Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7780

Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

The 1987 Constitution lays emphasis on the policy of the State to "inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs." The Constitution likewise guarantees the freedom of speech and the press and promotes an atmosphere of free artistic and intellectual expression. These fundamental freedoms and rights are indispensable to the vital role of the Filipino youth in nation building.

Student publications are a means for students to further their constitutionally guaranteed rights and express their views on matters of relevance and significance not only to their sector, but also to communities and sectors outside the schools and campuses. Student journalism develops in students a meaningful understanding of the state of peoples, societies and the nation. It effectively serves as an avenue for empowering students to become objective, critical and independent thinkers.

This bill recognizes the paramount importance of ensuring a climate of free speech and expression for students by mandating that all educational institutions guarantee the establishment and continued existence of student publications in their schools and campuses. It seeks to prevent curtailment and repression of students' freedom of speech, of the press and expression by instituting mechanisms therefor and imposing administrative and penal sanctions for violations thereof.

Despite the effectiveness of Republic Act No. 7079, otherwise known as the Campus Journalism Act of 1991, the College Editors Guild of the Philippines (CEGP) have documented over a thousand campus press freedom violations. These violations consist of, among others, interfering with editorial policies, censorship of editorial content, withholding of publication funds, non-collection of non-mandatory publication fees, and harassment of student writers and editors. This measure fills in the gaps and deficiencies of the current law by providing for clear and categorical prohibitions against different forms of repression of student journalists and penalties for such illegal acts.

The measure likewise provides that student journalists establish a self-regulation book that shall serve as their manual and guide in the exercise of ethical and responsible student journalism. To safeguard editorial independence, it also ensures that school journalists will have the necessary financial means to support their publication. Furthermore, this bill also recognizes the varying platforms of free and independent expression, including the internet and online media which R.A. No. 7079 had not contemplated.

The 30-year-old Campus Journalism Act, with all its noble intent, demands substantial reforms, if not repeal. Aside from its want in adequate safeguards against restraint on student journalism, new trends, tools and technologies in the fast changing digital age have made such

1 Sec. 13, Article II of the 1987 Philippine Constitution
repeal urgent and imperative. It is hoped that the introduction of this measure will facilitate wider consultations with stakeholders on the many issues affecting press freedom in schools and campuses and result in a legislation that is consistent with current and constant technological advances, reflective and representative of the sectors concerned, and in keeping with the guarantees enshrined in the Constitution.

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

LAWRENCE LEMUEL H. FORTUN
1st District of Agusan del Norte
Republic of the Philippines
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AN ACT
PROMOTING AND PROTECTING THE RIGHTS OF STUDENT JOURNALISTS AND
STUDENT PUBLICATIONS, REPEALING FOR THIS PURPOSE REPUBLIC ACT 7079
OTHERWISE KNOWN AS THE CAMPUS JOURNALISM ACT OF 1991, AND FOR
OTHER PURPOSES

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

SEC. 1. Short Title. – This Act shall be known as the “Student Journalists’ Rights Act
of 2020.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to uphold
and protect the constitutionally guaranteed freedom of speech, of the press and of expression.
The State shall endeavor to promote and safeguard these fundamental freedoms in all schools
and ensure the growth and development of student journalism as a means of fostering critical and
creative thinking and furthering democracy, justice, rule of law and love of country among the
Filipino youth. Pursuant to this policy, the State shall undertake programs aimed at instilling core
journalistic values among, and developing the journalistic talent and skills of, Filipino student
journalists.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms are hereby
defined as follows:

(a) Editorial Board – The board, composed of duly qualified and selected members,
responsible for the determination and implementation of the editorial policies and
direction of the student publication.

The editorial board of the student publication in a secondary or tertiary school shall be
composed of editors and select student journalists who have qualified in selection and
placement processes conducted by the board.

In secondary schools, the editorial board shall have a faculty adviser duly appointed by
the school administration. Such faculty adviser shall not sit as member of the board. In
tertiary schools, the editorial board may, at its discretion, engage the services of a faculty
adviser.

In the case of elementary schools, the editorial board shall be composed of a duly
appointed faculty adviser, the editor-in-chief, the senior associate editor, and a parent
representative chosen by the Parents-Teachers' Association.
(b) **Student Journalist** – Any bona fide student enrolled for the current school year who passed the qualifications and standards set by the editorial board.

(c) **Student publication** – A media outlet or public forum of independent content produced by students and published, distributed or disseminated through print, radio, television, internet and other online or digital platforms.

**SEC. 4. Students’ right to free press, speech and expression.** - Students of both public and private educational institutions shall have the right to exercise the freedom of speech, of the press and expression by way of student publications, whether or not such student publications or other means of expression, are receiving financial, logistical and other forms of support from or are produced in conjunction with a class, or other academic activity, co-curricular or extra-curricular program.

**SEC. 5. Student publications mandatory in schools.** - In keeping with the policy of the State to guarantee freedom of speech, of the press and of expression, every educational institution is mandated to have a student publication in its school. The school shall ensure that the editorial board and staff are provided with and given full access to a decent, functional and conducive workspace in the school premises for their publication operations.

**SEC. 6. Organization of editorial board.** – The editorial boards of student publications shall be formally constituted at the start of the school year and not later than (30) days from the official opening of classes.

**SEC. 7. Role of the faculty adviser.** - The faculty adviser shall:

(a) Encourage, create and facilitate an atmosphere of free speech and expression for student journalists consistent with the principles of truthfulness, impartiality, fairness and integrity;

(b) Instill in student journalists the core values and principles of journalism and its crucial role in providing people with reliable and useful information that help shape their decisions in their lives, families, communities and societies;

(c) Mentor and train student journalists to constantly acquire new knowledge and skills in journalism and continuously enhance their capabilities and achieve excellence in their craft;

(d) Mentor and train student journals on journalistic freedom, analytical appreciation, critical thinking and professionalism;

(e) Orient and guide student journalists on certain limitations on the freedom of speech, of the press and expression such as the laws on defamation, libel, cyber libel, data privacy, intellectual property and other relevant legislations;

(f) While providing guidance, encourage and allow student journalists to have the final decision in the determination of the editorial policies and direction of the student publication and the material or content they shall publish and distribute.

**SEC. 8. Funds for student publications.** - Funds for the management and maintenance of student publications in private schools shall be charged against the authorized student publication fees, subscription fees, and other sources intended for the student publication. In the case of
public schools, including state universities and colleges, all student publication costs, including participation in competitions, trainings, seminars and other enhancement programs, shall be charged against the maintenance and operating expenses of the schools.

The funds shall be released automatically to the editorial staff within thirty (30) days from the opening of classes. The editorial staff shall manage the funds, provided that, a financial audit shall be conducted annually by the school financial officer, the results of which shall be published in the student publication.

SEC. 9. Independence of editorial staff. - The editorial staff of a student publication shall be responsible for determining the news, stories, editorials, opinions, features, other articles, advertisements and any other material or content of the student publication, free from control and interference of the school or its officials, teachers and other personnel. Faculty advisers may, however, provide guidance over the production of the publication, introduce and implement education and training programs to impart on the student journalists core concepts and standards of journalism and enhance their knowledge, talent and skills in journalism.

SEC. 10. No liability of school for student publication content. - Expressions aired by students in the student publication and other media shall not be deemed an expression of school policy, position, or opinion. The school and its officials shall be free from any civil or criminal liability arising from the production, publication and distribution of any such material or content over which they exercised no editorial control unless the school, or through its officials, adopted the same, or interfered in, or altered the production thereof.

SEC. 11. Press freedom policy of school administration. - The governing board of the school shall adopt as part of the school’s policy the guarantee of the freedom of speech, of the press and of expression among its students. The policy, to be known as the Student Press Freedom Policy, which shall include clear and liberal provisions on time, place and manner of the free exercise by students of the freedom of speech, press and expression, shall be disseminated among students at the beginning of each school year.

SEC. 12. Prior Review and Prior Restraint. – No student publication or media, whether official or unofficial, shall be subjected to mandatory review by the school or its administrators, officials, faculty or personnel prior to publication. Neither shall the distribution thereof be subject to a mandatory requirement of prior approval by the school.

SEC. 13. Self-regulation guidebook. - The student editorial staff is mandated to formulate and adopt a self-regulation guidebook which shall serve as its manual in the practice and due observance of ethical and responsible student journalism standards, including mechanisms for ensuring responsibility and accountability of student journalists.

SEC. 14. Responsibilities of Student Journalists. – The following shall be the basic responsibilities of the editorial staff, student journalists and students who work in student publications:

(a) Produce student publication with content based on professional standards of accuracy, objectivity, integrity and fairness;

(b) Reasonably check and verify all facts and accuracy of data and information, statements and reliability and integrity of sources; and
(c) In the case of editorials or letters to the editor concerning controversial issues, allow and encourage rebuttal, comments and opinions and provide fair and sufficient space or airtime therefor, in appropriate cases.

SEC. 15. Unprotected Expression. — The following material and content are not protected by this Act:

(a) Libelous material and content as defined by law;

(b) Sexually obscene material or content that the average person, applying contemporary community standards, would find to be clearly a perversion or intended to appeal to a prurient interest, or depicts or describes, in a patently offensive way, sexual acts and conduct, lewd exhibition of genitals and sensitive body parts, and taken as a whole, lacks serious literary, artistic, political or scientific value.

(c) Material or content that arbitrarily and unlawfully interferes with a person’s right to privacy, family, home or correspondence as defined by law;

(d) Material that is restricted or regulated by law for its critical implications to national security, public order, public health or public morals;

(e) Material that incite students to create clear and present danger to the safety and security of persons or property, or the commission of unlawful acts in school premises, or cause significant and substantial disruption of the orderly operations of the school.

SEC. 16. Prohibited Acts by School Officials, Faculty Members, Employees or Personnel. — It shall be unlawful for school officials, faculty members, employees or personnel to:

(a) Censor, restrain, ban and prohibit the publication of any content in student publications or multimedia platforms, including non-school sponsored publications on the basis of, but not limited to, the following:

1. That it is distasteful, unpopular or unpleasant;

2. That it is critical of policies, practices and actions of public officials or the government or any of its instrumentalities;

3. That it is critical of policies, practices and actions of the school or its officials, professors, instructors, teachers and personnel;

4. That it contains grammatical or spelling errors that may diminish the quality of the student publication;

5. That it contains material that may cause the disruption of the orderly operation of the school based on undifferentiated, ambiguous, vague and unsubstantiated fear or apprehension.

School officials must be able to affirmatively show substantial facts in view of the existing context and school history concerning the same or similar material that reasonably support an expectation of actual disruption as contemplated in Section 15 (e) of this Act.

(b) Withdraw or restrain access to funds meant for the student publication including the non-collection of student publication fees;

(c) Prohibit the editorial staff from using its designated workspace, except in instances where the safety of the students is at risk;
(d) Remove, transfer or penalize a faculty adviser of a student publication for refusing to suppress the right of the students to free expression;

(e) Initiate, induce, facilitate, support or encourage any action or activity where the intent or effect is to control, diminish, manipulate or otherwise censor student media, or to dismiss, punish or retaliate against a member of the editorial board, staff or faculty adviser of a student publication for producing and publishing content displeasing to the school or its officials.

SEC. 17. Commercial Speech. — Commercial speech such as advertising is a constitutionally protected expression. Acceptance or rejection of advertisements shall be the prerogative of the editorial staff, provided that the same do not promote or patronize illegal products. Paid advertisements for political parties, organizations, groups or individual candidates may be accepted, provided that pertinent laws, rules, regulations, circulars and other issuances on political and partisan advertisements are strictly observed and all other political parties, organizations, groups and candidates are given the same access, space, airtime, slot and treatment in the publication.

SEC. 18. Online and Multi-Media Resources. — Students may use internet-based media, including, but not limited to, social media, websites, blogs, electronic messaging, and other online media and platforms as they would any other communications media to reach a broader audience both inside and outside the school.

Student journalists can use online and other electronic information resources to gather news and information, communicate with resource persons, institutions and other sources of relevant and reliable information.

All official, school-sponsored online student publications shall be afforded the same protection and shall be subject to no greater limitations than are applicable to other student media or publication as described in this Act.

SEC. 19. Acceptable Use Policies in Network. — This Act recognizes that the technical and networking environment necessary for online communication may require school officials to define guidelines for student exploration and use of internet-based and other electronic information resources.

The purpose of such guidelines shall be to provide for the orderly, efficient and fair operation of the school's resources and may address such issues as file size limits, password management, system security, data downloading protocol, use of domain names, use of copyrighted software, access to computer facilities, computer hacking, computer etiquette and data privacy.

In no instance shall the guidelines be used to unreasonably restrain, restrict student access to, or use of, or communication on, online media.

SEC. 20. Non-school sponsored student publication or media. — Non-school sponsored student publication or media and the students who produce them shall be afforded the same recognition and protection given to official student publications.

In addition to the prohibited acts under Section 16 of this Act, it shall be unlawful for school officials, faculty members, employees or personnel to prohibit the following:
(a) Dissemination of media to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of distribution of free copies, selling or offering copies for sale, accepting donations for copies of the media or displaying the media in the premises of the school generally frequented by students;

(b) Distribution of anonymous literature or other student media nor require that it bear the name of the author or sponsoring organization;

(c) Distribution of student media on the ground that they contain advertising; and

(d) Otherwise impose policies, rules, regulations, guidelines or other issuances that discriminate against, or interfere with the content and effective distribution of non-school sponsored student media.

SEC. 21. Limitation on Regulation by School Authorities. – Regulatory authority of school authorities shall not apply to media independently produced or obtained and distributed by students off school grounds and without school resources.

SEC. 22. Press Conferences and Training Seminars. – The DepEd and CHED shall sponsor periodic competitions, press conferences and training seminars in which student editors, writers and faculty adviser of student publications in the elementary, secondary and tertiary levels shall participate. Such competitions, conferences and seminars shall be held at the school, district, division, and regional levels, culminating with the holding of the annual national elementary, secondary or tertiary School Press Conferences.

SEC. 23. Tax Exemption. – Pursuant to paragraph 4, Section 4, Article XIV of the Constitution, all grants, endowments, donations, or contributions used actually, directly and exclusively for the promotion of campus journalism as provided for in this Act shall be exempt from donor's or gift tax.

SEC. 24. Remedy. – Any student, individually or through a parent or guardian, or faculty adviser may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided for in this Act.

The Department of Education (DepEd) and the Commission on Higher Education (CHED) are mandated to investigate and impose administrative sanctions on any violation of this Act.

SEC. 25. Penalties. - The penalty of imprisonment of ninety (90) days to one hundred eighty (180) days, or a fine ranging from Fifty Thousand Pesos (Php50,000) to One Hundred Thousand Pesos (Php100,000), or both fine and imprisonment at the discretion of the Court, shall be imposed upon any person who shall violate any provision of this Act.

In addition to the penalties imposed in the preceding paragraph, a school official, faculty member, employee or personnel person found guilty by final judgment for violation of this Act, shall likewise suffer the penalty of suspension from office or work for a period of three (3) to months to one (1) year at the discretion of the Court. The Court shall order the school concerned to execute the penalty of suspension.
SEC. 26. Implementing Rules and Regulations. — The Secretary of Education and the Chairperson of CHED, together with the National Union of Journalists of the Philippines, College Editors Guild of the Philippines, and the Coordinating Council of Private Educational Associations, shall formulate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days after its approval.

SEC. 27. Separability Clause. — If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.


All laws, executive orders, and administrative orders, rules and regulations or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

SEC. 29. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.