

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL 12 AS 57

SENATE

RECEIVED BY: _____

Senate Bill No. 1144

INTRODUCED BY HON. MANNY VILLAR

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.

Consistent with the desired objectives of this constitutional provision, this Magna Carta for students is being proposed as a means of recognizing and protecting the rights and welfare of the Philippine Studentry.

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


MANNY VILLAR

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AN ACT
PROVIDING FOR A MAGNA CARTA OF STUDENTS

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

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

3
4 (a) The State shall promote the active participation of students in affecting
5 change, and development in society.

6
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
9 education accessible to all.

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

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

20
21 (e) The State recognizes the role of student councils, publications and other
22 organizations in the promotion and protection of the students' democratic
23 rights and welfare and in the inculcation of social awareness and
24 responsibility.

25
26 (f) Both the freedom to teach and the freedom to learn depend upon
27 opportunities and conditions in the classrooms, on the campus and in the
28 larger community. The responsibility to provide and maintain general
29 conditions conducive to learning is shared by all members to the academic
30 community.

31
32

1 SECTION 2. *Definition of Terms.* – As used in this Act:
2

- 3 (a) "Student" means any person enrolled in school, even if on leave for the
4 semester or with minimum course load, pursuing secondary, post secondary,
5 vocational, technical, tertiary, graduate and post graduate studies.
6
7 (b) "Student" means any private, public or government run and funded academic
8 institutions offering any or all courses in the above mentioned levels, and
9 collectively those responsible for its control and operations;
10
11 (c) "School Campus" means the totality of all contiguous or proximate buildings,
12 grounds or other facilities designated by the school authorities as areas or
13 facilities for the use of its students; a school may consists of more than one
14 campus;
15
16 (d) "Governing Board" means the highest policy making body of the school such
17 as the Board of Directors, Trustees or Regents;
18
19 (e) "Student Council/Government" means the body representing the whole
20 student population in one campus whose officers are annually elected at
21 large by the whole student population pursuant to its constitution and by
22 laws;
23
24 (f) "Council of Leaders" means the body composed of the heads of various
25 student organizations chaired by the President/Chairperson of the Student
26 Council;
27
28 (g) "Student Publications" means publications managed and published by
29 students and autonomous and independent from sectors of the school;
30
31 (h) "Students Organizations" means an association or group of students bonded
32 by common ideals, principles, visions and interests and working towards
33 achieving their goals and aspirations;
34
35 (i) "Instructor" means any person hired by the school to conduct classroom
36 activities;
37
38 (j) "Tuition" means the fee representing direct costs of instruction, training and
39 academically related activities, and the use of school facilities. The term
40 "other school fees" refers to fees which cover the necessary costs directly
41 supportive of instruction, such as medical and dental, athletic, library,
42 laboratory, student council fees, publication fees, and Citizen Army Training
43 (CAT) or Citizen Military Training (CMT) fees.
44

45 SECTION 3. *Freedom of Access to Education.* – Under no circumstances shall
46 a student be denied admission to any school and of financial aid, scholarship and other
47 educational privileges and opportunities because of physical disability, socio-economic
48 status, political belief and affiliation, national origin, ancestry, race, religion sex, sexual
49 orientation, marital or parental status, and to the extent specified by law, age, or veteran
50 status; nor shall pregnant students, reformed convicts and drug abusers and those
51 suffering from the Acquired Immune Deficiency Syndrome be discriminated against.
52 Students not allowed to enroll in any school has the right to appeal such ruling to the
53 appropriate education agency.
54

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

1 SECTION 4. *Right to Organize and Freedom of Association.* – Students are free
2 to form, join or participate in any group or organization within or outside of the school
3 campus for any lawful purpose including, but not limited to religious, social, economic,
4 political, intellectual, cultural or recreational purposes.
5

6 There shall be a central student council/government in every school that is
7 autonomous and with annually popularly elected officers. The Committee on Elections
8 constituted to conduct the election of the officers shall be composed solely of *bona fide*
9 students of the school. Every student council/government shall determine its policies
10 and programs on student activities subject to its duly ratified charter and state policy.
11

12 Membership or affiliation to any legitimate student, community, socio-civic,
13 religious, political and other lawfully constituted organizations shall not be a condition to
14 admission in any school. No student shall likewise be coerced not to join any
15 organization as a condition for admission or as a ground for suspension or expulsion.
16

17 Affiliation or disaffiliation with an extramural organization shall not disqualify the
18 school-based branch or chapter from registering as a student organization.
19

20 No unreasonable requirements for accreditation shall be imposed upon any
21 student organization. The Central Student Council/Government shall decide on the
22 accreditation of student organizations in consultation with the Dean of Student Affairs.
23 Upon submission of their constitution and by laws and a formal letter addressed to the
24 Central Student Council/Government and for recognition shall be immediately
25 processed and acted upon in ten (10) days but not more than twenty (20) days.
26 *Provided*, That existing organizations shall only be required to submit the names of their
27 newly elected officers and amendments to their constitution and by-laws, if any.
28

29 SECTION 5. *Freedom of Expression.* – Freedom of expression shall be
30 interpreted to include all forms of written and oral expression, and all forms of dramatic
31 and artistic expression, dissent or controversy.
32

- 33 (a) Students shall have access to print and broadcast media in their information
34 activities;
35
- 36 (b) Students shall be free from censorship in the publication and dissemination
37 of their view as long as these are not represented as the views of the school;
38
- 39 (c) Student publications shall be free from any action controlling editorial policy
40 in accordance with Republic Act No. 7079 otherwise known as the "Campus
41 Journalism Act" and its amendments. Its editors, managers and contributors
42 shall be protected from arbitrary sanctions originating from the outside the
43 student press.
44
- 45 (d) Subject to existing laws, students shall be free to assemble, to demonstrate,
46 to protest, to communicate and to petition the government and school
47 authorities for the redress of their grievances;
48
- 49 (e) School authorities shall designate a certain area on every campus a freedom
50 park where students can freely discuss issues directly and indirectly affecting
51 them.
52

53 SECTION 6. *Academic Rights.* – Students' rights shall include but not limited to
54 the following:
55

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

- 1 (b) A student has the right to be informed in reasonable detail in writing at the
2 first or a second class meeting with the assigned instructor about
3 nature/content of the course and to expect the course to correspond
4 generally to its official description.
5
- 6 (c) A student has the right to be informed writing at the first or a second class
7 meeting with the assigned the criteria to be used in evaluating the student's
8 performance and to expect that the grading system described by the school
9 shall be followed;
10
- 11 (d) A student has the right to legitimate discussions inside and outside the
12 classroom and to express dissent or advocate alternative views and opinions
13 without being penalized.
14
- 15 (e) A student has the right to receive a grade based only upon a fair and just
16 evaluation of performance in a course as measured by the standards
17 announced by the instructor at the first or second meeting. The student will
18 be evaluated on knowledge and academic performance for purpose and
19 granting academic credit and not on the basis of personal and political
20 beliefs.
21
- 22 (f) A student has the freedom to conduct academic researches and to freely
23 discuss and publish his/her findings and recommendations.
24
- 25 (g) Students may invite and hear speakers of their choice on subjects of their
26 choice, and the school for the purpose of censorship shall not withhold
27 approval.
28
- 29 (h) Students have the right to make a written evaluation of the performance of
30 their teachers towards the end of the school term, to propose improvements
31 in the quality of instruction and in the screening of incoming faculty
32 members, as well as to participate in curriculum development.
33

34 SECTION 7. *Right to Adequate Academic Facilities.* –
35

- 36 (a) Students have the right to adequate academic facilities such as library,
37 research, laboratory and information technology equipment; sports and
38 fitness, recreation and other basic facilities.
39
- 40 (b) Students have the right to live in safe, descent accommodation with
41 reasonable rent whether provided by the school, or the private sector.
42 Letters and communications received by the school on behalf of the student
43 shall be delivered promptly upon notification.
44
- 45 (c) School authorities shall endeavor to provide free annual check-up to
46 students and an on-campus infirmary clinic. They shall also be responsible
47 that a campus is rendered adequate for students with inability and other
48 disabilities.
49
- 50 (d) No school shall charge the students with excessive fees in the use or
51 availing such facilities or services. Every school shall provide the students
52 with clear guidelines of any additional costs which may be incurred while
53 studying before they enter a school. These shall be rigorously monitored by
54 the student council/government to prevent the charging of top-up fees.
55

1 (e) Students/student organization have the right to access or use of campus
2 facilities free from discrimination and subject only to regulations as to time
3 and manner of governing the facility
4

5 SECTION 8. *Right to Student Employment.* – The school shall encourage
6 opportunities for student summer and part-time employment. It shall develop career
7 counseling and guidance in order to enhance student capability to join the workforce
8 during and after his school years.
9

10 The Student Council shall support job and career development efforts creating
11 among its student's organization and "Student Job Center" specifically for this purpose.
12

13 Government agencies such as DOLE, DTI, DSWD, NYC, PSC, POC, shall
14 likewise provide support by giving students priority placement, following the out-of-
15 school youth in availing of summer employment in government and public works.
16

17 Every student, working for a period not to exceed the minimum wage and other
18 benefits provided by the labor code has the right to minimum wage if they are in the
19 employment.
20

21 Students have the right to protection in the workplace through health and safety
22 conditions that are cognizant of their age and physical development.
23

24 SECTION 9. *Right to Consultation, Information and Participation in Policy*
25 *Making.* – Students have the right to be informed and consulted in the formation of
26 school and calculation politics. No rule, regulation or policy that directly or indirectly
27 affect the students rights and welfare, including tuition fee increase, shall be
28 implemented without prior consultations and information.
29

30 There shall be a student representative in the Governing Board of the school.
31 The Chairman/President of the Student Council or any designated representative
32 chosen by the heads of various local college student council shall be the representative.
33

34 Student shall be represented in other policy-making bodies, which directly affect
35 their welfare especially in curriculum review, student discipline and academic
36 standards. The student council shall designate the representatives.
37

38 The student council/government through a majority vote of all its members shall
39 have the to file an appeal on any decision of any policy making body subordinate to the
40 Governing Board. Such appeal shall be filed with the Governing Board.
41

42 The Student Council/Government with the same requisite number of votes
43 referred to in the previous paragraph may file a motion for reconsideration of any
44 decision of the Governing Board.
45

46 In case of any decision unfavorable to the students, the Student
47 Council/government may file an appeal with the Department of Education (DEPED), the
48 Technical Education and Skills Development (TESDA), and the Commission on Higher
49 Education (CHED), as the case may be.
50

51 All appeals and motions for reconsideration referred to in the previous
52 paragraphs must be within thirty (30) calendar days from the date of notice of decision.
53

54 SECTION 10. *Creation of Student Ethics Committee.* – Recognizing the values
55 of student responsibility and self-regulation, as well as its own capacity to discipline in
56 the aspect of students ethics, the school management shall refer to the Students Ethics

1 Committee. Such committee shall be created for this purpose by the student
2 government in consultation with the "Student Affairs Office."
3

4 All questions pertaining to plagiarism, falsification, copying, cheating and other
5 forms of unethical student conduct shall be referred to the Students Ethics Committee
6 which may be recommended appropriate disciplinary action to the Student Disciplinary
7 Board.
8

9 SECTION 11. *Due Process in Disciplinary Proceedings.* – No student shall be
10 suspended or summarily dismissed without proof or hearing. Witnesses may be called
11 in the student's defense. Witnesses should be identified and reference should be
12 made to the school rule or regulation violated and the possible severity of such charges.
13

14 There shall be a Student Disciplinary Board in every school which shall hear and
15 decide on disciplinary proceedings. It shall be composed of two (2) student members,
16 two (2) faculty members and one (1) representative from the school administration.
17 The Student Council shall endorse the student and faculty members.
18

19 The student has the right to appeal adverse decisions by the Student Disciplinary
20 Board to the Governing Board and ultimately to the appropriate education agencies.
21

22 The Student Disciplinary Board, in coordination with the Dean of Student Affairs
23 shall publish and post on a periodic basis acts which are deemed violative of school
24 rules and regulations and the corresponding disciplinary sanctions. Provide that such
25 rules and regulations do not violate the students' rights herein and under the
26 Constitution. *Provided, further,* That the disciplinary sanctions shall be corrective rather
27 than punitive.
28

29 SECTION 12. *Right to Protection and Privacy of Official Educational Records* -
30 A student has the right to inspect and to be issued his/her official records.
31

32 The student has the right to request the school to amend his or her records and,
33 if that request is denied, the student has the right to a hearing to challenge the content
34 of the students official education records, to insure that the records are not inaccurate,
35 misleading or otherwise in violation of the privacy or other rights to students. If the
36 school declines to amend the record following the hearing, the student has the right to
37 submit a statement for inclusion in the education record commenting on the information
38 in the record and the schools decision not to amend it. Provided the right to a hearing
39 does not include any right on the part of the student to challenge the appropriateness of
40 the grade as determined by an instructor.
41

42 Student's records shall not be released to persons other than the authorized
43 school authorities without permissions of the student or through compliance with
44 applicable laws.
45

46 Information about a student's views, beliefs and political associations acquired in
47 the course of instruction, advising and counseling is confidential and shall not be
48 disclosed to others unless by written consent of the student.
49

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

- 54 (a) searches made to a point of ingress by authorized personnel of the school;
- 55 (b) searches and seizures of illegal article or articles falling in the plain view of
56 duly authorized personnel;

- 1 (c) searches and seizures of article that are illegal, discovered inadvertently by
- 2 duly authorized personnel;
- 3 (d) searches made when the student is about to commit, is committing or has
- 4 committed a crime or a serious infraction of the school's rules and regulation
- 5 (e) searches made with a valid search warrant

6
7 Students shall have the right to study or practice without undue restriction or
8 disruption.

9
10 The privacy of communication and correspondence among students shall remain
11 inviolable.

12
13 SECTION 13. *Final Provisions.* – Within ninety (90) days, the DEPED, TESDA,
14 and CHED, in consultation with the students and all concerned groups shall promulgate
15 the necessary rules and regulations to implement the provisions of this Act.

16
17 Any person who shall willfully interfere with, restrain or coerce any student in the
18 exercise of his or her right guaranteed by this Act, or who shall upon conviction, be
19 punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more than
20 Fifty Thousand Pesos (P50,000.00) or by imprisonment of not less than one (1) year
21 not more than five (5) years, or both such fine and imprisonment at the discretion of the
22 Court. If the offender is an educational institution, a juridical person, the penalty shall
23 be imposed upon the President, Treasurer, Secretary or any person or officer
24 responsible for the violation. If the offender is an alien, he shall, after the service of
25 sentence, be deported immediately without further proceeding in the Bureau of
26 Immigration and Deportation (BID). If the offender is a public officer or employee, the
27 Court shall, in addition to the penalties herein above provided, order his dismissal from
28 the government service.

29
30 In this regard, the DEPED, the CHED, and the TESDA shall be empowered to
31 investigate into the violations of this Act or the rules and regulations issued thereunder
32 and for this purpose shall have the power to issue summons, writs, orders, subpoena
33 and subpoena *duces tecum* to secure the attendance of witnesses and the presented to
34 the appropriate body.

35
36 All laws, decrees, orders, rules and regulations or other issuances or parts
37 thereof inconsistent with the provisions of this Act hereby repealed or modified
38 accordingly.

39
40 This Act shall take effect one month after its publication in any newspapers of
41 general circulation

42
43 Approved,