



ORDINANCE NO. 14659-2023

AN ORDINANCE PROVIDING FOR THE COMPREHENSIVE CODE FOR THE STUDENTS' RIGHTS AND WELFARE OF CAGAYAN DE ORO CITY, AND FOR OTHER PURPOSES

WHEREAS, Section 1, Article XIV of the 1987 Philippine Constitution mandates the government "... to protect and promote the rights of all citizens to quality education at all levels and... to make such education accessible to all";

WHEREAS, Section 2, Sub-Section 3, Article XIV of the 1987 Philippine Constitution mandates the government to "Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, specially to under-privileged;"

WHEREAS, 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 courage their involvement in public and civic affairs";

WHEREAS, Section 2, Sub-Section 4, Article XIV of the 1987 Philippine Constitution mandates the government to "Encourage...informal, and indigenous learning systems, ...particularly those that respond to community needs;"

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its territorial jurisdiction;

WHEREAS, the Manual of Regulations for Private Higher Education of 2008 (CMO 40, s. 2008) declares that its provisions are to attain purposes of higher education, to give meaning to academic freedom, to institute reasonable supervision & regulation, & to accelerate the development of higher education institutions;

WHEREAS, the 2010 Revised Manual of Regulations for Private Schools in Basic Education (DO 88, s. 2010) declares that its provisions are to protect & promote the right of all citizens to quality education at all levels & shall take appropriate steps to make such education accessible to all;

WHEREAS, the Magna Carta of Students is being proposed as a means of recognizing and protecting the rights and welfare of the Philippine Studentry;

WHEREAS, the proposed ordinance on the Magna Carta for Students, likewise, seek to recognize, protect and promote the students' right to admission and quality education, right to organize among themselves, right to participate in policy making of the schools, right to free expression and information, right to academic freedom and right to due process in disciplinary proceedings, among others;

WHEREAS, the City Government of Cagayan de Oro is a regional center of education with numerous academic and technical vocational institutions in all year levels;

WHEREAS, the City Government of Cagayan de Oro is one with the national purpose in protecting and promoting the rights of students;

WHEREAS, The City Government of Cagayan de Oro deems it necessary to pass a Magna Carta for Students that shall be implemented within the territorial jurisdiction of Cagayan de Oro City to empower the students' will in protecting and promoting their rights;

NOW, THEREFORE:

BE IT ORDAINED by the Sangguniang Panlungsod of Cagayan de Oro City, in session assembled that:



ARTICLE I – GENERAL PROVISIONS

SECTION 1. Title. - This ordinance shall be known as the Cagayan de Oro Students' Rights and Welfare Code and shall be cited as the "**Oro STRAW Code**".

SECTION 2. Declaration of Policy. - In accordance with the 1987 Philippine Constitution, the City of Cagayan de Oro hereby adopts the following policies:

- a) It is the policy of the City to protect and promote the physical, mental, spiritual, intellectual and social well-being of the students. Toward this end, educational institutions shall inculcate in them patriotism and nationalism, encourage critical and creative thinking, strengthen ethical and spiritual values and teach the rights and duties of citizenship.
- b) The City shall promote the rights of all citizens, regardless of sexual orientation, age, beliefs, socio-economic status, physical conditions, political or other affiliation, to relevant and quality education at all levels.
- c) The City shall protect the rights of students to enable them to participate actively and effectively in the democratic processes of effecting progressive and developmental changes in society.

SECTION 3. General Principles. - In accordance to the 1987 Philippine Constitution, the City of Cagayan de Oro hereby declares the following as basic guiding principles:

- a) The City shall ensure that relevant and quality education shall be accessible to all;
- b) The City recognizes the role of the student council and other school organizations in the promotion and protection of the students' democratic rights and their participation in the formulation of school policies directly affecting students;
- c) The City shall recognize the use of publications as the principal medium of free expression, dissemination of information, and interaction among the different sectors of the academic community;
- d) The responsibility to provide and maintain general conditions conducive to learning is shared by all members of the academic community;
- e) The City shall promote the active participation of students in effecting change and development in society;
- f) The personal right and dignity of students shall be held inviolable and shall take precedence over any academic goal set by any school.

SECTION 4. General Scope:

- a) This Ordinance shall apply to all Private and Public Tertiary, Technical and Secondary Educational Institutions, as well as homeschools, special education schools, and alternative learning systems found within the territorial jurisdiction of Cagayan de Oro City.
- b) Students have the right to pursue whatever recourse, legal or otherwise, when deemed necessary in accordance with the Magna Carta of Students' Rights and Welfare of each academic institution.
- c) Secondary students shall be under the supervision of their legal guardians and school administration when it pertains to moral principles that might affect the student's well-being.

ARTICLE II – DEFINITION OF TERMS

SECTION 5. Definitions. - As used in this Ordinance:

- a) "**Student**" means any person enrolled in senior high school, secondary, post-secondary, tertiary, graduate, and post-graduate, even if on leave for the semester or with minimum



- course load, including those enrolled in vocational and technical education and subject to existing rules, charter or laws;
- b) **"School"** refers to an institution for learning all levels of education, whether operated privately or publicly. A school is composed of the student body, the administration, faculty, and non-faculty personnel;
 - c) **"School Campus"** means the totality of all contiguous or proximate buildings, grounds or other facilities designated by the school authorities as areas or facilities for the use of its students; a school may consist of more than one campus;
 - d) **"Governing Board"** means the highest policy making body of the school such as the Principal's or President's Council, Board of Directors, Trustees or Regents;
 - e) **"School Administration"** means the administrative body and personnel of the school that operates in the day-to-day operations of the schools such as the Office of Student Affairs, Student Activities and Leadership Coordinator, Vice President for Administration, Assistant Principals, Principals and or its equivalent;
 - f) **"School Campus"** means the totality of all contiguous or proximate buildings, grounds or other facilities designated by school authorities as areas or facilities for the use of its students; a school may consist of more than one campus;
 - g) **"Sexual Orientation"** refers to the direction of an individual's sexuality, normally conceived of as falling into several significant categories based around the sex or gender that the individual finds attractive;
 - h) **"Student Council or Student Government"** is the collective term to refer to the representatives of students in a school or of students in different independent units in a school, like a college in a university. A designated student population annually elects members of the student council or of the student government at large following election procedure in the charter or constitution of the student council or the student government;
 - i) **"Jurisdiction"** means legal authority over a geographic area which extends to authority to hear and determine causes of action. For purposes of this Ordinance, the same refers to jurisdiction over Cagayan de Oro City;
 - j) **"Student Publication"** is the collective term that shall refer to a publication in a school that issues any material or other media form that is independently published by students, and which meets the needs and interests of the student body;
 - k) **"Student Organization"** refers to organizations established for the purpose of catering various student interests including, but not limited to, leadership, social service, arts, and sciences within the respective institution;
 - l) **"Tuition"** refers to amounts paid to receive education in a school; and
 - m) **"Other School Fees"** refer to fees other than tuition. These include library and athletic fees, laboratory fees, entrance fees. National Service Training Program fees, student council or student government fees, graduation fees, medical and dental fees, and other similar fees.
 - n) **"Personal Relationship"** refers to an ongoing romantic or intimate personal relationship that can include, but is not limited to, dating, living together or being a partner or significant other.
 - o) **"Personal Close Relationship"** refers to a financial, family or sexual relationship or a relationship that involves a degree of intimacy beyond that normally present between members of staff with students, work colleagues or other members of the community
 - p) **"Seclusion or Solitude"** refers to the quality or state of being alone; and
 - q) **"Peaceful Protest Actions"** refer to actions that are nonviolent in nature that do not cause harm to public safety.

ARTICLE III – RIGHTS AND EMPOWERMENT

SECTION 6. Freedom of Access to Education - Subject to fair, reasonable and equitable admission requirements, no student shall be denied admission to any school and of financial aid scholarship and other educational privileges and opportunities because of physical disability, socio-



economic status, political belief and affiliation, national origin, ancestry, race, religion, sex, sexual orientation, marital or parental status, and to the extent specified by law, age or veteran status be discriminated against.

A student shall have the right to freely choose their field of study subject to existing academic policy and curricula, and to continue their course up to graduation except in cases of academic deficiency or violation of disciplinary regulations that do not infringe upon the exercise of student rights. For this purpose, the schools shall undertake to inform students of the rules and regulations regarding academic matters as well as student conduct and discipline in a manner consistent with the requirements of due process.

- a) If a student is pregnant and wants to enroll, a clearance from a medical professional must be obtained, stating that the student is physically able to attend school. For pregnant students under 18 years old who want to attend school, there shall be an amicable agreement between the student's parents and the school along with the clearance from a medical professional;
- b) If a Person with Special Needs (PWSN) requiring special assistance wants to enroll, he or she may have a personal assistant to assist him/her in entering the school and attending classes provided a written request is submitted by said student.

SECTION 7. Right to Competent Instruction and Accessible, Quality, Relevant Education -

Students have the right to an accessible, competent, holistic, quality and relevant education that is essential to personal development and to the development of the nation. Schools are required to implement periodic assessment and/or evaluation mechanisms for students. The conduct of such assessments and/or evaluation shall be the obligation of the school administration. During the student's evaluation, the results must be confidential. Only authorized personnel deemed by the school may have access to the data.

SECTION 8. Right to Organize and Freedom of Association - The right of students to form, assist or join organizations, alliances, or federations shall not be abridged.

- a) The student council or the student government shall formulate guidelines and or adopt mechanisms for the accreditation of student organizations. Such guidelines or mechanisms shall be developed in coordination with the Office of Student Affairs and/or Services.
- b) The accreditation requirements shall not unduly restrict the right of students to organize and may include submission of documentary requirements such as a written application for accreditation, a copy of the constitution and by-laws of the organization, a general plan of action or list of activities, list of incumbent officers, a list of members, and pertinent documents.
- c) Accredited student organizations shall coordinate with the Office of Student Affairs for on- and off-campus programs and activities.
- d) The student organization's executive board shall be composed of students. The organization shall have the option of having a faculty adviser who has the sole role of providing support and assistance. The provision of the faculty adviser shall be made under the suggestion of the school administration but whose approval is ultimately under the student organization's executive board's discretion.

SECTION 9. Right to Establish a Student Government - There shall be a student council or student government recognized in every school as the case may be.

- a) In schools where there is no existing student council or student government, schools shall recognize the right of students to govern themselves as a student body and to be transparent and accountable to their constituents. Schools must ensure transparency in the development of guidelines and procedures for the student government.
- b) In schools where there are existing student councils or student governments, student representation shall still be lodged in the duly elected student councils or student



governments. The existing procedure for the election of members of student councils or student governments may be retained and enforced.

- c) A "student council or student government fee" may be collected from students, subject to existing rules and regulations by the Department of Education and the Commission on Higher Education, to finance the operations of the student council or student government, the amount of which shall be determined by the student council or student government in consultation with the student body and should be consistent with the student council or student government's general plan of action or list of activities for a specific term. The school administration shall facilitate the collection of the student council or student government fee and shall turn over the collected amount to the student council or student government within fifteen (15) days after the start of the semester or school period. The collected fees must be judiciously disposed for student services. To ensure transparency and accountability in the usage of the collected fees, the student council or student government shall release a financial report at the end of its term. To take effect, a proposal to increase the student council or student government fee shall require a vote of simple majority by the designated student population.

SECTION 10. Freedom of Expression - Freedom of expression shall be interpreted to include all forms of written, oral, and dramatic, artistic expression, and other forms.

- a) Students shall have access to print, broadcast media, and Internet in their information activities and shall also have the right to print, circulate and/or mount leaflets, newsletters, posters, wall news, petitions and such other materials subject to the institutional policies and guidelines of the institution
- b) Student publications shall have the right to determine its policies and programs, and enjoy editorial and fiscal autonomy, as well as other rights as stipulated in Republic Act No. 7079, and other existing rules and policies. They shall be free from prior restraint.
- c) Subject to existing laws, students shall have the right to freely express their views and opinions, provided that all forms of expressions do not contain obscene, defamatory, and unlawful remarks.

SECTION 11. Academic Rights and Freedom - Students' academic freedom and rights shall include but not limited to the following:

- a) To freely choose their fields of study subject to the admission requirement of the institution/program/ curricula and to continue their course up to graduation except in case of academic deficiency or violation of disciplinary regulations, which do not infringe upon the exercise of student right;
- b) To conduct inquiry/survey within the campus in curricular activities, subject to the institutional approval;
- c) To legitimate discussions inside and outside the classroom and to express dissent or advocate alternative views and opinions without being penalized and subject to existing laws;
- d) To conduct academic research and to freely discuss and publish their findings and recommendations;
- e) To decide and choose actions according to personal and political beliefs, and be free from the imposition of any thought, ideology, or principle; and
- f) To freely discuss and criticize university policies and national policies.

SECTION 12. Right to Adequate Academic Facilities and Adequate Welfare Services - It shall be the responsibility of the school administration to provide students with adequate academic facilities and adequate welfare services. It shall be the responsibility of the school authorities to provide students with adequate laboratory, library, research, recreation and physical education facilities:



- a) **Health Facilities.** - School authorities shall have provision of primary health care and wellness programs. This shall be administered by a licensed medical, dental, and allied professional to all students. There shall be adequate facilities for healthcare and updated health records including disability records for students with special needs that are kept and maintained as required by the Department of Health and other related agencies. School authorities shall, as far as practicable, provide free annual physical check-up to students.
- b) **Learning Facilities.** - It shall be the responsibility of school authorities to provide students with quality and adequate academic facilities such as laboratories, Information Communication Technology Laboratory (ICT Lab) with operational equipment, updated library resources and research, recreation, sports and fitness and other basic facilities. Students/student organizations have the right to access or use the campus facilities free from discrimination.
- c) No school shall charge the students with excessive fees in the use or availing such facilities or services. Every school shall provide the students with clear guidelines of any additional costs, which may be incurred while studying before enrollment.
- d) Students/student organizations have the right to access or use of campus facilities free from discrimination.
- e) The school shall provide, free of charge, a hall or building within the school campus where student organizations may establish its office or permanent meeting area. Furthermore, the school administration shall allow student organizations to use school facilities for their activities free of charge.
- f) School authorities shall designate a certain area on every campus a freedom park where students can freely discuss issues directly and indirectly affecting them.

SECTION 13. Right to Consultation, Information and Participation in Policy-making of the School. - The students' right to be informed and consulted should not be abridged, to wit:

- a) Students have the right to participate in the consultation process about the school's policy formulation on subjects/matters that directly or indirectly influence the welfare of students (*e.g.*, tuition fee increases, additional service charges, and many others).
- b) Access to personal records and other pertinent documents and papers shall be afforded to concerned students subject to reasonable regulations that may be imposed such as time of examining the documents and other papers to prevent losses or damage of such records such as time of examining documents and other papers.
- c) Subject to existing laws, to ensure that student perspective be given utmost consideration, students, thru their student government representatives, have the right to participate and be a member in the policy making bodies in the school governing board such as Academic Council, President's/Principal's Council, and/or its equivalent.

SECTION 14. Rights to Due Process in Disciplinary Proceedings - The right to due process of students subjected to disciplinary proceedings shall be observed and respected.

- a) They shall have the right to defend themselves, to be heard, and to present evidence on their behalf before an impartial body.
- b) To ensure impartiality, it is recommended that an independent student disciplinary board composed of representatives from the school administration, faculty, and students, conduct investigation on cases of involving violations of the school's disciplinary standards.
- c) The blacklisting, expulsion, suspension and other disciplinary sanctions that may be taken against a student shall not be valid unless the following rights have been observed and accorded a student:
 - 1) The right to be informed in writing of the nature and cause of accusation against them;
 - 2) The right to confront witnesses against them and full access to the evidence in the case;



- 3) The right to defend themselves and to be defended by a representative or counsel of their choice, adequate time being given for the preparation of their defense;
 - 4) The right to have a fair and reasonable opportunity to explain their respective sides of the controversy;
 - 5) The right against self-incrimination;
 - 6) The right to appeal the adverse decisions of the Student Disciplinary Board to the governing board and ultimately to the appropriate agencies of the government.
- d) The decision in any disciplinary proceeding must be rendered on the basis of the minimum standards stated above to satisfy the demands of procedural due process. The deciding body must act on its own independent consideration of the facts of the case. The body, shall, in all controversial questions render its decisions in such a manner that the issue involved and the reason for any decision are made clear to the student.
 - e) Disciplinary actions shall be corrective rather than punitive or penal in nature. The gravity of disciplinary sanctions must be proportionate to the seriousness of the violation committed;
 - f) No preventive suspension shall be imposed upon a student by reason on the exercise of their Constitutional Rights; *Provided*, That in cases where preventive suspension may be imposed, the same shall not be beyond five (5) days.
 - g) The Office of the Guidance Counselor or any office dealing with student discipline of the respective schools shall publish, on a periodic basis, acts which are deemed violative of school rules and regulations and its corresponding disciplinary sanctions. *Provided*, that such rules and regulations do not violate the rights guaranteed here and under the Constitution.

No student shall be suspended or summarily dismissed without procedural due process.

SECTION 15. Right to Protection and Privacy - A student has the right to inspect and to be issued their official records upon request, subject to existing school guidelines and policies. Further, a student has the right to request the school to amend their records and, if that request is denied, the student has the right to dispute the same and to appeal an adverse ruling to appropriate agency or judicial tribunal. For this reason, schools must establish a system for the correction and resolution of any dispute involving such requests for correction.

Student records shall not be released to persons other than the concerned student or their authorized representative and only after compliance with applicable laws such as the Data Privacy Act.

SECTION 16. Rights against illegal searches and seizures.

- a) The school shall not act in derogation of the rights of students to be secured in their possessions.
- b) Except for the following, any other form of search and seizure shall be unreasonable and illegal:
 - 1) Searches made at the point of ingress and egress by authorized personnel of the school;
 - 2) Searches and seizure of articles deemed illegal under existing laws falling in the plain view of duly authorized personnel;
 - 3) Searches and seizures of articles that are illegal, discovered inadvertently by duly authorized personnel; and
 - 4) Searches made with a valid search warrant.
- c) Articles seized in violation of this section shall be deemed fruits of an unlawful search and seizure, therefore, cannot be used as evidence against the student in any disciplinary action.



SECTION 17. Privacy of Communication. - The privacy of communication and correspondence among students shall remain inviolable. The right to privacy also extends to the following:

- a) The public use of a student's name or likeness;
- b) A student's private affairs, including personal and or close personal relationship, seclusion or solitude;
- c) Personal Circumstances, whether factual or otherwise, especially those which are, from the point of view of the student, will cause them to be embarrassed when made public; and
- d) Information that might put any person in a false light and destroy good reputation.

SECTION 18. Tuition Fees and Other School Fees - A school administration shall comply with the following procedures subject to existing laws, memorandum and circular, before an increase in the tuition fee or other school fees be implemented:

- a) A notice of increase specifying the particular fee to be increased is publicly announced and posted in conspicuous locations within a reasonable time before the proposed increase is planned to take effect. The student government or student council shall be directly notified about the proposed increase;
- b) At least one (1) public meeting is held where students, the student government or student council has an open discussion with the school administration as regards the proposed increase;
- c) All documents pertaining to the proposed increase is made available to the student council or student government;
- d) The presentation of a counterproposal or position of the student to the governing board;
- e) There shall be a transparency and liquidation of expenses of the fees of the students;
- f) A student's clearance should be signed even if the said student is yet to settle and pay for the additional assessment resulting from the tuition fee increase, subject to existing school policies;
- g) It is recommended that a consensus be obtained between the school, its students, parents, faculty, and non-teaching personnel before any increase in tuition and school fees is approved, subject to existing and pertinent regulations, circulars, and orders of the Department of Education and the Commission on Higher Education.

SECTION 19. Right Against Campus Militarization. - Students have the right to an academic environment free from fear and surveillance from military and police agents and instruments.

- a) Except in cases of warrantless arrests and similar occasions of emergency absolutely requiring the presence of the police and the military, no member of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP) shall freely enter the premises of any school.
- b) Prior notification, which requires approval from both the administration and school student council, shall be given by a commander of an AFP or PNP unit intending to conduct any military or law enforcement operations in any part of a school campus, to the school president, dean, or their respective officers-in-charge in the event of their absence, when the situation so warrants. This notification shall explicitly stipulate the date and time, area of concern, and reason for visit of the AFP or PNP, as well as signatures of the approving administration and student representatives. For transparency and awareness, this notification shall be relayed to all students through a memorandum addressed to the student body.
 - i) In case the request for assistance is granted, only uniformed members of the AFP or PNP with proper identification shall be allowed entry into the campus concerned, and only for the specific school area and period of time as indicated in the notification.



- ii) Members of the AFP or PNP shall not interfere with peaceful protest actions by students within school premises.
- c) Whenever requested by law enforcers, the appropriate school officials shall extend the necessary assistance in the enforcement of the law within school premises. Whenever the president, dean, or their respective officers-in-charge is of the opinion that the assistance of the AFP or PNP is indispensable to the maintenance of security, peace and order within campus premises, the said official shall inform in writing the head of the AFP or PNP unit in the area and the latter shall promptly dispatch such assistance as may be warranted by the circumstances.
- d) In the case that the AFP or PNP are invited into the school premises by invitation of the students for educational purposes such as forums or discussions, the AFP or PNP shall only be allowed entry uniformed and with proper identification, but shall not be permitted to bring arsenal including, but are not limited to, guns, batons, and chemical weapons.

ARTICLE IV – RIGHTS AND EMPOWERMENT FOR MARGINALIZED SECTORS

SECTION 20. International Students - International students enrolled in the school shall have the following rights:

- a) To request for assistance from the school in processing necessary immigration documents and transactions;
- b) To be furnished with a copy of the Guidelines for Admission and Retention Policy of the institution.
- c) To be provided with assistance in learning Philippine local languages and dialects through special programs that may be provided by academic units (e.g., Filipino Department, etc.);
- d) To be assigned and/or required for an academic and/or formation activity (e.g., class lectures, laboratory, field work, etc.) that suit/s their linguistic and communicative competence (*i.e.*, teachers should strictly employ the bilingual policy);
- e) To request a copy of the breakdown and allocation of Foreign Student Fees from the School Administration;
- f) To be given various formation programs (*e.g.*, leadership); and
- g) To peaceably assemble, organize activities and form and/or join student organizations.

SECTION 21. LGBTQI+ Students -

- a) Subject to applicable school rules and regulations, LGBTQI+ students enrolled in the school shall have the following rights:
 - 1) To freely wear their preferred uniform in line with their Sexual Orientation and Gender Identity;
 - 2) To freely express their sexual orientation and gender identity; and
 - 3) To assemble, organize activities and form and/or join organizations (*e.g.*, Gender equality, Gender Sensitivity, etc.).
- b) Subject to existing laws, memorandum and circular from the Commission on Higher Education and/or Department of Education, schools shall promote inclusivity and an environment that is free from discrimination on the basis of sexual orientation and gender identity.

SECTION 22. Indigenous Peoples/ Cultural- Ethnic Minority Students - Members of the Indigenous Peoples and or Cultural-Ethnic Minority students enrolled in the school shall have the following rights:

- a) To have a fair, reasonable and equitable admission in the academic institution and course of their choice (subject to the admission requirement of the program). School shall only request additional documents if necessary;
- b) To be provided of their respective religious spaces where they are able to freely conduct their own religious practices;



- c) To express themselves in terms of their respective religious attire or other forms of religious expression subject to existing laws, rules and regulations;
- d) To be given the liberty to exclude themselves in academic and or non-academic activities that go against their beliefs, subject to existing institutional policies & guidelines;
- e) To be given excuses/exemptions for classes that is in conflict with their religious holidays subject to existing institutional policies & guidelines;
- f) To have their own committee to oversee such issues;
- g) To be recognized to have the same academic, extra-curricular and co-curricular immersion as any other sectors in the school community;
- h) To have their own platform for the expression of their position over issues which are apolitical and would not necessarily be parallel to higher organizations of the institution's administration;
- i) To be given various formation programs (*e.g.*, Leadership, etc.); and
- j) To peaceably assemble, organize activities, and form and/or join student organizations.

SECTION 23. Performing Arts Students - Student who are performing arts enrolled in the school shall have the following rights:

- a) Subject to applicable school rules and regulations, to be excused from academic activities conducted during their absences incurred by representing the school in competitions or events, through an official document issued by the school."
- b) To be provided with sufficient and timely support (*attire or costumes, accommodation, food, moral support, etc.*) by the school;
- c) To be given various formation programs (*e.g.*, Leadership, Workshops, etc.); and
- d) To peaceably assemble, organize activities, and form and/or join student organizations.

SECTION 24. Scholars - Scholars enrolled in the school shall have the following rights:

- a) To be given various formation programs (*e.g.*, leadership); and
- b) To peaceably assemble, organize activities, and form and/or join student organizations.

SECTION 25. Student Assistants - Student Assistants enrolled in the school shall have the following rights:

- a) To apply for deployment at the office of their choice;
- b) To refuse performing work assignments which go beyond the scope of their job description (*e.g.*, personal errands from faculty, staff or unit head) in the office;
- c) To be allowed to enroll in their required minimum (or maximum) number of academic units as stipulated in their contract with the office responsible in handling student assistants;
- d) To be given various formation programs (*e.g.*, leadership); and
- e) To peaceably assemble, organize activities, and form and/or join student organizations.

SECTION 26. Student Athletes - Student Athletes enrolled in the school shall have the following rights:

- a) Subject to applicable school rules and regulations, to be excused from academic activities conducted during their absences incurred by representing the school in athletic competitions or events, through an official document issued by the school.
- b) To be provided with sufficient and timely support (*attire, medical paraphernalia during games, accommodation in national athletic meets, food, moral support, etc.*) by the school;
- c) To be given free access to school's sports facilities (*e.g.*, covered court, volleyball court, etc.) for their trainings;
- d) To be given various formation programs (*e.g.*, leadership);



- e) To be identified by the personnel from the school's security office, to prevent accusations of dress code violation; and
- f) To peaceably assemble, organize activities and form and/or join student organizations.

SECTION 27. Student Leaders - Student leaders enrolled in the school shall have the following rights:

- a) To undergo proper training and capacity building activities to prepare them for the positions they applied and were elected for. The said trainings are to be provided by their respective student governments and school administration;
- b) Subject to applicable school rules and regulations, to be excused from academic activities conducted during their absences incurred by representing the school in inter school events and/or as organizers in school-wide activities through an official document issued by the school;
- c) To perform the duties and functions of their positions as stipulated in the job description in accordance with their constitutions and bylaws or charter;
- d) To be protected from any form of abuse by the school administration and its officials in conducting student activities; and
- e) To peaceably assemble and organize activities.

SECTION 28. Students with Special Needs - Students with Special Needs enrolled in the school shall have the following rights:

- a) To be given a certain consideration and/or leniency in school activities that require labor considered arduous or otherwise detrimental to the condition requiring special attention of the student;
- b) To be heard by the proper school authorities regarding their concerns involving all forms of discrimination;
- c) To be given medical attention in circumstances that may be deemed harmful to the student; and
- d) To form an assembly that will serve as the voice of the sector.

SECTION 29. Working Students - Working students enrolled in the school shall have the following rights:

- a) To be taken into consideration by the school concerning their work schedule, school duties and other co-curricular activities when time of conflict
- b) To be given consideration for settlement of their financial accounts until they are financially capable to pay their school fees.
- c) To take part in make-up classes so as to catch up with their missed lessons.
- d) To be offered with seminars that:
 - i) are beneficial for their working experience;
 - ii) can aid their stress management; and
 - iii) can educate them in adequately balancing their responsibilities through lectures.
- e) To be provided with assistance such as accommodation in school dormitories; and
- f) To be permitted to take their periodic or final examinations despite their pending fees not exceeding two (2) installments subject to institutional policies and guidelines

ARTICLE V – INSTITUTIONAL MECHANISMS

SECTION 30. Creation and Composition - There is hereby created the Oro Students' Rights and Welfare Commission which shall be called the "Oro STRAW" for brevity.



It shall be composed of:

- a) A Chairperson that shall be appointed by the City Mayor among the in-school youth representatives of the Oro Youth Development Council or through a list of recommended persons compiled by the Oro Youth Development Council;
- b) A Co-Chairperson which shall be the City Legal Officer or his duly authorized representative;
- c) A Vice Chairperson who shall be the City Council's Chairperson of the Committee on Education;
- d) A Secretariat which shall be the Oro Youth Development Office;
- e) Nine (9) City Commissioners:
 - 1) Two (2) In School Youth Representatives from the Oro Youth Development Council;
 - 2) Two (2) Representatives from STRAW School Commission duly recognized by the Oro Youth Development Office. The said representatives shall be appointed by the City Mayor, upon the recommendation of the Oro Youth Development Council, and shall serve for a term of three (3) years;
 - 3) Two (2) representatives from Civil Society Organizations/Non-Government Organizations/People's Organizations that advocate for students' rights and welfare duly recognized by the Oro Youth Development Office. The said representatives shall be appointed by the City Mayor and shall serve for a term of three (3) years;
 - 4) Commission on Human Rights-Region 10 Representative;
 - 5) Commission on Higher Education-Region 10 Representative;
 - 6) Department of Education Representative.

SECTION 31. Convening of the Oro STRAW- The Chairperson, Co-Chairperson or Vice Chairperson shall convene the Oro STRAW.

SECTION 32. Meetings and Quorum –

- a) The Oro STRAW shall schedule a regular meeting, and as often as necessary. However, if the Chairperson, Co-Chairperson, or Vice Chairperson fails to convene the Commission as scheduled, at least one-third of the total membership of the Oro STRAW may call for a meeting. In both instances, a written notice shall be sent either through traditional or non-traditional means, to all members setting the date, time, place and agenda of the meeting, which must be received at least two (2) days prior to such meeting.
- b) The presence of a simple majority of all members of the Oro STRAW shall constitute a quorum.

SECTION 33. Functions and Responsibilities –

- a) The Oro STRAW Commission shall have the following functions and responsibilities:
 - I) Students Rights and Welfare Promotion, Education Campaign and Advocacy
 - i) Develop and Implement the Students Rights and Welfare Development Plan of the City Government;
 - ii) Utilize available resources for Students' Rights and Welfare activities;
 - iii) Spearhead and coordinate the implementation of Students' Rights Program, projects and activities;
 - iv) Keep the public informed of the Students' Rights and Welfare programs, projects, and activities in the city thru posting and publication thereof in the city's official website, bulletin boards, and newsletters;
 - v) Facilitate and encourage participation of local government officials, student organizations, student governments, educational institution administrators, Commission of Higher Education, and the Department of Education in Students' Rights and Welfare promotional activities in Cagayan de Oro City;
 - vi) Reproduce and disseminate Students' Rights and Welfare information, education and communication materials within Cagayan de Oro City;



- vii) Organize capacity-building activities on Students' Rights and Welfare in all educational institutions in close coordination with the Commission on Higher Education, Department of Education and Commission on Human Rights;
 - viii) Assist STRAW School Commissions in the conduct of Students' Rights and Welfare advocacy, information, and educational activities.
- 2) Policy Recommendation
- i) Propose to the City Council, through the Oro Youth Development Council, the integration of Students' Rights and Welfare projects and activities in the annual budget appropriation;
 - ii) Recommend appropriate legislation to the City Council, through the Oro Youth Development Council;
 - iii) Provide technical inputs on Students' Rights and Welfare to the City Council, schools, and other institutions;
 - iv) Consolidate semestral students' rights and welfare situationer reports submitted by the STRAW School Commissions or Student Governments in the city. The Oro STRAW shall submit these reports to the Commission on Human Rights, Commission on Higher Education and Department of Education.
 - v) Issue advisory, memoranda, resolutions, and circulars that relate in upholding this ordinance.
- b) Linkages, Referral and Service Delivery
- 1) Serve as hub for access to justice network in the city in regard to Students' Rights and Welfare aforementioned above;
 - 2) Provide legal and/or paralegal assistance to victims of students' rights violations;
 - 3) Serve as an information center on Students' Rights and Welfare programs, and services including referral systems within Cagayan de Oro City;
 - 4) Maintain and regularly update the directory of Students' Rights and Welfare programs and services within Cagayan de Oro City;
 - 5) Organize STRAW Commissions in every Student Councils and Student Governments in Cagayan de Oro City;
 - 6) Strengthen linkages with the division/regional offices of the Commission on Human Rights, Commission on Higher Education, Department of Education, Local School Board, Student Governments, and other civil society organizations in the implementation of students' rights and welfare programs, projects and activities;
 - 7) Establish a mechanism with the Department of Education and Commission and Higher Education to maintain a database of students' rights and welfare situationers including the monitoring status of complaints of STRAW violations referred to STRAW School Commissions (SSC), Commission on Human Rights and other appropriate agencies; and
 - 8) Assist STRAW School Commissions (SSC) and students in referral of complaints of students' rights and welfare violations to the Commission on Higher Education, Department of Education, Commission on Human Rights regional offices, and other appropriate agencies and monitor the status thereof.
- c) The Chairperson
- 1) Shall be the official representative of the Oro STRAW;
 - 2) Shall convene and preside over the meetings;
 - 3) Shall direct operations of the Commissions; and
 - 4) Shall represent Oro STRAW in external affairs;
- d) Co-Chairperson
- 1) Shall coordinate with the Chairperson in all matters relating to Legal concerns;
 - 2) Shall preside the meeting of the commission in the absence of the Chairman;
 - 3) Shall assist in the referral system especially on legal services;
 - 4) Shall represent the Oro STRAW in external affairs in the absence of the Chairman;



e) Vice Chairperson

- 1) Shall assist the Chairperson in managing the representation of Oro STRAW in different City committees, special bodies, and advisory groups;
- 2) Shall oversee the Commission's internal committees and ensure that the committees are functional; and
- 3) Shall initially convene the Council in the absence of the Chairperson and Co-Chairperson and shall be given preference to preside over the meeting.

f) Commissioners

- 1) Shall represent their sectors in the Oro STRAW through meetings, project implementation, policy making, city committee meetings and other related functions of the Commission as per mandated by this ordinance;
- 2) Shall manage internal activities within their respective sectors;
- 3) Shall convene organizations under their respective sector and organize sectoral meetings at least once every quarter; and
- 4) Shall raise matters or concerns from organizations under their sector to the Oro STRAW Commission.

SECTION 34. Benefits of the Oro STRAW Members:

- a) **Professional Development** - The Members have access to available trainings and learning opportunities essential to personal and professional growth as a youth leader;
- b) **Expanded Network** - The members shall enjoy the opportunity to have a wider range of network through partnerships and collaboration; and
- c) **Honorarium** - Each member shall receive an honorarium based on their attendance in meetings, the amount of which is to be determined by the existing rules and regulations and shall be subject to the provisions of pertinent laws and regular accounting procedures. The Chairperson and Co-Chairperson may be appointed by the City Mayor as consultants for compensation based on the chair's leadership in the commission and expertise on the matter of Students' Rights and Welfare and co-chair's legal expertise.

SECTION 35. Special Bodies and Committees –

- a) The Commission shall have a representation and membership in committees, and special bodies in the City Government that directly or indirectly affect the students' interest such as the Local School Board; and
- b) The members of the Oro STRAW shall designate among themselves the alternate representative of the Chair in all committees or special bodies in which the Chair is an official sitting member subject to the Commission's internal rules. If the Chair is not available during a meeting of a committee or special body, the alternative representative shall represent the Chair and report to the latter and to the Commission all matters that have transpired during the meeting.

SECTION 36. Oro STRAW Secretariat -

- a) The Oro Youth Development Office shall serve as the Secretariat of the Oro STRAW who shall undertake and perform the following duties and responsibilities:
 - 1) Receive, consolidate and prepare Annual Students' Rights and Welfare Situationer Reports submitted by the STRAW School Commissions;
 - 2) Facilitate the election of Oro STRAW Commissioners;
 - 3) Prepare minutes of the meetings;
 - 4) Assist in the coordination of students' rights and welfare matters with concerned agencies;
 - 5) Establish and maintain the students' rights and welfare reports;
 - 6) Publish feature articles on various students' rights and welfare issues and concerns in the city website and bulletin boards;



- 7) Maintain and update a directory of STRAW School Chief Commissioners;
- 8) Facilitate the concerns of the STRAW School Commissioners;
- 9) Prepare updates on the complaints received and referred by the STRAW School Commissions;
- 10) Monitor the establishment e of STRAW School Commissions in all schools; and
- 11) Organize and implement programs and activities in aiding the Commission.

SECTION 37. STRAW School Commission – As far as practicable, there shall be a Students' Rights and Welfare Commission in every institution of tertiary education, secondary education and upper secondary education, whether public or private, within the City of Cagayan de Oro. In the absence of such a commission, the student body president shall serve as a representative of the school to meetings and conventions called by The Oro STRAW Commission. The Commission shall establish the mechanism for the creation of such commission in each school.

ARTICLE VI - ORO STUDENTS DAY

SECTION 38. Declaration - November 17 of every year is hereby declared as the "Oro Students Day" in Cagayan de Oro City in celebration and recognition of Cagayan de Oro's fight for Student's Rights and Welfare.

The City Government through Oro Youth Development Office, Oro STRAW Commission, and the City Council Committee on Education shall organize the annual celebration thereof in coordination with the Commission on Higher Education-Region 10, the Department of Education-Region 10, and the Commission on Human Rights-Region 10.

ARTICLE VII – TRANSITORY PROVISIONS

SECTION 39. Technical Working Group - To operationalize and facilitate the implementation of this ordinance, the City Mayor, through an Executive Order, shall appoint an interim Oro STRAW Chairperson as well as interim Oro STRAW Commissioners from the Oro Youth Development Council who shall then serve as the Technical Working Group, which will formulate the Implementing Rules and Regulations (IRR) of this Ordinance.

ARTICLE VII – FINAL PROVISIONS

SECTION 40. Implementing Rules and Guidelines - Within three (3) months after the approval of this Ordinance, the interim Oro STRAW Commission, serving as the Technical Working Group under Section 39 hereof, with the assistance of the Oro Youth Development Office shall formulate and issue the appropriate rules and regulations necessary for the efficient implementation of any and all provisions of this Ordinance which shall be effective upon approval by the City Mayor.

SECTION 41. Information Campaign- Within thirty (30) days after the approval of this Ordinance, the Oro Youth Development Office in coordination with the City Information Office and such other offices and agencies, shall conduct an information campaign to apprise the public of the provisions of this ordinance and to post Information Campaign materials in conspicuous places in the city as well as on its other official platforms.

SECTION 42. Separability Clause - If, for any reason or reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SECTION 43. Sunset Review - Within three (3) years from the effectivity of this Ordinance, or as the need arises, the Committee on Education shall conduct a sunset review. For purposes of this Ordinance, the term "sunset review" shall mean a systematic evaluation by the Committee of the accomplishments and impact of this Ordinance, as well as the performance of the Commission, and the focal person, for the purpose of determining remedial legislation such as eventual creation of a separate Office and provision for appropriation.



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SECTION 44. Effectivity Clause - This Ordinance shall take effect after fifteen (15) days following its publication in a local newspaper of general circulation and posting in conspicuous public places in the City or official bulletin boards.

UNANIMOUSLY APPROVED.

<u>Present:</u> 1 st District:	- Councilor Agapito Eriberto G. Suan	- Councilor George S. Goking
	- Councilor Jay R. Pascual	- Councilor Romeo V. Calizo
	- Councilor Roger G. Abaday	- Councilor Jose Pepe S. Abbu, Jr.
	- Councilor Imee Rose P. Moreno	- Councilor Malvern A. Esparcia
2 nd District:	- Councilor Yevonna Yacine B. Emano	- Councilor Edgar S. Cabanlas
	- Councilor Maria Lourdes S. Gaane	- Councilor Christian Rustico M. Ahas
	- Councilor James K. Judith II	- Councilor Suzette G. Magtajas-Daba, <i>Author</i>
	- Councilor Ian Mark Q. Nacaya	
<u>Ex-Officio:</u>	- Councilor Yan Lam S. Lim	- Councilor John Michael L. Seno, <i>Author</i>
<u>Absent (On Leave):</u>	- Councilor Joyleen Mercedes L. Balaba	

ENACTED this 23rd day of October 2023 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

JOCELYN B. RODRIGUEZ
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

ROLANDO A. UY
CITY MAYOR

Attested:

ATTY. ROY HILARIO P. RAAGAS
CITY ADMINISTRATOR