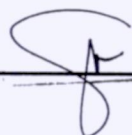


SENATE

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Senate Bill No. 530

RECEIVED BY 

Introduced by Senator Juan Miguel F. Zubiri

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR STUDENTS' RIGHTS AND
WELFARE**

EXPLANATORY NOTE

It is the responsibility of the State to nurture and protect the interests of the youth. The State must see to it that the youth rightfully receive quality education, in order for them to grow into intelligent, conscientious, civic-minded individuals who will be foundational to the nation's future. Crucially, this education must be delivered through institutions that encourage social awareness and critical thinking in students. The Filipino youth is a thinking youth, and the State must ensure that educational institutions will encourage that, and not suppress it.

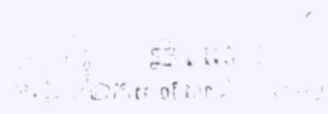
Currently, there is no standard or law that upholds student rights throughout the country. As such, school administrations have powerful authority with regard to disallowing students from exercising their right to organize, and enforcing harsh disciplinary action against students who dare speak their mind. It has become the prerogative of schools to enact their own rules and regulations, at times without fully considering the basic rights of their students.

The need for a Magna Carta for Students is evident. Students who want to involve themselves in demonstrations or organized protests should be given the freedom to do so and not be subjugated by administration policies and regulations. A Magna Carta for Students will protect the Filipino youth, and empower them to become outspoken, socially involved individuals who are attuned to the problems of the nation, and devoted to finding solutions for them.

This bill shall ensure and protect the rights and freedoms of students in campuses all over the country, public and private institutions alike, and it shall embody the democratic values on which this nation is founded upon.

In view of the foregoing, the approval of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI



SENATE

'19 JUL 16 A11 :37

Senate Bill No. 530

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Introduced by Senator Juan Miguel F. Zubiri

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR STUDENTS' RIGHTS AND
WELFARE**

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

**Chapter I
General Provisions**

- 1 **SECTION 1. *Title.*** – This Act shall be known as the “Magna Carta of
2 Students Rights and Welfare Act of 2019”.
- 3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared to be the policy of
4 the State to promote and protect the rights of students to enable them to
5 participate actively and effectively in the democratic processes of effecting
6 progress and development changes in society.
- 7 **SEC. 3. *Guiding Principles.*** – This Act shall be guided by the following
8 basic principles:
- 9 (a) Education is a right of every Filipino. The educational system being the principal
10 institutional mechanism for imparting knowledge and developing talents and
11 skills shall be given priority attention and support by the government.
- 12 (b) It is the responsibility of the State to provide quality and accessible education
13 for all Filipinos at all levels.
- 14 (c) Student associations and or organizations are venues for the youth to train
15 them by participating in different activities, promote their intellectual
16 development and instill a sense of social responsibility as future leaders of our
17 nation.
- 18 (d) The right of students to organize and free speech shall be protected. Student
19 organizations shall not be subjected to any rules and regulations that hamper
20 or infringe on their basic rights to organize and express their views and opinion.

1 (e) Student publications are the main conduit of the students to freedom of
2 expressing their ideas. The State shall protect and promote campus journalism
3 in every university, facilitate in establishing student publication in schools
4 where there is none and uphold and protect the freedom of the press at the
5 campus level.

6 **SEC. 4. Definition of Terms.** – The following terms shall mean:

- 7 (a) *Student* – Any person enrolled in and regularly attending school in the
8 secondary, graduate and post graduate level including vocational and technical
9 education.
- 10 (b) *School* – Any private, public, government-run and funded academic educational
11 institution offering any or all courses in the above-mentioned levels.
- 12 (c) *School Campus* – The totality of all contiguous or proximate buildings, grounds
13 and other facilities designated by the school as areas or facilities for the use of
14 its students.
- 15 (d) *Governing Board* – The highest policy making body of the school composed of
16 the Board of Directors, Trustees and Regents.
- 17 (e) *Student Council/Government* – The body representing the whole student
18 population in one school or school campus whose officers are annually elected
19 at large by the whole student population pursuant to its Constitution and By-
20 laws, if any.
- 21 (f) *Council of Leaders* – The body composed of the heads of various student
22 organizations chaired by the president/chairman of the Student
23 Council/Government.
- 24 (g) *Student Organization* – An association or group of students bound by common
25 ideals, principles, visions and interests and working towards achieving and
26 realizing their goals and aspirations.
- 27 (h) *Student Publication* – Publications managed and published by students, which
28 are autonomous and independent from other sectors of the school. Any printed
29 issue and/or online materials such as, but not limited to, newspapers, wall news,
30 literary folios, newsletters and other similar forms.
- 31 (i) *Tuition* – The fee representing direct costs of instruction, training and other
32 related activities, and the use of school facilities. The term “other school fees”
33 refers to fees, which covers other necessary costs supportive of instruction,
34 including but not limited to medical and dental, athletic, library, laboratory and
35 NSTP fees.

36

1 Chapter II

2 Admission, Non-Discrimination and Quality Education

3 **SEC. 5. Right to Admission and Non-Discrimination.** – No Student
4 shall be denied admission to any school after complying with reasonable and
5 equitable admission requirement. No student shall be denied admission on account
6 of his/her physical handicap, socio-economic status, political or religious belief,
7 sexual orientation or membership in student organizations. Pregnant students,
8 certified reformed drug users, and those suffering from the Acquired Immune
9 Deficiency Syndrome will not be discriminated against.

10 **SEC. 6. Right to Choose Field of Study.** – A student shall have the right
11 to freely choose his/her field of study subject to existing curricula and to continue
12 his/her course up to graduation except in cases of academic deficiency or violation
13 of disciplinary regulations, which do not infringe upon the exercise of student
14 rights.

15 **SEC. 7. Right to Competent Instruction and Relevant Quality**
16 **Education.** – Every student shall have the right to competent instruction and
17 quality education relevant to his/her chosen field of study and for his/her personal
18 growth. To aid this goal, schools and education institutions are required to conduct
19 reasonable and equitable evaluation of performance of teachers at the end of
20 every semester/trimester.

21 There shall be one (1) student representative in the body or committee
22 which screens incoming faculty members. The student representative should be
23 an elected Student Council official endorsed by the majority members of the
24 Council or a duly appointed student endorsed by the Student Council.

25 **SEC. 8. Right to Adequate Welfare Services and Academic**
26 **Facilities.** – It shall be the responsibility of the school administration to provide
27 students with adequate welfare services and academic facilities. These services
28 and facilities shall include:

- 29 (a) Adequate laboratory, library, recreation and physical education facilities;
30 (b) Free annual physical check-up;
31 (c) Counseling;
32 (d) Communication system to ensure prompt notification of letters and relevant
33 information;
34 (e) Safe and clean student housing such as dormitories. In cases that schools do
35 not have dormitories and housing facilities, the school administration and the

1 student council shall be required to accredit out-of-campus student housing
2 facilities such as boarding houses; and
3 (f) Legal assistance in cases involving the exercise and enjoyment of rights and
4 freedoms stipulated in this act.

5
6

Chapter III

7 **Right to Organize and Freedom of Association**

8 **SEC. 9. *Right to Organize and to Associate.*** – The right of students to
9 form, join, actively participate in any campus organization, association, alliance or
10 federation for their physical, intellectual, moral, cultural, civic, spiritual and political
11 interests shall not be curtailed, suppressed nor abridged. Such student formations
12 shall be treated as independent from school or any of its departments, and as
13 separate and distinct juridical entities.

14 Pursuant thereto, the practice of making the students sign waiver
15 documents which state that they are not members of and will not join a specified
16 organization before being allowed to enroll is hereby prohibited.

17 **SEC. 10. *Accreditation of Student Organizations.*** – No student
18 organization or association shall be denied accreditation after fulfilling a reasonable
19 and equitable accreditation requirement unless the same is created for purposes
20 contrary to law in accordance with the 1987 Philippine Constitution.

21 There shall be an Accreditation Board on Campus Organizations that shall
22 take charge of the accreditation of all student organizations in the school campus.
23 It shall be composed of:

- 24 (a) Two (2) representatives from the student organizations duly elected by
25 the heads of all accredited student organizations in the school.
26 (b) Representative from the Student Council/Government
27 (c) Representative from the Student Affairs Office
28 (d) Representative form the school Faculty selected by their association.

29 **SEC. 11. *Right to Hold Activities.*** – Student organizations and
30 associations shall have the right to conduct activities inside and outside campus.
31 Any Student activity for purposes not contrary to law shall not be abridged.

32 The school administration shall not discriminate in the assignment of school
33 facilities and the granting of other privileges to student organizations. The school
34 administration shall provide, free of charge, a space, hall or building to house the
35 offices of the different student organizations within the school campus.

1 Excessive fees or unreasonable charges for the use of school facilities such
2 as function rooms shall be prohibited. Whenever possible, the school
3 administration shall allow organizations to use school facilities free of charge.

4 **SEC. 12. *Prohibited Acts of Restraints Against the Right to***
5 ***Organize and Associate.*** – Acts that impair the rights of students to organize
6 are prohibited such as:

7 (a) Signing of waivers or similar documents that use membership to any
8 organization as a basis for admission to or expulsion from schools, including
9 the imposition of disciplinary actions;

10 (b) Imposition of unreasonable requirements on student organizations seeking
11 recognition such as but not limited to: imposition of minimum size of
12 membership and in the imposition of unreasonable community service duties;

13 (c) Discriminatory policies in the assignment of school facilities and in granting
14 other privileges to student organizations;

15 (d) Imposing any user fees and other charges for the use of school facilities on the
16 basis that such facilities are already being paid for through tuition and other
17 fees;

18 (e) Imposition of requirements for admission and continued membership to a
19 student organization that are contrary to law.

20 **SEC. 13. *Right to Establish a Student Councilor Government .*** –
21 There shall be one university student councilor government for each school,
22 college or university campus that shall be recognized by the schools, colleges, and
23 universities concerned. It shall have its own set of officers elected in an annual
24 popular election; *Provided,* That the previous practices in choosing student council
25 or government officers, except in cases of appointment by school administration,
26 prior to the effectivity of this Act shall be recognized. Although, for these schools
27 whose student council is appointed by the school administration, a student council
28 election should be held immediately to choose student representatives among
29 themselves.

30 **SEC. 14. *The Student Council Constitution.*** – There shall be a
31 constitution or a charter of the student council or government crafted by the heads
32 or representatives of all accredited student organizations ratified by a simple
33 majority (50% plus 1) of the students who cast their votes in a ratification that
34 shall lay down the rights, privileges, functions and responsibilities of the student
35 councilor government. To protect the right of unaffiliated students, the student

1 council shall devise a mechanism to ensure their representation and participation
2 in the crafting of the constitution.

3 For schools with existing charters and/or constitution for student councils
4 or government that have been previously ratified by the students, it will remain in
5 effect even after the implementation of this Act.

6 **SEC. 15. *Right to Policymaking on Student Activities.*** – Every
7 student councilor government shall have the right to determine its policies and
8 programs on student activities subject to the student council or government
9 charter or constitution and to school rules and regulations; *Provided,* That the
10 latter does not infringe on basic student rights and freedoms of students.

11 **SEC. 16. *Student Council Elections.*** – There shall be an independent
12 Commission on Elections (COMELEC) of the students that shall oversee and
13 facilitate the honest, orderly, and peaceful conduct of election of officers of the
14 student councilor government. The COMELEC shall be composed only of bona fide
15 students and shall be chosen by the Council of Leaders from the list of nominees
16 provided by the student organizations. The school must provide sufficient funds to
17 the COMELEC to ensure that it is able to function.

18 **SEC. 17. *Student Council Funds.*** – There shall be a fee to be collected
19 from the students to finance the operations of the student councilor government
20 in consultation with the student body. The school administration shall facilitate the
21 collection of the student councilor government fee during enrollment period and
22 shall turn over the collected amount to the student councilor government within
23 fifteen (15) days after the last day of enrollment.

24 The student council fee will be based on a reasonable and equitable basis.
25 The collection of this fee will be collected by the administration and/or by the
26 student council. If the mode of collection of fees will be facilitated by the
27 administration, for this purpose, the number of bona fide students enrolled for the
28 current semester or term shall be used as basis for the amount of the student
29 council funds that shall be released by the school administration who shall issue a
30 list of the students enrolled for the current semester or term to the student council.

31 The student councilor government shall issue to the student body a financial
32 report at the end of its term. To take effect, a proposal to increase the student
33 council or government fee shall require a vote of simple majority of the total votes
34 cast in a referendum.

35 **SEC. 18. *Student Council Faculty Advisor.*** – The appointment of a
36 faculty advisor shall not be a requisite to the establishment and recognition of a

1 student council. Should the students, through the student council constitution or
2 charter, decide to have a faculty advisor, the student council shall have the right
3 to choose the person to hold such position from among the school faculty, whose
4 functions shall be limited to technical assistance. The approval of the faculty
5 advisor shall not be a precondition to the execution of any student council activity.

6 **SEC. 19. *Right to Join Student Council Alliances and Similar***
7 ***Formations.*** – No policy restricting the right of student councils or governments
8 to join federations or alliances of student councils or government shall be imposed
9 by the school administration.

10 11 **Chapter IV**

12 **Right to Expression and Free Speech**

13 **SEC. 20. *Right to Freedom of Expression.*** – Students shall have the
14 right to freely exercise their constitutional rights to peaceful assembly and free
15 speech and expression or petition the school authorities for redress or any
16 grievances. No school regulation shall be imposed violating or abridging any of the
17 above-mentioned rights. No student may be subjected to any disciplinary action
18 solely on the basis of any of the above-mentioned rights unless it is outside the
19 confines of freedom of expression.

20 **SEC. 21. *Right of Access to Mass Media.*** – Students shall have access
21 to print and broadcast media in their respective activities. They shall have the right
22 to print, circulate, and/or mount leaflets, newsletters, posters, wall news, petitions
23 and other such materials. School authorities shall ensure the provision of such
24 facilities as bulletin boards for the aforementioned materials.

25 **SEC. 22. *Proportionality of Offense and Sanction.*** – If the exercise of
26 any such constitutional rights is determined to be outside the confines of freedom
27 fo expression upon compliance of due process, the concept of proportionality
28 between the offense committed and the sanction imposed shall be followed,
29 provided that the penalty of expulsion, exclusion or forced transfer and the like
30 shall not be imposed for any infraction or improper conduct that may arise by
31 reason of exercise of any of such constitutional rights.

32 **SEC. 23. *Right to Publish a Student Newspaper and Other Similar***
33 ***Publications.*** – (a) all educational institutions on elementary, secondary and
34 tertiary levels, public or private, shall be mandated to establish an independent
35 student publication. Every school shall have at least one (1) student publication
36 without prejudice to other publications established within the campus. A student

1 publication shall be published by the student-body through an editorial board and
2 publication staff composed of students through fair and competitive examinations.

3 **SEC. 24. *Revival of Closed Student Publications.*** – All student
4 publications whose operations ceased upon directives of the school administration
5 shall be revived and allowed to operate again. Once the publication is established
6 or reopened, the editorial board shall freely determine its editorial policies and
7 manage the publication funds.

8 **SEC. 25. *Student Publication Funds.*** – Funding for the student
9 publication shall be sourced primarily from student publication fees collected by
10 the school administration. It shall be mandatory for the school administration to
11 collect the student publication/subscription fees during enrollment period. The
12 members of the student publication can opt to collect the publication funds
13 themselves upon their initiative and under full discretion and without
14 administrative intervention. For these purposes, the number of bona fide students
15 enrolled in a current semester or term shall be used as basis for the amount of
16 publication funds that shall be released by the school administrator who shall issue
17 a list of the students enrolled for the current semester or term of the editorial
18 board.

19 The school administration shall effect the automatic release of the student
20 subscription fees to the student publication within fifteen (15) days after the last
21 day of enrollment. The publication funds shall be deposited through a trust fund
22 or in the account of the student publication in an authorized depository bank.

23 In no instance shall the Commission on Higher Education, Technical
24 Education and Skills Development Authority and the Department of Education, as
25 the case may be, or the school administration concerned, withhold the release of
26 funds intended for the student publication.

27 **SEC. 26. *Student Publication Advisor.*** – The editorial board shall have
28 the discretion whether or not they will appoint a faculty advisor. In case the
29 student publication decides to appoint a faculty advisor, the editorial board shall
30 have the power to choose its advisor, whose functions shall be limited merely to
31 technical assistance. The approval of the faculty advisor shall not be a pre-
32 condition to publication of written material or photographs.

33 **SEC. 27. *Independence of Student Journalists and Freedom from***
34 ***Threat.*** – Members of the student publication shall not be suspended, expelled or
35 punished with administrative sanctions solely on the basis of the articles he/she
36 has written except when such articles constitute a violation of the law. A student

1 journalist's academic performance as a student shall not be used as basis for his
2 or her dismissal from the student publication.

3 **SEC. 28. *Management of the Student Publication and Funds.*** – The
4 editorial board shall be primarily accountable with regard the operation of the
5 student publication and management of its funds. At the end of each semester or
6 term, as the case may be, the editorial board shall prepare a report of
7 disbursement of funds subject to accounting and auditing rules. Such report shall
8 be posted at the school's bulletin board or published in the school publication

9 **SEC. 29. *Printing of the Student Publication.*** – The editorial board and
10 the student publication staff through canvass or public bidding shall conduct the
11 printing of the student publication. For public schools, the student publication shall
12 be exempted from undergoing formal bidding process under Republic Act 9184
13 also known as the *Procurement Act* with regard the selection of a printing press
14 and purchase of equipment and materials necessary for its operations. The
15 editorial board shall freely choose the printing press it wants to avail the services
16 of.

17

18

Chapter V

19

Academic Freedom of Students

20 **SEC. 30. *Academic Freedom.*** – Student's academic freedom shall consist
21 of, but not limited to, the following:

22 (a) To conduct research in connection with academic work, and to freely discuss
23 and publish their findings and recommendations;

24 (b) To conduct inquiry in curricular and extra-curricular activities within the campus
25 and in appropriate circumstances;

26 (c) To choose a field of study for research and to pursue the quest for truth; to
27 express their opinion on any subject of public or general concern which directly
28 or indirectly affects the students or the educational system;

29 (d) To invite off-campus speakers or resource persons to student sponsored
30 assemblies, for a, symposia, and other activities of similar nature;

31 (e) To express dissenting opinions inside and outside the classroom;

32 (f) To participate in the drafting of a new curriculum and in the review or revision
33 of the old;

34 (g) To participate in the drafting and/or revising of the student handbook which
35 shall include the school rules and regulations, a copy of which shall be furnished
36 to the students upon admission to the school;

1 (h) To freely discuss and criticize university policies and national policies.

2 3 **Chapter VI**

4 **Right to Information**

5 **SEC. 31. *Right to be Informed.*** – The right of students to information
6 on matters directly or indirectly affecting their welfare shall be reorganized. Access
7 to official records and other pertinent documents and papers pertaining to official
8 acts, transactions or decisions shall be afforded the students subject only to
9 reasonable regulations.

10 11 **Chapter VII**

12 **Right to Participate in Policy-making**

13 **SEC. 32. *Participation in Policy-making Process in Schools.*** –
14 There shall be student representation in the Governing Board of the school. The
15 chairman/president of the student council or any designated representative
16 chosen by the heads of various local college student councils shall be the student
17 representative and shall have the same rights as those of a regular member,
18 *Provided,* That his/her privileges shall be limited to reimbursement for actual
19 expenses incurred in attending meetings. The same rights shall be granted to
20 secondary level.

21 The students shall also be represented in other policy-making bodies, which
22 directly affect their welfare, especially in curriculum drafting, review and revision,
23 student discipline and academic standards. The student representative shall be
24 appointed or designated by their student council body.

25 **SEC. 33. *Participation in National Policy-making.*** – Representatives
26 of national student organizations shall actively participate and possess voting
27 powers in the formulation of national policies by the governmental agencies on
28 matters affecting student rights and welfare including tuition.

29 **SEC. 34. *Student's Initiative and Referendum.*** – The student
30 council/government through a majority vote of all its members shall have the right
31 to initiate the formulation, modification or reflection of school policy affecting the
32 students. The proposition for the formulation, modification or reflection of a school
33 policy affecting the students shall be submitted to and approved by a majority of
34 the votes cast by all the bona fide students of the school in the referendum called
35 for the purpose.

1 **SEC. 35. *Right to File an Appeal.*** – The student council or government
2 through a majority vote of all its members shall have the right to file an appeal on
3 a decision of any policy-making body subordinate to the governing board. Such
4 appeal shall be filed with the governing board.

5 The student council or government with the same requisite number of votes
6 referred to in the previous paragraph may file a motion for reconsideration on any
7 decision of the governing board.

8 In case of any decision unfavorable to the students, the student council
9 may file an appeal with the Department of Education, the Technical Education and
10 Skills Development Authority (TESDA) and the Commission on Higher Education,
11 insofar as the secondary, post-secondary technical-vocational and tertiary students
12 respectively concerned.

13 All appeals and motions for reconsideration referred to in the previous
14 paragraph must be filed within thirty (30) calendar days from the date of notice of
15 decision.

16 **SEC. 36. *School Fees and Other Tariffs.*** –

17 (a) All involuntary contributions shall be prohibited.

18 (b) In releasing documents, academic records, and similar certifications, schools
19 are prohibited from imposing fees beyond the actual cost of reproducing the
20 documents.

21 (c) It is hereby created a set of guidelines schools with proposed increases in
22 tuition and all other fees must follow:

23 1. The school shall effectively inform the students, parents, teachers and
24 non-teaching personnel of the proposed tuition and other fee increase
25 and the place and date of the consultation at least thirty (30) days
26 before the consultation proper;

27 2. All tuition consultations shall be made before February 28;

28 3. The school shall make easily available at least thirty (30) days before
29 the consultation all pertinent documents including, but not limited to,
30 financial reports including a comprehensive report of the incremental
31 proceeds of the preceding year's increase, administrative reports and
32 the school's position paper for the perusal of students, parents, faculty,
33 and non-teaching personnel;

34 4. The school shall allow gatherings and activities of students, parents,
35 faculty, and non-teaching personnel in preparation for the consultation;

- 1 5. The school shall furnish the students' faculty and non-teaching
2 personnel copies of the suggested flow and agenda of tuition and other
3 fees consultation which the concerned parties may amend to include
4 proposal not limited to review, refund and scrapping of existing fees;
- 5 6. The facilitating body of the consultation shall be composed of one (1)
6 representative from the school, students, parents, faculty and non-
7 teaching personnel;
- 8 7. The consultation shall be open to all concerned students, parents,
9 faculty and non-teaching personnel;
- 10 8. The school publication shall be allowed to cover and report the
11 consultation proceedings;
- 12 9. The school, students, parents, faculty and non-teaching personnel shall
13 agree on the rate of tuition increase based on a consensus; and
- 14 10. In the event that no consensus is made, the previous rate of tuition and
15 other fees shall apply.

16 **Chapter VIII**

17 **Due Process and Disciplinary Proceedings**

18 **SEC. 37. Right to Due Process.** – The right to due process of students
19 subjected to disciplinary proceedings shall be observed and respected.

20 (a) He shall have the right to defend himself, to be heard and to present
21 evidence on his behalf before an impartial body.

22 (b) There shall be an independent Student Disciplinary Board (SDB) to be
23 composed of one (1) representative from the school administration, two
24 (2) faculty members, two (2) students to conduct investigation into and
25 decide on cases of student violations of disciplinary standards. For the
26 purpose of impartiality, members of the SDB shall be chosen from the
27 list of nominees submitted by the student council or government from its
28 ranks, the same process will apply for both the school administration
29 and the faculty.

30 (c) The blacklisting, expulsion, suspension and other disciplinary sanction
31 that may be taken against a student shall not be valid unless the
32 following rights have been observed and accorded a student:

33 1. The right to be informed in writing of the nature and cause of
34 accusation against him/her;
35

- 1 2. The right to confront witnesses against him/her and full access
- 2 to the evidence in the case;
- 3 3. The right to defend himself/herself and to be defended by a
- 4 representative or counsel of his/her choice, adequate time being
- 5 given for the preparation of his/her defense;
- 6 4. The right to a hearing before the Student Disciplinary Board;
- 7 5. The right against self-incrimination; and
- 8 6. The right to appeal adverse decisions of the Disciplinary Board to
- 9 the governing board and ultimately to appropriate agencies of the
- 10 government.
- 11 (d) The decision in any disciplinary proceeding must be rendered on the
- 12 basis of relevant and substantial evidence presented at the hearing, or
- 13 at least contained in the record and disclosed to the student affected.
- 14 The deciding body must act on its own independent consideration of the
- 15 facts of the case. The body, shall, in all controversial questions render
- 16 its decisions in such a manner that the issue involved and the reason for
- 17 any decision are made clear to the student.
- 18 (e) Disciplinary actions shall be corrective rather than punitive or penal in
- 19 nature. The gravity of disciplinary sanctions must be proportionate to
- 20 the seriousness of the violation committed.
- 21 (f) No preventive suspension shall be imposed upon a student by reason
- 22 on the exercise of his constitutional rights; provided, that in the cases
- 23 where preventive suspension may be imposed, the same shall not be
- 24 beyond five (5) days.
- 25 (g) The Office of the Guidance Counselor or any office dealing with student
- 26 discipline of the respective schools shall publish on a periodic basis acts
- 27 which are deemed violative of school rules and regulations and the
- 28 corresponding disciplinary sanctions. Provided, that such rules and
- 29 regulations do not violate the rights guaranteed here and under the
- 30 Constitution.
- 31 (h) In cases where the school administration decides to file any case in court,
- 32 criminal or civil, against a student, it may do so only after the Student
- 33 Disciplinary Board or Tribunal has determined that the student
- 34 concerned has committed the same; *Provided, However,* should the
- 35 student be found guilty therefore by the Student Disciplinary Board or
- 36 Tribunal decide to appeal the decision thereof to the governing board of

1 the school, DepEd, CHED, or TESDA, the school administration cannot
2 file the criminal or civil case based on the doctrine of exhaustion of
3 administrative remedies.

4
5 **Chapter IX**
6 **Other Rights**

7 **SEC. 38. *Right Against Illegal Searches and Seizures.*** – Any form of
8 unlawful and unreasonable search and seizures shall be illegal. Articles seized in
9 violation of the herein above right shall be inadmissible in evidence against the
10 student in disciplinary action that may be brought against him/her.

11 **SEC. 39. *Right of Entry.*** – In case of violations of “No ID, No Entry” or
12 uniform policies, the student concerned shall not be denied entry; *Provided*, That
13 he/she sufficiently provides proof that he/she is a bona fide student of the school.
14 Provided however that repetitive violations of campus regulation on “no ID, no
15 Entry” shall be subject to disciplinary actions by the school governing board.

16 **SEC. 40. *Access to School Records and Issuance of Official***
17 ***Certificates.*** – Subject to the provision of the following section, every student
18 shall have access to his/her own school records, the confidentiality of which the
19 school shall maintain. He/she shall have the right to be issued official certificates,
20 diplomas, transcript of records, grades, transfer credentials and other similar
21 documents within thirty (30) days from the filing of request and accomplishment
22 of all pertinent requirements.

23 **SEC. 41. *Unpaid Tuition Fees and Examinations.*** – Student with
24 delinquent fees shall have the right to take an examination. No student shall be
25 prohibited from taking a periodic or final examination because of unpaid tuition
26 and other school fees. Nevertheless, such students shall be subject to the right of
27 the school concerned to withhold the release or issuance of their school clearance
28 prior to the end of the academic year.

29 **SEC. 42. *Guarantee of Demilitarized School Campuses.*** – Except in
30 cases of national or local emergencies, such as war, natural calamities or if the
31 prevailing situation so requires, military detachments may not be installed or
32 maintained in a campus. Military elements and/or policemen in uniform or in plain
33 clothes and school security forces shall not interfere with student activities,
34 particularly peaceful mass actions, inside the school campus.

1 **Chapter X**

2 **Final Provisions**

3 **SEC. 43. Rules and Regulations.** – The DepEd, TESDA, CHED and the
4 Commission on Human Rights (CHR), together with the representatives of national
5 student organizations, national student formations, representatives of school
6 administration and the National Youth Commission (NYC) shall promulgate the
7 necessary rules and regulations to implement the provision of this act within ninety
8 (90) days from its approval.

9 **SEC. 44. Administration and Enforcement.** – The Department of
10 Education shall create a multi-sectoral body composed of representatives from this
11 Department, the school's administration and the student body to monitor the
12 different school campuses to ensure that the student rights are protected. When
13 there is a finding of the school's willful and repetitious infringement of student's
14 rights, the body shall recommend to the proper agency of the DepEd measures
15 appropriate to the situation including, when necessary, the suspension or
16 cancellation of its license or permit to operate the school

17 National student organizations, student councils, government or any
18 concerned student and/or person shall have the right to report to and demand an
19 investigation from the appropriate education agency into act or acts committed by
20 school authorities and/or administrations violative of their rights as provided for in
21 this Act.

22 **SEC. 45. Separability Clause.** – If any provision of this Act is declared
23 invalid, the remainder thereof not affected thereby shall continue to be in full force
24 and effect.

25 **SEC. 46. Repealing Clause.** – All Laws, decrees, order, rules and
26 regulations or other issuances or parts thereof inconsistent with the provisions of
27 this Act are hereby repealed or modified accordingly

28 **SEC. 47. Effectivity Clause.** – This Act shall take effect fifteen (15) days
29 following its publication in at least two (2) newspapers of general circulation.

Approved,