

S. No. 2226
H. No. 5115

Republic of the Philippines
Congress of the Philippines
Metro Manila

Sixteenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day
of July, two thousand fourteen.



[REPUBLIC ACT NO. 10676]

AN ACT PROTECTING THE AMATEUR NATURE OF
STUDENT-ATHLETES IN THE PHILIPPINES BY
REGULATING THE RESIDENCY REQUIREMENT AND
PROHIBITING THE COMMERCIALIZATION OF
STUDENT-ATHLETES

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

SECTION 1. Short Title. - This Act shall be known as
the "Student-Athletes Protection Act".

SEC. 2. Declaration of Policy. - Article XIV, Section 1 of
the 1987 Constitution recognizes the role of the State to protect
and promote the right of all the citizens to quality education
at all levels, and to take appropriate steps to make such
education accessible to all. Further, Section 19(1) of the same
Article provides that the State shall promote physical
education, sports programs and competitions alongside training

for international competitions to foster self-discipline, teamwork and excellence for the attainment of a healthy and alert citizenry. Thus, the State shall recognize and uphold the rights of student-athletes to further hone their skills and abilities in their respective fields of amateur sports without neglecting their education and general well-being.

It is the intention of this Act to protect and promote the rights of the student-athlete, who is, first and foremost, a student. To this end, the rights guaranteed by this Act and the obligations imposed on schools and athletic associations and their officials, athletic directors, coaches, members of the coaching staff, administrators, alumni, and representatives shall seek to ensure that the student-athlete attains quality education while honing his/her skill and reaching his/her full potential as an athlete in an amateur sports setting.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall be defined as follows:

(a) *Athletic association* refers to any public or private organization that is responsible for governing inter-school athletic programs and competitions including, but not limited to, the Private Schools Athletic Association (PRISAA), the University Athletic Association of the Philippines (UAAP), the National College Athletic Association of the Philippines (NCAA), the Women's National Collegiate Athletic Association (WNCAA), the State Colleges and Universities Athletic Association (SCUAA), the Cebu Schools Athletic Foundation, Inc. (CESAFI), the National Capital Regional Athletic Association (NCRAA), the Association of Local Colleges and Universities Athletic Association (ALCUAA) and the National Athletic Association of Schools, Colleges and Universities (NAASCU);

(b) *School* refers to an institution recognized by the State which undertakes educational operations such as grade school, high school, college, university, or technical-vocational education and training institution; and

(c) *Student-athlete* refers to a student currently enrolled in any school who is a member of any of the school's athletic teams or programs and who represents or has intentions of representing the school in an inter-school athletic program or competition. The student-athlete must be enrolled in at least

a minimum full-time curricular program and must be in good standing to be eligible to represent the school in an inter-school athletic program or competition.

SEC. 4. *Residency of Student-Athletes.* – Without prejudice to the respective rules of athletic associations on student-athletes who are foreign imports, the following rules on residency shall be applied:

(a) Residency requirement shall not be imposed on a student-athlete who is a high school graduate enrolling in a college or university;

(b) Residency requirement shall likewise not be imposed on a high school student-athlete transferring from one high school to another high school: *Provided*, That, to address the issue of piracy, a maximum of one (1) year residency may be imposed by an athletic association on a high school student-athlete who transfers from one member school to another;

(c) In the case of a tertiary student-athlete transferring from one college or university to another, a maximum of one (1) year residency may be imposed by an athletic association before a student-athlete could participate and represent a school in any athletic competition; and

(d) The residency rules mentioned in paragraphs (a) and (b) of this section shall likewise apply to a Filipino student-athlete from other countries enrolling in a school in the Philippines.

No school, or its representative, shall be authorized to perform the following acts on a student-athlete on the sole reason of his/her transfer to another school:

(1) File an administrative charge for possible violation of school rules and regulations;

(2) Require the payment of tuition and other miscellaneous fees covered by the scholarship granted, including monies given and the cash equivalent of non-monetary benefits received;

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- (3) Refuse to issue or delay the release of grades and school records, clearance, or transfer eligibility;

- (4) Give incomplete grades in subjects in which the student-athlete is exempted by virtue of being a student-athlete; and

- (5) Impose other forms of punishment.

SEC. 5. *Benefits and Incentives.* – Schools may grant a deserving student-athlete the following benefits and incentives:

- (a) Tuition and miscellaneous school fees including books and other learning materials;

- (b) Full board and lodging;

- (c) School and athletic uniforms including supplies, equipment and paraphernalia;

- (d) A reasonable regular monthly living allowance, the amount of which shall be set and standardized by the athletic association to which the school is affiliated with;

- (e) Medical examinations and consultations, emergency medical services, life and medical insurance and other reasonable and similar benefits that would further enhance the academic and athletic performance of the student-athlete; and

- (f) Other reasonable and similar benefits that would further enhance the student-athlete's academic and athletic performance.

SEC. 6. *Commercialization of Student-Athletes.* – Schools shall not offer a student-athlete or the immediate family members benefits or incentives beyond those enumerated under Section 5 of this Act which are contrary to the nature of amateur sports and which may result in the commercialization of a student-athlete.

SEC. 7. *Authority of the Department of Education (DepED) and the Commission on Higher Education (CHED).* – The DepED in furtherance to its mandate to supervise all

basic education institutions, and the CHED with its mandate to supervise higher education institutions, are hereby further authorized to regulate and oversee school athletic associations, and are tasked to ensure that the rights of student-athletes are respected and protected. They are likewise authorized to handle complaints against the school athletic associations, and schools. They may consult the Philippine Sports Commission (PSC) for technical expertise, as may be needed.

SEC. 8. *Prosecution of Action.* -

(a) *Who May File.* - For purposes of this Act, a written complaint may be filed by a student-athlete, his/her parents or guardians, member schools or their alumni, or any person or any entity in behalf of a student-athlete who, or a school which, may be affected by any violation of this Act.

(b) *Who are Liable.* - School officials, athletic directors, coaches, members of the coaching staff, administrators, alumni, or representatives shall be liable for any violation of this Act. Athletic associations or schools shall likewise be liable for knowingly permitting or failing to prevent such violations, without prejudice to any direct liability by the aforementioned individuals.

(c) *Investigation.* - Athletic associations may, *motu proprio* or upon written complaint, investigate violations of this Act and impose the appropriate penalties, such as suspending or banning the student-athlete from playing and/or the school from participating in their respective leagues: *Provided*, That if the respondent is the athletic association, or if there is reason to believe that the athletic association will not act upon the complaint, a written complaint may be filed directly with the DepED or the CHED.

(d) *Appeal.* - Within fifteen (15) days upon receipt of the decision of the athletic association, an appeal may be filed with the DepED or the CHED.

(e) *Inaction or inhibition.* - Within thirty (30) days from filing of the complaint, there being no action from the athletic

association, the student-athlete or his/her representative may directly file a written complaint with the DepED or the CHED.

(f) Sanctions and penalties. – Upon notice and hearing, the DepED or the CHED may impose the appropriate penalties under relevant laws, rules or regulations, including:

(1) On erring schools:

Any violation of the provisions of this Act shall be punishable by suspension from participating in the athletic organization/s and/or a fine ranging from one hundred thousand pesos (P100,000.00) to one million pesos (P1,000,000.00) depending on the gravity of the offense; and

(2) On erring athletic associations:

Any violation of the provisions of this Act shall be punishable by a fine ranging from one hundred thousand pesos (P100,000.00) to one million pesos (P1,000,000.00) depending on the gravity of the offense.

The availment of remedies under this Act will not preclude the complainant from seeking further recourse from the courts of law.

(g) Nothing in this section shall prevent any of the persons mentioned herein from filing for a temporary restraining order or any other injunctive relief in court if there is no other plain, speedy, and adequate remedy in the ordinary course of law.

SEC. 9. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the DepED and the CHED, in consultation with the PSC, shall promulgate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SEC. 10. Implementing Agencies. – The DepED and the CHED shall implement the provisions of this Act.

SEC. 11. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

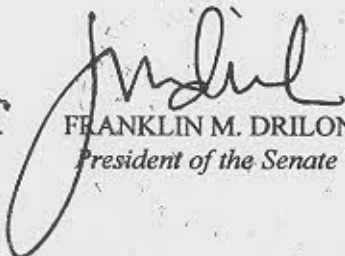
SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,



FELICIANO BELMONTE JR.

*Speaker of the House
of Representatives*



FRANKLIN M. DRILON

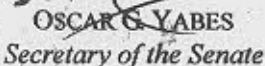
President of the Senate

This Act which is a consolidation of Senate Bill No. 2226 and House Bill No. 5115 was finally passed by the Senate and the House of Representatives on June 10, 2015.



MARILYN B. BARUA-YAP

*Secretary General
House of Representatives*



OSCAR G. YABES

Secretary of the Senate

Approved: **AUG 26 2015**




BENIGNO S. AQUINO III

President of the Philippines