



HOUSE OF REPRESENTATIVES

H. No. 5115

BY REPRESENTATIVES PUNO, CAYETANO, GULLAS, OLIVAREZ, DEL ROSARIO
(A.G.), ABELLANOSA, LAGDAMEO (M.) AND REVILLA, PER COMMITTEE
REPORT NO. 463

AN ACT PROTECTING THE AMATEUR NATURE OF
STUDENT-ATHLETES IN THE PHILIPPINES BY REGULATING
THE RESIDENCY REQUIREMENT AND PROHIBITING THE
COMMERCIALIZATION OF STUDENT-ATHLETES

*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
2 “Student-Athletes Protection Act” .

3 SEC. 2. *Declaration of Policy.* — Article XIV, Section 1 of the 1987
4 Constitution recognizes the role of the State to protect and promote the right of
5 all citizens to quality education at all levels and to take appropriate steps to
6 make such education accessible to all. Further, Section 19(1) of the same
7 Article provides that “The State shall promote physical education and
8 encourage sports programs, league competitions, and amateur sports, including
9 training for international competitions, to foster self-discipline, teamwork, and
10 excellence for the development of a healthy and alert citizenry”. Thus, the
11 State shall recognize and uphold the rights of student-athletes to further hone
12 their skills and abilities in their respective fields of amateur sports without
13 neglecting their education and general well-being.

1 It is the intention of this law to protect and promote the rights of the
2 student-athlete who is, first and foremost, a student. To this end, the rights
3 guaranteed by this law and the obligations imposed on schools and athletic
4 associations and their officials, athletic directors, coaches, members of the
5 coaching staff, administrators, alumni, and their representatives shall seek to
6 ensure that the student-athlete attains quality education while honing his skill
7 and reaching his full potential as an athlete in an amateur sports setting.

8 SEC. 3. *Definition of Terms.* – As used in this Act, the following
9 terms shall be defined as follows:

10 (a) *Athletic association* refers to any public or private organization that
11 is responsible for governing inter-school athletic programs and competitions
12 such as the Private Schools Athletic Association (PRISAA), the University
13 Athletic Association of the Philippines (UAAP), the National College Athletic
14 Association of the Philippines (NCAA), the Women's National Collegiate
15 Athletic Association (WNCAA), the State Colleges and Universities Athletic
16 Association (SCUAA), the Cebu Schools Athletic Foundation Inc. (CESAFI),
17 the National Capital Regional Athletic Association (NCRAA), the Association
18 of Local Colleges and Universities Athletic Association (ALCUAA) and the
19 National Athletic Association of Schools, Colleges and Universities
20 (NAASCU);

21 (b) *Residency* refers to the obligation of a student-athlete to engage in
22 full-time study for a period of time as required by a school;

23 (c) *School* refers to an institution recognized by the State which
24 undertakes educational operations such as grade school, high school, college,
25 university or technical-vocational education and training institution;

26 (d) *Student-athlete* refers to a student currently enrolled in any school
27 who is a member of any of the school's athletic teams or programs and who
28 represents or has intentions of representing the school in an inter-school

1 athletic program or competition. The student-athlete must be enrolled in at
2 least a minimum full-time curricular program and must be in good standing to
3 be eligible to represent the school in an inter-school athletic program or
4 competition.

5 SEC. 4. *Residency of Student-Athletes.* — Without prejudice to the
6 respective rules of athletic associations on student-athletes who are foreign
7 imports, the following rules on residency shall be applied:

8 (a) Residency requirement shall not be imposed on a student-athlete
9 who is a high school graduate enrolling in a college or university;

10 (b) In the case of a high school student-athlete transferring from one
11 high school to another or a tertiary student-athlete transferring from one
12 college or university to another, a maximum of one (1) year residency may be
13 imposed by an athletic association before a student-athlete could participate
14 and represent a school in any athletic competition; and

15 (c) The residency rules mentioned in paragraphs (a) and (b) of this
16 section shall likewise apply to a Filipino student-athlete from other countries
17 enrolling in a school in the Philippines.

18 No school shall be allowed to do the following acts on a student-athlete
19 who seeks transfer to another school:

20 (1) File an administrative charge for possible violation of school rules
21 and regulations;

22 (2) Require the refund of tuition and other miscellaneous fees covered
23 by the scholarship granted, including monies given and the cash equivalent of
24 non-monetary benefits received;

25 (3) Refuse to issue or delay the release of grades and school records,
26 clearance, or transfer eligibility;

27 (4) Give incomplete grades in subjects in which the student-athlete is
28 exempted by virtue of being a student-athlete; and

(5) Impose other forms of punishment.

SEC. 5. *Benefits and Incentives.* – Schools may grant a deserving student-athlete the following benefits and incentives:

(a) Tuition and miscellaneous school fees including books and other learning materials;

(b) Full board and lodging;

(c) School and athletic uniforms including supplies, equipment and paraphernalia;

(d) A reasonable regular monthly living allowance, the amount of which shall be set and standardized by the athletic association to which the school is affiliated with; and

(e) Medical examinations and consultations, emergency medical services, life and medical insurance and other reasonable and similar benefits that would further enhance the academic and athletic performance of the student-athlete.

SEC. 6. *Commercialization of Student-Athletes.* – Schools shall not offer a student-athlete or the immediate family members benefits or incentives beyond those enumerated under Section 5 of this Act which are contrary to the nature of amateur sports and which may result to the commercialization of a student-athlete.

SEC. 7. *Investigation and Imposition of Sanctions or Penalties.* – Athletic associations, as well as the Department of Education (DepED), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Philippine Sports Commission (PSC), or other relevant government agencies may *motu proprio*, or upon written complaint, investigate any violation of this Act and impose the appropriate penalties, without prejudice to any civil or criminal action filed in court.

1 For purposes of this Act, a written complaint may be filed by a
2 student-athlete, the parents or guardians, member schools or their alumni,
3 athletic associations, or any person or entity for any violation of this Act.

4 An athletic association or school shall also be liable under relevant laws,
5 or rules and regulations for any violation of this Act committed by its officials,
6 athletic directors, coaches, member of the coaching staff, administrators,
7 alumni, or their representatives, who directly or indirectly participated in or
8 who have knowingly permitted or failed to prevent such violation, without
9 prejudice to any direct liability by the foregoing individuals.

10 SEC. 8. *Implementing Rules and Regulations.* -- Within ninety (90)
11 days from the approval of this Act, the PSC, in consultation with the DepED,
12 CHED and TESDA, shall promulgate the rules and regulations implementing
13 the provisions of this Act. The implementing rules and regulations issued
14 pursuant to this section shall take effect thirty (30) days after its publication in
15 two (2) national newspapers of general circulation.

16 SEC. 9. *Separability Clause.* -- If any provision of this Act is declared
17 unconstitutional, the remainder of this Act or any provisions not affected
18 thereby shall remain in full force and effect.

19 SEC. 10. *Repealing Clause.* -- Any law, presidential decree or issuance,
20 executive order, letter of instruction, administrative order, rule or regulation
21 contrary to or inconsistent with the provisions of this Act is hereby repealed,
22 modified, or amended accordingly.

23 SEC. 11. *Effectivity.* -- This Act shall take effect fifteen (15) days after
24 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,