

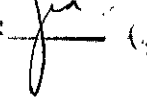
SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'13 JUL -3 P2:12

SENATE

RECEIVED BY: 

Senate Bill No. 372

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

One of the biggest foundations of a progressive nation is an educated population. Development in the different areas of knowledge such as science and technology, business, medicine, social science and others have brought about drastic advancement in our present society. In an increasingly demanding and dynamic global economy, competitiveness, more than an advantage, is a must.

As expressed in the Philippine Constitution, education is one of the priorities of the State. Aside from the basic needs of food, shelter and clothing, education is one of the primary necessities that the State should provide its constituents. While the private sector is an active participant in the promotion of education at present, the government should still lead in ensuring its quality and accessibility.

Accordingly, it should be recognized that the full development of the students is not dependent merely on books and lectures. Aside from providing them with an environment conducive to learning, it is the duty of the State to ensure the quality of education that goes beyond the corners of the classroom; for indeed the true lessons in life are gained in the real world. However, the present formal educational system has, in one way or another, deprived the students of the chance to develop their full potential.

This *Magna Carta* for students intends to equalize the chance of the students to admission in school and to avail of competent and quality education. It seeks to provide measures to ensure that the students are able to exercise their rights to organize, right to participate in policy-making, right to academic freedom, and right to free expression and information.

For these reasons, the passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator



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SENATE

Senate Bill No. 372

RECEIVED BY: *Joa*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR THE ESTABLISHMENT OF THE MAGNA CARTA OF
STUDENTS

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

SECTION 1. Title. This Act shall be known as the "**Magna Carta of
Students**".

CHAPTER I
GENERAL PRINCIPLES

SEC. 2. Declaration of Policy. It is hereby declared to be the policy of the
State to promote and protect the rights of students to enable them to participate
actively and effectively in the democratic processes of effective progressive and
developmental changes in society.

SEC. 3. Guiding Principles. This Act declares the following as basic
guiding principles:

- (a) The formal educational system being the principal institutional mechanism for imparting knowledge and developing skills is given priority attention and support by the government.
- (b) Education is a right and not a mere privilege. It is therefore the responsibility of the State to provide quality education accessible at all curriculum levels.
- (c) Student organizations enhance democratic processes on the campus. Membership and active which promote and protect students' rights and welfare and/or contribute to national development shall be guaranteed by the State and school authorities.
- (d) Student organizations shall not be subject to rules and regulations that unduly hamper their activities and are prejudicial to their objectives and interests, provided such objectives, activities and interests are with the school's mission.
- (e) Student councils/governments being the most representative of the studentry and the highest expression of student power on

campus shall be consulted in the formulation of school policies directly affecting students.

- (f) Student publication shall serve as a principal, medium for free and responsible expression, dissemination of information, and interaction, among the different sectors of the academic community.
- (g) With their democratic rights guaranteed, students can serve as a potent and cogent force in the country's social transformation.

SEC. 4. Definition of Terms. As used in this Act, the following terms shall mean:

- (a) "Student" – any person enrolled in school in post secondary, tertiary, graduate and post graduate levels, including vocational and technical education.
- (b) "School" – any private, public or government-run and funded academic educational institution offering any or all courses in the above-mentioned levels.
- (c) "School campus" – the totality of all contiguous or proximate buildings, grounds and other facilities designed by the school as areas or facilities for the use of its students.
- (d) "Governing Board" – the highest policy making body of the school such as: Board of Directors, Trustees or Regents!
- (e) "Student Council/Government" – the body representing the whole student population in one school or school campus whose officers are annually elected at large by the whole student population pursuant to its constitution and by-laws, if any.
- (f) "Council of Leaders" – the body composed of the heads of various student organizations chaired by the President/Chairman of the Student Council.
- (g) "Tuition Fee" – The fee representing direct costs of instructions, training and other related activities, and the use of school facilities. The term "other school fees" refers to fees which cover other necessary costs supportive of instruction, including but not limited to medical and dental, athletic, library, laboratory, and Citizen Army Training (CAT) or Citizen Military Training (CMT) fees.

CHAPTER II RIGHT TO ADMISSION AND QUALITY EDUCATION

SEC. 5. Admission.

- (a) No student shall be denied admission to any school on account of his/her physical handicap, socio-economic status, political or religious beliefs, or shall pregnant students and certified reformed drug abusers be discriminated against.
- (b) A student shall have the right to freely choose his/her field of study subject to existing curricula and the institution's admissions policies and to continue his/her course up to graduation except in case of academic deficiency, inability to meet program requirement, or violation of disciplinary

regulations which do not infringe upon the exercise of students' rights.

SEC. 6. *Rights to Competent Instruction and Relevant Quality Education.* Every student shall have the right to competent instruction and quality education to relevant to his/her personal and cultural development and that of the nation, and commensurate to the school fees paid, and for state institutions, public subsidies granted.

Students shall have the right to make a written evaluation of the performance of their teachers toward the end of the school term.

SEC. 7. *Right to Adequate Student Services and Academic Facilities.* It shall be the responsibility of the school administration to provide the students with adequate student services and academic facilities commensurate to the school fees paid, and for SCUs, public subsidies granted.

CHAPTER III RIGHT TO ORGANIZE

SEC. 8. *Right to Organize among Themselves.* Unity and collective effort being fundamental to the realization of common goal and the promotion and protection of common interest, the State recognizes the right of student to organize among themselves.

The rights of student to form, assist, or join any campus organization, alliance or federation, not contrary to the school mission, for their physical, intellectual, moral, cultural, spiritual and political interest shall not be abridged.

SEC. 9. *Student Council/Government.* The State shall ensure the democratic and autonomous existence of student councils/governments. Pursuant thereto, there shall be one student council/government for each school campus, which shall be given recognition by the school, colleges and universities concerned. It shall have its own set of officers elected in annual popular elections. Every student council/government shall have the right to determine its policies and program on student activities subject to this duly ratified charter or constitution, school rules and regulation, and state policy.

SEC. 10. *Recognition of and Granting of privileges to Student Organizations.* No unreasonable requirements shall be imposed on student organizations seeking recognition.

The guidelines concerning recognition shall be formulated by the Student Affairs Office in consultation with the student council.

The process for seeking recognition shall begin upon the submission to the Student Affairs Office by the organization concerned on its (1) concept paper and constitution; and (2) a formal letter addressed to the Student Affairs stating that the organization's intent to be recognized. Recognition will be granted by the Students affairs Office upon compliance with the guidelines.

There shall be no discrimination in the assignment of school facilities and granting of other privileges to student organizations.

Excessive charges for the use of school facilities shall be prohibited. Whenever possible the school administration shall allow student organizations to use school facilities free of charge.

SEC. 11. *Coordination of Student Organizations' Activities.* All on and off campus activities of student organization shall be coordinated by the student council/government in consultation with the Student affairs office.

The Committee on Elections (COMELEC) constituted to conduct the election of the officers of the student council/government shall be composed solely of bona fide student of the school. The conduct of the student council election shall be held in coordination with the Student Affairs Office.

SEC. 12. *Prohibition against the Use of Force and Exaction and Excessive.* All campus organization shall be prohibited from using force in initiation and from exacting excessive fees from their members, as well as in their other student's activities.

CHAPTER IV RIGHT TO PARTICIPATE IN POLICY MAKING

SEC. 13. *Representation in policy-making process.* The student shall be represented in policy-making bodies (other than the governing board) which directly affect their welfare, especially in curriculum review, student discipline and academic standards. The representatives shall be designed by the student council.

SEC. 14. *Student Initiative and Referendum.* The student council/government through a majority vote of all the members of the student body shall have the right to initiate the formulation, modification or rejection of a school policy affecting the students. The proposition for the formulation, modification or rejection of a school policy affecting the students shall be submitted to and approved by a majority of votes casts by all bona fide students of the school in an areas shall be excluded from the power of students on initiative or referendum: (a) admission; (b) curriculum; 9c) faculty recruitment and tenure; (d) rules on student conduct and discipline; (e) tuition fees; and (f) scholastic rules (e.g. academic credits and retention and graduation of students).

CHAPTER V RIGHT TO FREE EXPRESSION AND INFORMATION AND RIGHT TO ACADEMIC FREEDOM

SEC. 15. *Right to be Informed.* The right of the student to be given information upon request on matters directly affecting their welfare shall be recognized.

SEC. 16. Freedom of Expression. Subject to existing laws and school rules and regulations, students shall have the right to freely express their view and opinions.

SEC. 17. Academic Freedom. Students' academic freedom shall subject to school rules and regulations and the exercise by the school and members of the faculty of their respective academic freedom, consist of, but is not limited to, the following rights:

- (a) To conduct research in connection with academic work, and to freely discuss and publish their findings and recommendations;
- (b) To conduct inquiry in curricular and extracurricular activities within the campus and in appropriate circumstances;
- (c) To choose a field of study for research and to pursue the quest for truth; to express their opinion on any subject of public or general concern which directly or indirectly affects the students of the educational system;
- (d) To invite off-campus speakers or resource persons to student sponsored assemblies, fora, symposia, and other activities of similar nature;
- (e) To express contrary interpretation or dissenting opinions inside and outside the classroom;
- (f) To participate in the drafting of a new curriculum and in the review or revision of the old; and
- (g) To participate in the drafting and/or revising of the student handbook which shall include the school rules and regulations, a copy of which shall be furnished the students upon admission to the school.

CHAPTER VI RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

SEC. 18. Right to Due Process.

- (a) A student subject tot disciplinary proceedings shall have the right to defend himself/herself, to be heard and to present evidence on his/her behalf before an impartial body. There shall be a Student Disciplinary Board to be composed of two (2) representatives form the school administration, one (1) faculty member, and two (2) students to conduct investigations into and decide on cases student violation of disciplinary standards.
- (b) The blacklisting, expulsion, suspension and other such disciplinary sanctions that may be taken against a student shall not be valid unless the following rights have been observed:
 - (1) the right to be informed in writing of the nature and cause of the accusations against his/her;
 - (2) the right to confront witnesses against him/her and to have full access to the evidence on the case;
 - (3) the right to defend himself/herself and to be defended by a represented or counsel of his/her choice, adequate time being given for the preparation of a defense;

- (4) the right to a hearing before the student Disciplinary Board;
 - (5) the right against self incrimination; and
 - (6) the right to appeal adverse decisions of the Student Disciplinary Board to the governing board and ultimately to the appropriate education agencies.
- (c) The decision in any disciplinary proceeding must be rendered in the basis of relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the student affected.
- The deciding body must act on its own independent consideration of the facts of the case. The body should, in all controversial questions, render its decision in such a manner that the issues involved, and the reasons for any decision made are clear to the student.
- (d) Disciplinary sanctions shall be corrective rather than punitive. Acts which are deemed to violate school rules and regulations and the corresponding disciplinary sanctions do not violate the rights guaranteed herein and under the Constitution.

CHAPTER VII OTHER RIGHTS

SEC. 19. Right Against Unreasonable Searches and Seizures. Every student shall be free from any form of unreasonable search and seizure. Except for the following instances no search or seizure of a student shall be deemed valid:

- (a) Searches made at the point of ingress and egress by authorized personnel of the school.
- (b) Searches and seizures of illegal articles or articles falling in the plain view of duly authorized personnel;
- (c) Searches and seizures of articles that are illegal, discovered inadvertently by duly authorized personnel;
- (d) 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;
- (e) Searches made with a valid search warrant.

Articles seized in violation of the here above mentioned provided rights shall not be used as evidence against the student in any disciplinary action that may be brought against him/her.

SEC. 20. Access to School Records and Issuance of Official Certificates. Subject to the provision of the following section, every student shall have access to her/him own school record, the confidentiality of which the school shall maintain. He/she shall have the right to be issued official certificates, diplomas, transcript of records, grades, transfer credentials and other similar documents within thirty (30) days from the filing of request and accomplishment of all pertinent requirements.

SEC. 21. *Unpaid Tuition Fees and Examination.* No student shall be prohibited from taking a periodic or final examination because of unpaid tuition and other fees under the established terms of payment prescribed by the school concerned and approved by the appropriate education agency.

Students with delinquent fees permitted to take an examination shall nevertheless be subject to the right of the school concerned to withhold the release or issuance of such students' school records or of the documents mentioned in the preceding section or to deny such students' admission at the next succeeding term or year until the prior delinquencies are fully paid.

Approved,