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SENATE
S.B. No. 2369

RECEIVED BY: *ji*

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT PROVIDING A NATIONAL FRAMEWORK FOR STUDENTS' RIGHTS AND WELFARE

Explanatory Note

As education plays a vital role in shaping any nation, it provides young citizens the key knowledge, skills and attitudes to be able to participate and contribute meaningfully to the growth of society.

While there is an effort to improve the technical content and curriculum, and the delivery and instruction, there is also a need to reform the non-academic side of education.

This bill proposes to broaden the focus of education institutions towards a more holistic formation of students. By providing a national framework for students' rights and welfare, this measure seeks to create a conducive atmosphere to maximize their learning and growth.

Service-learning modules provide the chance for students to learn about empathy and compassion; volunteer organizations present the world outside the four walls of the classroom and show the faces of poverty and injustice.

Student-governments and campus publications are spaces where students are able to strengthen values of leadership, integrity, transparency and accountability. Dialogues and consultations with school administrations further enhance the value for respect and critical thinking among future leaders of the country.

Students are no longer just the future of the country. We count on them to be leaders in their communities in the here and now.

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

Senator Paolo Benigno "Bam" A. Aquino IV



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AN ACT PROVIDING A NATIONAL FRAMEWORK FOR STUDENTS' RIGHTS AND WELFARE

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "Students' Rights and Welfare
2 Act of 2014."

3 **SECTION 2. Declaration of Policy.**— Pursuant to Article II (Declaration of Principles and
4 State Policies), Section 17 of the 1987 Philippine Constitution, which makes it an obligation of
5 the State to prioritize education, science and technology, arts, culture and sports with the end
6 of fostering patriotism and nationalism, accelerating social progress, and promoting total
7 human liberation and development; to Article III (Bill of Rights) of the Constitution which
8 guarantees fundamental rights of every Filipino citizen; and in accordance with State
9 obligations under international agreements, including the International Convention on Civil and
10 Political Rights, International Convention on Economic and Social Rights, International
11 Convention on the Rights of the Child, Convention on the Elimination of All Forms of
12 Discrimination Against Women, it is hereby declared a policy of the State to protect and
13 promote the welfare of Filipino students.

14 Pursuant to Article XIV (Education), Sections 1 and 5(1) of the Constitution, the State hereby
15 recognizes its obligation to protect and promote the right of all citizens to quality education at
16 all levels, shall take appropriate steps to make education accessible to all, and guarantees the
17 enjoyment of academic freedom in all institutions of higher learning.

18 Towards this end, the State:

- 1 a. Recognizes that education is a right and as such it can only be exercised and enjoyed
2 fully when rights and welfare of students and young Filipinos are promoted and
3 protected;
- 4 b. Acknowledges that education is essential to the full participation of Filipinos in nation-
5 building. It is also essential in instilling nationalism, critical and creative thinking, and
6 values necessary to promote civil liberties, human rights, and fundamental freedoms;
- 7 c. Affirms that students have the right to meaningful participation in decision-making
8 processes inside and outside educational institutions, especially in the crafting and
9 formulation of policies directly affecting them. The promotion of this right to participate
10 is an integral part of the nation's democratic processes; and
- 11 d. Affirms that the fundamental right to expression of students shall be unabridged and
12 autonomous from the influences of educational institutions.

13 **SECTION 3. *Definition of terms.*** — As used in this Act:

- 14 a. "School" refers to an institution for learning in all levels of education, regardless if
15 privately or publicly-operated. For purposes of this Act, the term shall include
16 institutions for vocational and technical education but excludes those institutions for
17 enhanced basic education. A school is comprised of the studentry, administration,
18 faculty and non-faculty personnel;
- 19 b. "School campus" refers to areas designated by school administration for use by
20 students, which shall include, but not be limited to, facilities, contiguous or proximate
21 buildings and the school grounds;
- 22 c. "Student" refers to any person enrolled in a particular school, as the latter is defined in
23 subparagraph (a) of this Section;
- 24 d. "Governing board" refers to the highest policy-making body of the school such as a
25 board of directors, regents or trustees;
- 26 e. "Student council" or "student government" is the collective term to refer to the
27 representatives of students in a school or of students in different independent units in a
28 school, like a college in a university. A designated student population annually elects
29 members of the student council or of the student government at large following
30 election rules in the charter or constitution of the student council or the student
31 government;
- 32 f. "Council of leaders" refers to a duly constituted body composed of the heads of all, or
33 almost all, of student organizations in a school. The chairperson or president of the

1 student council or student government, or any student duly elected by the members of
2 the council of leaders, shall preside over the council of leaders;

3 g. *“Tuition fee”* refers to amounts paid for the privilege to receive education in a school;
4 and

5 h. *“Other school fees”* refers to fees other than tuition fees, and includes library and
6 athletic fees, laboratory fees, entrance fees, National Service Training Programs fees,
7 student council or student government fees, graduation fees, medical and dental fees,
8 and other similar fees.

9 **SECTION 4. *Right against discrimination in educational institutions.***— No student shall
10 be denied admission or expelled from an educational institution, punished with disciplinary
11 action, given mandatory counseling, or denied welfare services, scholarships and other student
12 privileges solely on the basis of physical handicap, socio-economic status, political and religious
13 beliefs, sexual orientation, or membership in organizations.

14 **SECTION 5. *Right to competent instruction and accessible, quality, relevant***
15 ***education.***— Students have the right to accessible, competent, holistic, quality and relevant
16 education that is essential to personal development and to the development of the nation. The
17 performance of teachers shall be assessed by students through written evaluations at the end
18 of each school term. The conduct of such assessments shall be the obligation of the school
19 administration.

20 **SECTION 6. *Right to organize.***— The right of students to form, assist or join
21 organizations, alliances, or federations shall not be abridged.

22 The student council or the student government and the council of leaders shall formulate
23 guidelines for the accreditation of student organizations. Such guidelines shall be implemented
24 by the office of student affairs, in coordination with the student council or student government,
25 which shall adopt a mechanism to resolve issues that may be raised in the accreditation
26 process.

27 The accreditation requirements shall not unduly restrict the right of students to organize and
28 may include submission of documentary requirements such as, but not limited to, a written
29 application for accreditation, a copy of the constitution and by-laws of the organization, a
30 general plan of action or list of activities, list of incumbent officers, and a list of members.

1 Accredited student organizations shall coordinate with the office of student affairs for on- and
2 off-campus activities. The school shall provide, free of charge, a hall or building within the
3 school campus where a student organization may establish its office or permanent meeting
4 area.

5 **SECTION 7. *Right to establish a student council or government.***— There shall be a
6 student council or student government recognized in every school, university or college, as the
7 case may be.

8 a. In schools, universities or colleges where there is no existing student council or student
9 government, the following procedure shall be followed in establishing the student
10 council or student government:

11 A constitution or charter of the student council or student government resulting from a
12 consultative process involving the council of leaders and representatives of unaffiliated
13 students shall be adopted. The constitution or charter shall be formally adopted after its
14 ratification by at least two-thirds (2/3) of the designated student population. It shall
15 contain provisions on the structure, functions and responsibilities of the student council
16 or student government.

17 Every student council or student government shall have the right to determine its
18 policies and programs on student activities subject to the provisions its charter or
19 constitution and in consonant with school rules and regulations: Provided, That the
20 latter does not infringe on basic rights and freedoms of students.

21 The election of the members or officers of the student council or the student
22 government shall be conducted by an independent commission on elections which shall
23 ensure that such elections are honest, orderly and peaceful. The members of
24 commission of elections shall be chosen from a list of nominees from members of the
25 council of leaders. The school concerned shall ensure that the commission on elections
26 has sufficient funds to carry out its mandate.

27 b. In schools, universities or colleges where there are existing student councils or student
28 governments, student representation shall still be lodged in the duly-elected student
29 councils or student governments.

1 The existing procedure for the election of members of student councils or student
2 governments shall be retained and enforced as long as it conforms to the provisions of
3 this Act. Otherwise, the existing procedure shall have transitory effects until the
4 designated student population has adopted a new charter or constitution consistent
5 with the provisions of this Act. Such adoption shall be among the priority activities of
6 the existing student council or student government.

7 A "student council or student government fee" may be collected from students to finance the
8 operations of the student council or student government, the amount of which shall be
9 determined by the student council or student government in consultation with the student
10 body and should be consistent with the student council or student government's general plan
11 of action or list of activities for a specific term. The school administration shall facilitate the
12 collection of the student council or student government fee and shall turn over the collected
13 amount to the student council or student government within fifteen (15) days after the start of
14 the semester or school period. The student council or student government shall release a
15 financial report at the end of its term. To take effect, a proposal to increase the student council
16 or student government fee shall require a vote of simple majority by the designated student
17 population.

18 No policy restricting the right of student councils or student governments to join federations or
19 alliances of student councils shall be imposed by the school administration.

20 **SECTION 8. *Right to publish a student newspaper and other similar publications.***— In
21 accordance with Republic Act No. 7079 or the "Campus Journalism Act of 1991," students shall
22 have the right to publish a student newspaper and other similar publications.

23 The editorial staff of the student paper shall be comprised of students. The editorial staff will
24 have a faculty adviser who has the role of providing technical assistance.

25 The selection of the student editor-in-chief and the members of the editorial staff shall be
26 conducted annually through fair and competitive examinations to be administered by an
27 impartial board of judges, which shall be comprised of professional journalists, representatives
28 from the faculty, and students.

29 Ethics in journalism shall be observed by the editorial staff. It shall be the responsibility of the
30 editorial staff to ensure that the student paper is not used for purposes contrary to law.

1 Unless sooner removed for cause and with due process, the editor-in-chief and editorial staff
2 shall have security of tenure.

3 The student publication shall be financially autonomous from the school administration. A
4 "student publication fee" shall be collected from the students and shall be held in trust by the
5 school administration. No policy shall be imposed by the school administration to hamper the
6 access of the editorial staff to such fund, subject to existing school regulations in the
7 disbursement of funds. The school administration shall also be prohibited from using such fund.
8 At the end of each term, the editorial board shall publish a financial statement.

9 **SECTION 9. *Right to adequate welfare services and academic facilities.***— The school
10 administration shall endeavor to provide the following services:

11 a. Health services for students with at least one (1) functioning clinic and a registered
12 nurse to provide basic care for common ailments;

13 b. Legal assistance in cases involving the exercise and enjoyment of rights and freedoms
14 provided in this Act;

15 c. Counseling;

16 d. Adequate laboratory, library, research, recreation and physical education facilities;

17 e. Effective communications system to ensure that students are promptly notified and
18 informed; and

19 f. Adequate, safe and clean board and lodging facilities, such as dormitories, inside the
20 school campus. In case the school has no in-campus dormitories, the school
21 administration and the student council or government shall be required to accredit or
22 recommend out-of-campus dormitories where students are encouraged to stay.

23 **SECTION 10. *Representation in the school's highest policy-making body.***— There shall
24 be a student representative in the governing board. The selection process for the student
25 representative will be formulated by the student council or student government, but adopted
26 through a referendum among the students.

1 The student representative shall have the same rights as the other members of the governing
2 board: Provided, That no monetary compensation shall be given to the student representative
3 except as reimbursement of actual and necessary expenses incurred in attending meetings and
4 representing the governing board.

5 **SECTION 11. *Right to information.***— The right of students to information on matters
6 affecting their welfare shall be recognized.

7 At the minimum, students shall have access to the following documents:

8 a. Official school acts embodying school policies;

9 b. The school's annual budget information, including pertinent transactions; and

10 c. Any other document that involves the rights and welfare of the students.

11 Any student who wishes to obtain information from the school administration shall simply
12 forward a written request through mail or electronic means to the school registrar.

13 **SECTION 12. *Right to freedom of expression.***— Students shall have the right to freely
14 express their views and opinions. They shall have the right to peaceably assemble and petition
15 the government and school authorities for the redress of their grievances. No school regulation
16 shall be imposed violating or abridging the student's right to assembly.

17 Students shall have access to print and broadcast media in their activities. They shall also have
18 the right to print, circulate and/or mount leaflets, newsletters, posters, wall news, petitions and
19 such other materials. School authorities shall ensure the provision of facilities such as bulletin
20 boards.

21 **SECTION 13. *Academic freedom.***— Students' academic freedom shall consist of, but not
22 limited to, the following rights:

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

- 1 b. To conduct inquiry within the campus in relation to curricular and extra-curricular
2 activities;
- 3 c. To choose a field of study and to pursue the quest for truth;
- 4 d. To express their opinion on any subject or public or general concern which directly or
5 indirectly affects the students of the educational system;
- 6 e. To invite off-campus speakers or resource persons to student-sponsored assemblies,
7 forums, symposia, and other similar activities;
- 8 f. To express contrary interpretations or dissenting opinions inside and outside the
9 classroom;
- 10 g. To participate in the drafting of a new curriculum and in the review or revision of the old
11 through consultations and invitations in working groups;
- 12 h. To participate in the process of revising the student handbook and school rules and
13 regulations. A copy of the existing student handbook will be given to students upon
14 admission to the school; and
- 15 i. To decide and choose actions according to personal and political beliefs, and be free
16 from the imposition of any thought, ideology or principle.

17 **SECTION 14. *Rights on Academic Procedure.*—**

18 a. Syllabus

19 A syllabus should clearly define and reflect the contents of the curriculum. The course
20 syllabus shall be provided to students before the start of classes to ensure that students
21 are guided throughout the school term.

22 b. Class requirements and measures for evaluation

- 23 1. Criteria for grading should be formal and appropriately quantified;

1 2. Mere absences from scheduled classroom lectures should not be the sole
2 basis for grading: Provided, That a maximum number of absences shall be
3 prescribed; and

4 3. A student shall have the right to do make-up work in the event that
5 requirements were not accomplished because of excusable inability to be
6 physically present.

7 c. Class performance

8 Students have a right to know their class performance data from submitted papers,
9 quizzes, long or short examinations and other similar class requirements.

10 d. Consultations

11 Members of the school faculty shall have regular consultation hours and make
12 themselves available to discuss relevant student concerns. These hours should be made
13 known to the students at the beginning of the term.

14 **SECTION 15. *Right to due process.***— The right of student to due process shall be
15 observed and respected especially during disciplinary proceedings.

16 There shall be an independent student disciplinary board to be composed of one (1)
17 representative from the school administration, two (2) faculty members and two (2) students:
18 Provided, That the representatives from the faculty and the students shall have the written
19 endorsement of the student council or student government.

20 The board shall conduct investigations and decide student disciplinary cases following the
21 adopted guidelines for the proceedings. The representative from the administration shall sit in
22 the board for five (5) years, the representative from the faculty for three (3) years, and the
23 representative from the students for one (1) year.

24 Blacklisting, expulsion, suspension and other such disciplinary sanctions that may be imposed
25 against an erring student shall be imposed only if the following rights have been observed and
26 accorded the student:

- 1 a. To a hearing before the board, which includes the right to present one's case and
2 submit evidence in support thereof;
- 3 b. Against self-incrimination;
- 4 c. To be defended by a representative or counsel of choice, adequate time being given for
5 the preparation of the defense;
- 6 d. To have the decision rendered on the evidence presented at the hearing, or at least
7 contained in the record and disclosed to the parties affected;
- 8 e. To appeal adverse decisions of the student disciplinary board to the governing board
9 and ultimately to the appropriate education agencies;
- 10 f. To have the deciding body, in all controversial questions, render its decision in such a
11 manner that the issues involved, and the reasons for any decision rendered are made
12 clear to the student;
- 13 g. To confidentiality; and
- 14 h. Any other rights as afforded and guaranteed to an accused under the Constitution.

15 Subject to existing laws, a decision on a case filed before a student disciplinary board shall be
16 resolved within three (3) months after the filing of such a case or complaint.

17 The office of the guidance counselor of the concerned school, in consultation with the student
18 disciplinary board, shall publish on a periodic basis a list of acts that violate school rules and
19 regulations and their corresponding disciplinary sanctions: Provided, that such rules and
20 regulations do not violate the rights guaranteed herein and under the Constitution.

21 **SECTION 16. *Right against illegal searches and seizures.***— Except for the following, any
22 other form of search and seizure shall be unreasonable and illegal:

- 23 a. Searches made with a valid search warrant;
- 24 b. Searches made at the point of ingress and egress by a person authorized by the school;

1 c. Seizure of articles deemed illegal under existing laws falling in the plain view of duly
2 confiscating authority; and

3 d. Searches and seizures made when the student is about to commit, is committing, or has
4 just committed a crime or a serious infraction of school rules and regulations.

5 Articles seized in violation of this Section shall be deemed fruits of an unlawful search and
6 seizure and therefore cannot be used as evidence against the student in any disciplinary action.

7 **SECTION 17. *Access to school records and issuance of official certificates.***— Students
8 shall have access to their own school records, and have the right to be issued official
9 certificates, diplomas, copies of transcript of records, copies of grades, documents required as
10 transfer credentials, and other similar documents within thirty (30) days from the filing of a
11 written request together with other reasonable requirements.

12 The school shall strictly maintain the confidentiality of all school records.

13 **SECTION 18. *Right to privacy.***— The right of students to the privacy of their
14 communication and correspondence is affirmed and shall remain inviolable. This right to
15 privacy also extends to the following:

16 a. The public use of a student's name or likeness;

17 b. A student's private affairs, including seclusion or solitude;

18 c. Personal circumstances, whether facts or otherwise, especially those which are, from
19 the point of view of the student, will cause him to be embarrassed when made public;
20 and

21 d. Those information which might put any person in false light and destroy good repute.

22 **SECTION 19. *Ban on firearms.***— No person shall carry firearms or explosives in school
23 campuses except if such person has the necessary permit to carry such firearm issued by
24 appropriate government authorities by reason of his obligation to ensure peace and security of
25 the school campus, such as that of a member of the Philippine National Police.

1 **SECTION 20. *School fees and other tariffs.***— Contributions which do not pertain to the
2 tuition or other fees, as well as to other fees allowed to be collected in this Act, shall prima
3 facie be considered unnecessary and shall be prohibited from being collected.

4 To comply with student requests for information as provided in Section 17 of this Act, schools
5 are prohibited from imposing fees beyond the actual cost of reproducing school records, official
6 certificates, copies of transcript of records, copies of grades, and other documents required as
7 transfer credentials.

8 No increase in the tuition fee or other school fees shall be allowed unless:

9 a. A notice of increase specifying the particular fee to be increased is public announced
10 and posted in conspicuous locations a year prior before the proposed increase is
11 planned to take effect. The council of leaders and the student council or student
12 government shall be directly notified about the proposed increase;

13 b. At least one (1) public meeting was held where students, the council of leaders, and the
14 student council or student government has an open discussion with the school
15 administration as regards the proposed increase. The head of the governing board shall
16 be present during this public meeting. Parents of students may be allowed to attend.
17 The conduct of the public meeting shall not be interpreted as denying the students a
18 continuous consultation process as regards the proposed increase;

19 c. All documents pertaining to the proposed increase is made available to the student
20 council or student government; and

21 d. The presentation of a counterproposal or position of the student to the governing
22 board.

23 **SECTION 21. *Implementing rules and regulations.***— The Commission on Higher
24 Education, Technical Education and Skills Development Authority, Commission on Human
25 Rights, in coordination with the Department of Educations, together with the National Youth
26 Commission, representatives of national student organizations and representatives of school
27 administrations shall promulgate the necessary rules and regulations to implement the
28 provisions of the Act with ninety (90) days from the approval of this Act.

1 **SECTION 22. *Administrative bodies and remedies.***— The CHED and TESDA are hereby
2 vested with powers necessary to investigate and impose administrative penalties to ensure the
3 enforcement of this Act. Any student, member of a student council or student government, or a
4 national organization of student councils or student governments, or youth organization may
5 file written complaints before the CHED and TESDA.

6 a. Upon a finding that a school is guilty of violating rights guaranteed under this Act, either
7 CHED or TESDA, as the case may be, may cause the suspension or revocation of the
8 license or permit to operate of any school, college or university;

9 b. The order of suspension or revocation of license or permit to operate may carry with it a
10 fine of not less than two hundred thousand Philippine pesos (PhP200,000.00) but not
11 more than five hundred thousand Philippine pesos (PhP500,000.00);

12 c. If the person violating the provisions of this Act is a student or student organization, the
13 CHED or TESDA, may issue a recommendation for the suspension or expulsion of the
14 student or the suspension or revocation of the accreditation of the school organization.

15 **SECTION 23. *Penal Provisions.***— Any person who shall willfully interfere with, restrain or
16 coerce any student in the exercise and enjoyment of rights guaranteed by this Act shall, upon
17 conviction, be punished by imprisonment for not less than one (1) year but not more than five
18 (5) years, or a fine of not less than fifty thousand Philippine pesos (PhP50,000.000) but not
19 more than one hundred thousand Philippine pesos, or both, at the discretion of the court.

20 If the offender is a juridical person, the penalty shall be imposed upon the president, treasurer,
21 secretary or any officer or person responsible for the violation. If the offender is a public officer
22 or employee, the Court shall, in addition to the penalties above, order his or her dismissal from
23 government service.

24 Refusal of any government official, including those working in state colleges and universities,
25 whose duty includes investigating or acting on any complaint for a violation of this Act to
26 perform his or her duty shall be considered as gross negligence on the part of such official who
27 shall suffer the appropriate penalty under civil service laws, rules and regulations.

1 Any student whose rights have been violated as stipulated in this Act may file independent civil
2 cases for damages against the offending persons, natural or juridical. He or she shall be exempt
3 from filing fees.

4 **SECTION 24. *Oversight Committee.***— The CHED and TESDA shall monitor the
5 implementation of this Act and shall submit an annual report of the results of its monitoring to
6 the Office of the President and to the Philippine Congress.

7 An Oversight Committee is hereby created composed of two (2) members each from the
8 Committee on Basic Education and two (2) members from the Committee on Higher Education
9 of the Senate and House of Representatives, to be constituted and co-chaired by the head of
10 the committees to evaluate and monitor the implementation of this Act. The Oversight
11 Committee shall automatically consider the reports of the concerned government agencies,
12 student organizations, and student councils and governments.

13 **SECTION 25. *Separability Clause.***— If, for any reason, any part, section or provision of
14 this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall
15 continue to be in force and effect.

16 **SECTION 26. *Repealing Clause.***— All laws, decrees, executive orders, proclamations,
17 rules and regulations, and other issuances, or part or parts thereof, including inconsistent
18 provisions of the Education Act of 1982, which are inconsistent with the provisions of this Act,
19 are hereby repealed, amended or modified accordingly.

20 **SECTION 27. *Effectivity Clause.***— This Act shall take effect immediately after the
21 completion of its publication in the Official Gazette or at least two (2) newspapers of general
22 circulation.

23 Approved,