of
37 incoming faculty members, as well as to participate in curriculum
38 development.

39

40 SECTION 7. *Right to Adequate Academic Facilities.* –

- 41
- 42 (a) Students have the right to adequate academic facilities such as library,
43 research, laboratory and information technology equipment; sports and
44 fitness, recreation and other basic facilities.
- 45
- 46 (b) Students have the right to live in safe, decent accommodation with
47 reasonable rent whether provided by the school, or the private sector.
48 Letters and communications received by the school on behalf of the
49 student shall be delivered promptly upon notification.
- 50
- 51 (c) School authorities shall endeavor to provide free annual check-up to
52 students and an on-campus infirmary clinic. They shall also be
53 responsible that a campus is rendered adequate for students with
54 inability and other disabilities.
- 55
- 56 (d) No school shall charge the students with excessive fees in the use or
57 availing such facilities or services. Every school shall provide the

1 students with clear guidelines of any additional costs which may be
2 incurred while studying before they enter a school. These shall be
3 rigorously monitored by the student council/government to prevent the
4 charging of top-up fees.

- 5
6 (e) Students/student organization have the right to access or use of campus
7 facilities free from discrimination and subject only to regulations as to
8 time and manner of governing the facility

9
10 SECTION 8. *Right to Student Employment.* – The school shall encourage
11 opportunities for student summer and part-time employment. It shall develop career
12 counseling and guidance in order to enhance student capability to join the workforce
13 during and after his school years.

14
15 The Student Council shall support job and career development efforts
16 creating among its student's organization and "Student Job Center" specifically for
17 this purpose.

18
19 Government agencies such as DOLE, DTI, DSWD, NYC, PSC, POC, shall
20 likewise provide support by giving students priority placement, following the out-of-
21 school youth in availing of summer employment in government and public works.

22
23 Every student, working for a period not to exceed the minimum wage and
24 other benefits provided by the labor code has the right to minimum wage if they are
25 in the employment.

26
27 Students have the right to protection in the workplace through health and
28 safety conditions that are cognizant of their age and physical development.

29
30 SECTION 9. *Right to Consultation, Information and Participation in Policy*
31 *Making.* – Students have the right to be informed and consulted in the formation of
32 school and calculation politics. No rule, regulation or policy that directly or indirectly
33 affect the students rights and welfare, including tuition fee increase, shall be
34 implemented without prior consultations and information.

35
36 There shall be a student representative in the Governing Board of the school.
37 The Chairman/President of the Student Council or any designated representative
38 chosen by the heads of various local college student council shall be the
39 representative.

40
41 Student shall be represented in other policy-making bodies, which directly
42 affect their welfare especially in curriculum review, student discipline and academic
43 standards. The student council shall designate the representatives.

44
45 The student council/government through a majority vote of all its members
46 shall have the to file an appeal on any decision of any policy making body
47 subordinate to the Governing Board. Such appeal shall be filed with the Governing
48 Board.

49
50 The Student Council/Government with the same requisite number of votes
51 referred to in the previous paragraph may file a motion for reconsideration of any
52 decision of the Governing Board.

53
54 In case of any decision unfavorable to the students, the Student
55 Council/government may file an appeal with the Department of Education (DEPED),
56 the Technical Education and Skills Development (TESDA), and the Commission on
57 Higher Education (CHED), as the case may be.

1
2 All appeals and motions for reconsideration referred to in the previous
3 paragraphs must be within thirty (30) calendar days from the date of notice of
4 decision.

5
6 SECTION 10. *Creation of Student Ethics Committee.* – Recognizing the
7 values of student responsibility and self-regulation, as well as its own capacity to
8 discipline in the aspect of students ethics, the school management shall refer to the
9 Students Ethics Committee. Such committee shall be created for this purpose by
10 the student government in consultation with the "Student Affairs Office."

11
12 All questions pertaining to plagiarism, falsification, copying, cheating and
13 other forms of unethical student conduct shall be referred to the Students Ethics
14 Committee which may be recommended appropriate disciplinary action to the
15 Student Disciplinary Board.

16
17 SECTION 11. *Due Process in Disciplinary Proceedings.* – No student shall be
18 suspended or summarily dismissed without proof or hearing. Witnesses may be
19 called in the student's defense. Witnesses should be identified and reference
20 should be made to the school rule or regulation violated and the possible severity of
21 such charges.

22
23 There shall be a Student Disciplinary Board in every school which shall hear
24 and decide on disciplinary proceedings. It shall be composed of two (2) student
25 members, two (2) faculty members and one (1) representative from the school
26 administration. The Student Council shall endorse the student and faculty
27 members.

28
29 The student has the right to appeal adverse decisions by the Student
30 Disciplinary Board to the Governing Board and ultimately to the appropriate
31 education agencies.

32
33 The Student Disciplinary Board, in coordination with the Dean of Student
34 Affairs shall publish and post on a periodic basis acts which are deemed violative of
35 school rules and regulations and the corresponding disciplinary sanctions. Provide
36 that such rules and regulations do not violate the students' rights herein and under
37 the Constitution. *Provided, further,* That the disciplinary sanctions shall be
38 corrective rather than punitive.

39
40 SECTION 12. *Right to Protection and Privacy of Official Educational Records*
41 - A student has the right to inspect and to be issued his/her official records.

42
43 The student has the right to request the school to amend his or her records
44 and, if that request is denied, the student has the right to a hearing to challenge the
45 content of the students official education records, to insure that the records are not
46 inaccurate, misleading or otherwise in violation of the privacy or other rights to
47 students. If the school declines to amend the record following the hearing, the
48 student has the right to submit a statement for inclusion in the education record
49 commenting on the information in the record and the schools decision not to amend
50 it. Provided the right to a hearing does not include any right on the part of the
51 student to challenge the appropriateness of the grade as determined by an
52 instructor.

53
54 Student's records shall not be released to persons other than the authorized
55 school authorities without permissions of the student or through compliance with
56 applicable laws.

57

1 Information about a student's views, beliefs and political associations
2 acquired in the course of instruction, advising and counseling is confidential and
3 shall not be disclosed to others unless by written consent of the student.
4

5 The school shall not act in derogation of the rights of students to be secure in
6 their possessions. Students shall be secure against invasion of privacy and
7 unreasonable search and seizure. Except for the following instances, no search and
8 seizure of a student shall be deemed valid:

- 9 (a) searches made to a point of ingress by authorized personnel of the
10 school;
 - 11 (b) searches and seizures of illegal article or articles falling in the plain view of
12 duly authorized personnel;
 - 13 (c) searches and seizures of article that are illegal, discovered inadvertently
14 by duly authorized personnel;
 - 15 (d) searches made when the student is about to commit, is committing or has
16 committed a crime or a serious infraction of the school's rules and
17 regulation
 - 18 (e) searches made with a valid search warrant
- 19

20 Students shall have the right to study or practice without undue restriction or
21 disruption.
22

23 The privacy of communication and correspondence among students shall
24 remain inviolable.
25

26 SECTION 13. *Final Provisions.* – Within ninety (90) days, the DEPED,
27 TESDA, and CHED, in consultation with the students and all concerned groups shall
28 promulgate the necessary rules and regulations to implement the provisions of this
29 Act.
30

31 Any person who shall willfully interfere with, restrain or coerce any student in
32 the exercise of his or her right guaranteed by this Act, or who shall upon conviction,
33 be punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more
34 than Fifty Thousand Pesos (P50,000.00) or by imprisonment of not less than one (1)
35 year not more than five (5) years, or both such fine and imprisonment at the
36 discretion of the Court. If the offender is an educational institution, a juridical
37 person, the penalty shall be imposed upon the President, Treasurer, Secretary or
38 any person or officer responsible for the violation. If the offender is an alien, he
39 shall, after the service of sentence, be deported immediately without further
40 proceeding in the Bureau of Immigration and Deportation (BID). If the offender is a
41 public officer or employee, the Court shall, in addition to the penalties herein above
42 provided, order his dismissal from the government service.
43

44 In this regard, the DEPED, the CHED, and the TESDA shall be empowered
45 to investigate into the violations of this Act or the rules and regulations issued
46 thereunder and for this purpose shall have the power to issue summons, writs,
47 orders, subpoena and subpoena *duces tecum* to secure the attendance of
48 witnesses and the presented to the appropriate body.
49

50 All laws, decrees, orders, rules and regulations or other issuances or parts
51 thereof inconsistent with the provisions of this Act hereby repealed or modified
52 accordingly.
53

54 This Act shall take effect one month after its publication in any newspapers of
55 general circulation
56

57 Approved,