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First Regular Session )



'16 JUL 20 P5:20

SENATE

RECEIVED BY: 

S.B. No. 723

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT  
PROVIDING FOR A MAGNA CARTA OF STUDENTS**

**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. Likewise, enshrined in the Constitution that the State shall give priority to education, among others, to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

In line with the foregoing constitutional provisions, this Magna Carta for students is being proposed to acknowledge and protect the rights and welfare of the students.

Students are vital component of the society as they comprise the new breed of leaders, professionals, and intellectuals that will continue the progress of one's nation and form the next generation. In 2014, there were about 3.5 Million students who enrolled in both public and private higher education institutions; however, only a measly 560,000 of them were able to graduate<sup>1</sup>. This bill recognizes the importance of education, particularly higher education among the youth. As such, this measure guarantees the equal access to education of all; and denial from admission or availment of financial aid, scholarship and other educational privileges and opportunities of a student on account of his or her physical disability, socio-economic status, political belief and affiliation, and the like is prohibited.

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<sup>1</sup> <http://www.ched.gov.ph/wp-content/uploads/2014/temp/1003/home/Higher%20Education%20Data%202014%20-%20Public%20and%20Private%20HEIs.pdf>

The proposed measure also acknowledges the relevance of students' organizations and publications, among others, as these provide avenue for students to express their skills and potentials in varying fields. Thus, this bill seeks to guarantee the right to organize and be associated, freedom of expression and academic freedom, student employment, and right to participate in policy-making process, particularly affecting the students' welfare.

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

In view of the foregoing, I recommend the approval of this bill.



CYNTHIA A. VILLAR



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*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 Magna Carta of*  
2 *Students*".

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

5           (a) The State shall promote the active participation of students in effecting  
6 change and development in society.

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 education  
9 accessible to all.

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

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

17          (e) The State recognizes the role of student councils, publications and  
18 other organizations in the promotion and protection of the students' democratic rights  
19 and welfare and in the inculcation of social awareness and responsibility.

20          (f) Both the freedom to teach and the freedom to learn depend upon  
21 opportunities and conditions in the classrooms, on the campus and in the larger

1 community. The responsibility to provide and maintain general conditions conducive  
2 to learning is shared by all members to the academic community.

3 **SEC. 2. *Definition of Terms.*** - As used in this Act, the following terms shall  
4 mean:

5 (a) "Student" means any person enrolled in school, even if on leave for the  
6 semester or with minimum course load, pursuing secondary, post secondary,  
7 vocational, technical, tertiary, graduate and post graduate studies;

8  
9 (b) "School" means any private, public or government run and funded  
10 academic institutions offering any or all courses in the above mentioned levels, and  
11 collectively those responsible for its control and operations;

12 (c) "School Campus" means the totality of all contiguous or proximate  
13 buildings, grounds or other facilities designated by the school authorities as areas or  
14 facilities for the use of its students; a school may consists of more than one campus;

15 (d) "Governing Board" means the highest policy making body of the school  
16 such as the Board of Directors, Trustees or Regents;

17 (e) "Student Council/Government" means the body representing the whole  
18 student population in one campus whose officers are annually elected at large by the  
19 whole student population pursuant to its constitution and bylaws;

20 (f) "Council of Leaders" means the body composed of the heads of  
21 various student organizations chaired by the President/Chairperson of the Student  
22 Council;

23 (g) "Student Publications" means publications managed and published by  
24 students and autonomous and independent from sectors of the school;

25 (h) "Students Organizations" means an association or group of students  
26 bonded by common ideals, principles, visions and interests and working toward  
27 achieving their goals and aspirations;

28 (i) "Instructor" means any person hired by the school to conduct  
29 classroom activities;

30 (j) "Tuition" means the fee representing direct costs of instruction, training  
31 and academically related activities, and the use of school facilities. The term "other  
32 school fees" refers to fees which cover the necessary costs directly supportive of  
33 instruction, such as medical and dental, athletic, library, laboratory, student council  
34 fees, publication fees, and Citizen Army Training (CAT) or Citizen Military Training  
35 (CMT) fees.

1           **SEC. 3. Freedom of Access to Education.** - Under no circumstances shall a  
2 student be denied admission to any school and of financial aid, scholarship and  
3 other educational privileges and opportunities because of physical disability, socio-  
4 economic status, political belief and affiliation, national origin, ancestry, race, religion  
5 sex, sexual orientation, marital or parental status, and to the extent specified by law,  
6 age, or veteran status; nor shall pregnant students, reformed convicts and drug  
7 abusers and those suffering from the Acquired Immune Deficiency Syndrome be  
8 discriminated against. Students who are not allowed to enroll in any school have  
9 the right to appeal such ruling to the appropriate education agency.

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

12           **SEC. 4. Right to Organize and Freedom of Association.** - Students are free  
13 to form, join or participate in any group or organization within or outside of the school  
14 campus for any lawful purpose including, but not limited to religious, social,  
15 economic, political, intellectual, cultural or recreational purposes.

16           There shall be a central student council/government in every school that is  
17 autonomous and with annually popularly elected officers. The Committee on Elections  
18 constituted, to conduct the election of the officers shall be composed solely of *bona*  
19 *fide* students of the school. Every student council/government shall determine its  
20 policies and programs on student activities subject to its duly ratified charter and  
21 state policy.

22           Membership or affiliation to any legitimate student, community, socio-civic,  
23 religious, political, and other lawfully constituted organizations shall not be a  
24 condition to admission in any school. No student shall likewise be coerced not to join  
25 any organization as a condition for admission or as a ground for suspension or  
26 expulsion. Affiliation or disaffiliation with an extramural organization shall not  
27 disqualify the school-based branch or chapter from registering as a student  
28 organization.

29           No unreasonable requirements for accreditation shall be imposed upon any  
30 student organization. The Central Student Council/Government shall decide on the  
31 accreditation of student organizations in consultation with the Dean of Student  
32 Affairs.

33           Upon submission of their constitution and by-laws and a formal letter  
34 addressed to the Central Student Council/Government and for recognition shall be  
35 immediately processed and acted upon in ten (10) days but not more than twenty  
36 (20) days. *Provided*, That existing organizations shall only be required to submit the  
37 names of their newly elected officers and amendments to their constitution and by-  
38 laws, if any.

1           **SEC. 5. Freedom of Expression.** - Freedom of expression shall be interpreted  
2 to include all forms of written and oral expression, and all forms or dramatic and  
3 artistic expression, dissent or controversy.

4           (a) Students shall have access to print and broadcast media in their  
5 information activities;

6           (b) Students shall be free from censorship in the publication and  
7 dissemination of their view as long as these are not represented as the views of the  
8 school;

9           (c) Student publications shall be free from any action controlling editorial  
10 policy in accordance with Republic Act No. 7079 otherwise known as the "Campus  
11 Journalism Act" and its amendments. Its editors, managers and contributors shall be  
12 protected from arbitrary sanctions originating from the outside the student press.

13          (d) Subject to existing laws, students shall be free to assemble, to  
14 demonstrate, to protest, to communicate and to petition the government and school  
15 authorities for the redress of their grievances;

16          (e) School authorities shall designate a certain area on every campus a  
17 freedom park where students can freely discuss issues directly and indirectly  
18 affecting them.

19           **SEC. 6. Academic Rights.** - Students' rights shall include, but not limited to the  
20 following:

21          (a) A student has the right to choose a field of study and to pursue his  
22 course up to graduation.

23  
24          (b) A student has the right to be informed in reasonable detail in writing at  
25 the first or a second class meeting with the assigned instructor about nature/content  
26 of the course and to expect the course to correspond generally to its official  
27 description.

28          (c) A student has the right to be informed writing at the first or a second  
29 class meeting with the assigned the criteria to be used in evaluating the student's  
30 performance and to expect that the grading system described by the school shall be  
31 followed;

32          (d) A student has the right to legitimate discussions inside and outside the  
33 classroom and to express dissent or advocate alternative views and opinions without  
34 being penalized.

35          (e) A student has the right to receive a grade based only upon a fair and  
36 just evaluation of performance in a course as measured by the standards announced  
37 by the instructor at the first or second meeting. The student will be evaluated on  
38 knowledge and academic performance for purpose and granting academic credit and  
39 not on the basis of personal and political beliefs.

1 (f) A student has the freedom to conduct academic researches and to  
2 freely discuss and publish his/her findings and recommendations.

3 (g) Students may invite and hear speakers of their choice on subjects of  
4 their choice, and the school for the purpose of censorship shall not withhold  
5 approval.

6 (h) Students have the right to make a written evaluation of the  
7 performance of their teachers towards the end of the school term, to propose  
8 improvement in the quality of instruction and in the screening of incoming faculty  
9 members, as well as to participate in curriculum development.

10 **SEC. 7. *Right to Adequate Academic Facilities.* -**

11 (a) Students have the right to adequate academic facilities, such as library,  
12 research, laboratory and information technology equipment; sports and fitness,  
13 recreation and other basic facilities.

14 (b) Students have the right to live in safe, descent accommodation with  
15 reasonable rent whether provided by the school, or the private sector. Letters and  
16 communications received by the school on behalf of the student shall be delivered  
17 promptly upon notification.

18 (c) School authorities shall endeavor to provide free annual check-up to  
19 students and an on-campus infirmary clinic. They shall also ensure that a campus is  
20 rendered adequate for students with inability and other disabilities.

21 (d) No school shall charge the students with excessive fees in the use or  
22 availing the above-mentioned facilities or services. Every school shall provide the  
23 students with clear guidelines on any additional costs which may be incurred while  
24 studying before they enter a school. These shall be rigorously monitored by the  
25 student council/government to prevent the charging of top-up fees.

26 (e) Students/student organization have the right to access or use of  
27 campus facilities free from discrimination and subject only to regulations as to time  
28 and manner of governing the facility

29 **SEC. 8. *Right to Student Employment.* -** The school shall encourage  
30 opportunities for student summer and part-time employment. It shall develop career  
31 counseling and guidance in order to enhance student capability to join the workforce  
32 during and after his school years.

33 The Student Council shall support job and career development efforts creating  
34 among its student's organization and "Student Job Center" specifically for this  
35 purpose.

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

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

6 **SEC. 9. *Right to Consultation, Information and Participation in Policy Making.***  
7 - Students have the right to be informed and consulted in the formation of school and  
8 calculation politics. No rule, regulation or policy that directly or indirectly affects the  
9 students' rights and welfare, including tuition fee increase, shall be implemented  
10 without prior consultations and information.

11 There shall be a student representative in the Governing Board of the school.  
12 The Chairman/President of the Student Council or any designated representative  
13 chosen by the heads of various local college student council shall be the  
14 representative.

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

18 The student council/government, through a majority vote of all its members,  
19 shall have the right to file an appeal on any decision of any policy making body  
20 subordinate to the Governing Board. Such appeal shall be filed with the Governing  
21 Board.

22 The Student Council/Government with the same requisite number of votes  
23 referred to in the previous paragraph may file a motion for reconsideration of any  
24 decision' of the Governing Board.

25 In case of any decision unfavorable to the students, the Student  
26 council/government may file an appeal with the Department of Education (DEPED),  
27 the Technical Education and Skills Development (TESDA), and the Commission on  
28 Higher Education (CHED), as the case may be.

29 All appeals and motions for reconsideration referred to in the previous  
30 paragraphs must be decided within thirty (30) calendar days from the date of notice  
31 of decision.

32 **SEC. 10. *Creation of Student Ethics Committee.*** - Recognizing the values of  
33 student responsibility and self-regulation, as well as its own capacity to discipline in  
34 the aspect of students ethics, the school management shall refer to the Students  
35 Ethics Committee. Such committee shall be created for this purpose by the student  
36 government in consultation with the "Student Affairs Office."  
37



1 All questions pertaining to plagiarism, falsification, copying, cheating and  
2 other forms of unethical student conduct shall be referred to the Students Ethics  
3 Committee, which may recommend appropriate disciplinary action to the Student  
4 Disciplinary Board.

5 **SEC. 11. *Due Process in Disciplinary Proceedings.*** - No student shall be  
6 suspended or summarily dismissed without proof or hearing. Witnesses may be  
7 called in the student's defense. Witnesses should be identified and reference should  
8 be made to the school rule or regulation violated and the possible severity of such  
9 charges.

10 There shall be a Student Disciplinary Board in every school which shall hear  
11 and decide on disciplinary proceedings. It shall be composed of two (2) student  
12 members, two (2) faculty members and one (1) representative from the school  
13 administration. The Student Council shall endorse the student and faculty members.

14 The student has the right to appeal adverse decisions by the Student  
15 Disciplinary Board to the Governing Board and ultimately to the appropriate  
16 education agencies.

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

23 **SEC. 12. *Right to Protection and Privacy of Official Educational Records*** - A  
24 student has the right to inspect and to be issued his/her official records.

25 The student has the right to request the school to amend his or her records  
26 and, if that request is denied, the student has the right to a hearing to challenge the  
27 content of the student's official education records, to insure that the records are not  
28 inaccurate, misleading or otherwise in violation of the privacy or other rights to  
29 students. If the school declines to amend the record following the hearing, the  
30 student has the right to submit a statement for inclusion in the education record  
31 commenting on the information in the record and the schools decision not to amend  
32 it. *Provided* the right to a hearing does not include any right on the part of the student  
33 to challenge the appropriateness of the grade as determined by an instructor.

34 Student's records shall not be released to persons other than the authorized  
35 school authorities without permissions of the student or through compliance with  
36 applicable laws.

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

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

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

15 Students shall have the right to study or practice without undue restriction or  
16 disruption.

17 The privacy of communication and correspondence among students shall  
18 remain inviolable.

19 **SEC. 13. *Implementing Rules and Regulations.*** - Within ninety (90) days, the  
20 DEPED, TESDA, and CHED, in consultation with the students and all concerned  
21 groups shall promulgate the necessary rules and regulations to implement the  
22 provisions of this Act.

23 **SEC. 14. *Penalty.*** - Any person who shall willfully interfere with, restrain or  
24 coerce any student in the exercise of his or her right guaranteed by this Act, or who  
25 shall upon conviction, be punished by a fine of not less than twenty thousand pesos  
26 (P20, 000.00) nor more than one hundred thousand pesos (P100, 000.00) or by  
27 imprisonment of not less than one (1) year not more than five (5) years, or both such  
28 fine and imprisonment at the discretion of the Court. If the offender is an educational  
29 institution, a juridical person, the penalty shall be imposed upon the President,  
30 Treasurer, Secretary or any person or officer responsible for the violation. If the  
31 offender is an alien, he shall, after the service of sentence, be deported immediately  
32 without further proceeding in the Bureau of Immigration and Deportation (BID). If the  
33 offender is a public officer or employee, the Court

34 In this regard, the DEPED, the CHED, and the TESDA shall be empowered to  
35 investigate into the violations of this Act or the rules and regulations issued there  
36 under and for this purpose shall have the power to issue summons, writs, orders,  
37 subpoena and subpoena *duces tecum* to secure the attendance of witnesses and  
38 the presented to the appropriate body.

1           **SEC. 15. *Repealing Clause.*** All laws, decrees, orders, rules and regulations  
2 or other issuances or parts thereof inconsistent with the provisions of this Act hereby  
3 repealed or modified accordingly.

4           **SEC. 16. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after  
5 its publication in any newspapers of general circulation.

6           Approved,