

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

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SENATE
S. B. No. 1041

RECEIVED BY: Ardu

Introduced by Senator JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

One of the biggest foundations of a progressive nation is an educated population. Developments in the different areas of knowledge such a 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 such as food, shelter and clothing, it is one of the primary necessities that the State should provide for its constituents. While the private sector is an active participant in the promotion of education at present, the government should still the lead in insuring its quality and accessibility.

It should be recognized that the full development of the students is not limited 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 room; 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 to 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 right to organized, 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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**AN ACT
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:

SEC 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 effecting 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 therefor 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 designated 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 instruction, 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 Citizens Army Training (CAT) or Citizens 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 abuser be discriminated against.
- (b) A student shall have the right to freely choose his/her fields of study subject to existing curricula and the institution's admissions policies and the to continue his/her course up to graduation except in case of academic deficiency, inability to meet program requirements, or violation of disciplinary regulations which do not infringe upon the exercise of students' rights.

SEC. 6. Right 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 students 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 Organized 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 right of students to form, assist, or join any campus organization, alliance or federation, not contrary to the school mission, for their physical, intellectual, moral, cultural, civic, spiritual and political interest shall be 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 schools, 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 determined its policies and programs on student activities subject to this duly ratified charter or constitution, school rules and regulations, 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 Fees. – 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 students 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 designated by the student council.

SEC. 14. Student's 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 cast by all the bona fide students of the school in a areas shall be excluded from the power of students on initiative or referendum: (a) admission; (b) curriculum; (c) 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 Informed. – The right of the students to be given information upon request on matters directly effecting 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 views 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;

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 made clear to the student.

- (d) Disciplinary sanctions shall be corrective rather than punitive or penal in nature. The gravity of disciplinary sanctions must be proportionate to the seriousness of the violation committed.

The Student Affairs Office of the respective schools shall publish on a periodic basis acts which are deemed to violate or school rules and regulations and the corresponding disciplinary sanctions; Provided, that such rules and regulations 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 article 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 regulation;
- (e) Searches made with a valid search warrant.

Articles seized in violation of the here above 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/her own school records, 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

- (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 to 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 Students Disciplinary Board to be composed of two (2) representatives from 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 him/her;
 - (2) The right to confront witnesses against him/her and to have full access to the evidence in 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) To 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 on the basis or relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the student affected.

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.

SEC. 22. Security of Tenure. – It shall be the right of students to finish their entire courses of study in a given school, except in cases of academic deficiency or inability to meet program requirements, or violation of disciplinary regulations

In case wherein the school authorities refuse to allow a student to enroll for the subsequent term or year due to the cause herein above stated, the student may appeal such ruling to the appropriate education agency.

SEC. 23. Prohibition of Involuntary Contribution. – Except those approved by their own student organization, all voluntary contribution shall be prohibited.

SEC. 24. Collection of Student Paper and Student Council Fees. – The school administration, upon mutual agreement with the student paper staff and the student council/government, shall assist by facilitating the collection of student paper and student council fees from the students.

The student paper fees shall be held in trust for their unhampered use in the publication of the student paper.

The full amount of student council fees shall be turned over to the student council within fifteen (15) days from the assumption of office of the Student Council officers.

SEC. 25. Privacy of Communication. – The privacy of communication and correspondence among students shall remain inviolable.

SEC. 26. Scholarship Grants and Privileges. – Opposition to school policies to students' interest shall not be a ground for denying or withdrawing scholarship grants and privileges to deserving students.

SEC. 27. Right to Adequate and Safe Housing/ Dormitory Facilities. – The state and the respective school authorities shall endeavor to provide the student adequate, safe and clean housing facilities.

SEC. 28. Prohibition Against Militarization of the School Campus. – The pursuit of academic excellence and exercise of academic freedom can be attained only in an atmosphere free from fear and unreasonable restraint. Pursuant thereto, no military detachment shall be installed on the school campus.

Military elements and/or policemen in uniform or in plain clothes and school security forces shall not interfere with student activities, particularly peaceful mass actions, inside the campus. School officials may request for their presence however, in cases where these actions are disrupted of normal school operations.

CHAPTER VIII RESPONSIBILITIES OF THE STUDENTS

SEC. 29. Student Responsibilities. – Student shall have the following responsibilities:

- (a) To develop their potentials to the utmost in order that they may be of service to their families and society;

- (b) To strive their potentials excellence and to abide by school rules and regulations pertaining to their academic responsibilities;
- (c) To exerts utmost efforts toward the realization of harmonious relationships with the rest of the academic community;
- (d) To participate actively in school activities including athletics and civic affairs for the development of the community and the nation;
- (e) To uphold, preserve and maintain the good name of their alma mater; and
- (f) To exercise the above mentioned rights responsibility.

CHAPTER IX

FINAL PROVISIONS

SEC. 30. Rule and Regulations. – Within ninety (90) days from the approval of this Act, the DECS, TESDA AND CHED in collaboration with the representatives of national student organizations, representative of school administration and the President Council for Youth Affairs (PCYA) shall promulgate the necessary rules and regulations to implement the provision of this Act.

SEC. 31. Administration and Enforcement. – National student organizations and student council/governments have the right to report to and demand an investigation from the appropriate education agency into any act or acts committed by school authorities and/or administrations violative of their rights as provided in this Act. As they have the right to an impartial speedy resolution of the issue.

Upon finding by the appropriate education agency that a particular school administration has willfully and repeatedly infringed on the rights provided herein, it shall the suspension or cancellation of the license to operate of said erring school. To protect the interest t of the students, the State shall, during the period of suspension or upon the collection of license, and unless restrained by the proper Court, take over the operation of the school.

SEC. 32. Penal Provision. – Any person who shall willfully interfere with, retrain or coerce any student in the exercise of the rights guaranteed by this Act, or who shall in any other manner commit any act to defeat any provision of this Act, shall, upon conviction, be punished by a fine of not less than Ten Thousand (P10, 000.00) Pesos nor more than Fifty Thousand (P50, 000.00). Pesos or by imprisonment for not less than one year nor more than five years, or both such fine imprisonment at the discretion of the Court.

If the offender is an education institution, or any juridical person, the penalty shall be imposed upon the President, Treasurer, Secretary or any person or officer responsible for the violation. If the offender is an alien, he/she shall, after service of sentence, be deported immediately without further proceeding in the Bureau of Immigration and Deportation (BID). If the offender is a public officer or employee, the Court shall, in addition to the penalties herein above provided, order his/her dismissal from the government service.

In addition to the penalties herein provided, the license to operate of the school conerned may be suspended or canceled by the DEC, TESDA or CHED in accordance with Section 31 of this Act. The decision of these education agencies may be appealed proper court.

SEC. 33. Separability Clause. – If any provision of this Act is declared invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SEC. 34. Repealing Clause. – All laws, decrease, orders, rules and regulation or other issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 35. Effectivity. – The Act shall take effect upon its approval.

Approved.