

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
_____ Regular Session



House Bill No. 6084

Introduced by: Rep. Bernadette Herrera-Dy

EXPLANATORY NOTE

With the recent death of Marvin Reglos and the Supreme Court ruling on the Lenny Villa case, the issue of hazing has once again come to the forefront of national dialogue. Hazing has been, and continues to present, a serious problem in the Philippines and in countries across the world, including Indonesia, Russia, India, and the United States. A 2008 study on hazing in American universities found that fifty-five percent of college students involved in clubs, teams, or organizations have experienced hazing, forty percent of athletes noted that their coaches or advisers were aware of the hazing activities and over twenty percent reported involvement by the coach, and eighty-two percent of deaths from hazing involved alcohol.¹ Though similar statistics for the Philippines are unavailable, anecdotal evidence suggests a problem of like magnitude. More must be done to correct such ubiquitous and institutionalized activity as hazing has become.

The Villa case highlights a number of issues with anti-hazing legislation, some of which have already been corrected between the time of the incident and the Supreme Court's final ruling. The Court, however, has flagged other issues as not yet adequately handled in current legislation. This Bill incorporates both the suggested corrections by the Supreme Court in the Lenny Villa case as well as additional changes based on similarly devastating incidents and subsequent legislation from the United States.

This Amendment makes all hazing illegal, instead of just regulating hazing, with penalties ranging from fines to life imprisonment, depending on the seriousness of the hazing incident, and makes any crimes committed by the victim as a result of the hazing attach to the perpetrator. Importantly, this Act also expands the definition of hazing beyond just incidences related to gaining membership in an organization.

Furthermore, psychological suffering is recognized in addition to physical suffering. This Act also opens perpetrators up to civil, as well as criminal, liability for

¹ Elizabeth J. Allan and Mary Madden, *Hazing in View: College Students At Risk* (2008), available at: http://www.hazingstudy.org/publications/hazing_in_view_web.pdf.

their participation in hazing activities, and ensures that perpetrators are vulnerable to the most severe criminal liability available, either through this Act or an alternate criminal penalty calling for even more severe punishment. Additional aggravating circumstances are included to ensure maximum sentences in the most egregious cases. Finally, anti-hazing policies are now mandated for institutions receiving public assistance and enforcement mechanisms for those policies are also required.

For anti-hazing policies to truly take effect, more must be done on the local level to inform about the dangers of these activities and to stay vigilant in enforcing anti-hazing regulations. However, stricter legislation criminalizing all forms of hazing, increasing penalties, and requiring enforcement at the institutional level will give stronger tools in the fight against hazing. The urgent approval of this bill is earnestly sought.



BERNADETTE HERRERA-DY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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FIFTEENTH (15TH) CONGRESS
Second (2nd) Regular Session

House Bill No. 6084

Introduced by: Rep. Bernadette Herrera-Dy

AN ACT AMENDING REPUBLIC ACT NO. 8049 OTHERWISE KNOWN AS
“AN ACT REGULATING HAZING AND OTHER FORMS OF INITIATION
RITES IN FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS
AND PROVIDING PENALTIES THEREFOR,” AND FOR OTHER
PURPOSES

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

Section 1. *Short Title.* - This Act shall be known as “**THE REVISED ANTI-HAZING LAW OF 2012.**”

Section 2. *Definitions.*— Hazing, as used in this Act, is an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for purposes including, but not limited to, pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. “Hazing” includes, but is not limited to, pressuring or coercing the individual into violating the law, any brutality of a physical nature, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that subjects the individual to an unreasonable risk of harm or that could adversely affect the physical health or safety of the individual, and also includes any activity that would subject the individual to extreme mental stress, such as sleep deprivation, forced confinement in a small space, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the individual.

The term “organization” shall include fraternities, sororities, clubs, or the Armed Forces of the Philippines, Philippine National Police, Philippine Military Academy, or officer and cadet corps of the Citizen's Military Training and Citizen's Army Training. The physical, mental and psychological testing and training procedure

and practices to determine and enhance the physical, mental and psychological fitness of prospective regular members of the Armed Forces of the Philippines and the Philippine National Police as approved by the Secretary of National Defense and the National Police Commission duly recommended by the Chief of Staff, Armed Forces of the Philippines and the Director General of the Philippine National Police shall not be considered as hazing for the purposes of this Act, nor shall customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Section 3. Notice.— No initiation rites in any form or manner by an organization shall be allowed without prior written notice to the school authorities or head of organization seven (7) days before the conduct of such initiation. The written notice shall indicate the period of the initiation activities which shall not exceed three (3) days, shall include the names of those to be subjected to such activities, and shall further contain an undertaking that no harm of a kind defined by the first paragraph of Section 1 shall be committed by anybody during such initiation rites.

Section 4. Representatives.— The head of the school or organization or their representatives must assign at least two (2) representatives of the school or organization, as the case may be, to be present during the initiation. It is the duty of such representative to see to it that no harm of a kind as here above defined shall be inflicted upon a recruit, neophyte or applicant.

Section 5. Prohibited Acts.— If the person subjected to hazing or other forms of initiation rites suffers any physical or psychological injury or dies as a result thereof, the officers and members of the organization who actually participated in the infliction of physical harm shall be liable as principals. The person or persons who participated in the hazing shall suffer:

1. The penalty of reclusion perpetua (life imprisonment) if death (including suicide), rape, sodomy or mutilation results there from.
2. The penalty of reclusion temporal in its maximum period (17 years, 4 months and 1 day to 20 years) if in consequence of the hazing the victim shall become insane, imbecile, impotent or blind
3. The penalty of reclusion temporal in its medium period (14 years, 8 months and one day to 17 years and 4 months) if in consequence of the hazing the victim shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm or a leg or shall have lost the use of any such member or shall have become ill or incapacitated for the activity or work in which he was habitually engaged.
4. The penalty of reclusion temporal in its minimum period (12 years and one day to 14 years and 8 months) if in consequence of the hazing the victim shall become deformed or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of more than ninety (90) days.
5. The penalty of prison mayor in its maximum period (10 years and one day to 12 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of more than thirty (30) days.

6. The penalty of prison mayor in its medium period (8 years and one day to 10 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of ten (10) days or more, or that the injury sustained shall require medical assistance for the same period.
7. The penalty of prison mayor in its minimum period (6 years and one day to 8 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged from one (1) to nine (9) days, or that the injury sustained shall require medical assistance for the same period.
8. The penalty of prison correccional in its maximum period (4 years, 2 months and one day to 6 years) if in consequence of the hazing the victim sustained physical injuries, which do not prevent him from engaging in his habitual activity or work nor require medical attendance.
9. The penalty of prison correccional in its minimum period (6 months and one day to 2 years and 4 months) if in consequence of the hazing the victim was subject to substantial risk of physical injury or death, but did not sustain actual physical injuries.
10. The penalty of a fine not to exceed FIFTY THOUSAND PESOS (P50,000.00) if in consequence of the hazing the victim did not sustain and was not subject to substantial risk of physical injury or death.

The maximum penalty herein provided shall be imposed in any of the following instances:

- (a) when the recruitment is accompanied by force, violence, threat, intimidation or deceit on the person of the recruit who refuses to join;
- (b) when the recruit, neophyte or applicant initially consents to join but upon learning that hazing will be committed on his person, is prevented from quitting;
- (c) when the recruit, neophyte or applicant having undergone hazing is prevented from reporting the unlawful act to his parents or guardians, to the proper school authorities, or to the police authorities, through force, violence, threat or intimidation;
- (d) when the hazing is committed outside of the school or institution;
- (e) when the victim is below twelve (12) years of age at the time of the hazing;
- (f) when the hazing involves the operation or other use of a motor vehicle;
- (g) when the hazing involves the consumption of an alcoholic product;
- (h) when the hazing involves the consumption of a drug or other illegal substance;
- (i) when the hazing involves the use of a dangerous weapon; or
- (j) when non-resident or alumni organization members are present, irrespective of active participation in the hazing activities.

Section 6. Other Conditions. — As a condition of any sentence imposed pursuant to Section 4, the court shall order the defendant to attend and complete a 4-

hour hazing education course and may also impose a condition of drug or alcohol probation.

Section 7. *Other Principals, Accessories, and Accomplices.*— The owner of the place where hazing is conducted shall be liable as an accomplice, when he has actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring. If the hazing is held in the home of one of the officers or members of the organization, the parents shall be held liable as principals when they have actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring.

The school authorities including faculty members who consent to the hazing or who have actual knowledge thereof, but failed to take any action to prevent the same from occurring shall be punished as accomplices for the acts of hazing committed by the perpetrators.

The officers, former officers, or alumni of the organization who actually planned the hazing although not present when the acts constituting the hazing were committed shall be liable as principals. An organization's adviser who is present when the acts constituting the hazing were committed and failed to take action to prevent the same from occurring shall be liable as principal.

The presence of any person during the hazing is prima facie evidence of participation therein as principal unless he prevented the commission of the acts punishable herein.

This Section shall apply to the president, manager, director or other responsible officer of a corporation engaged in hazing as a requirement for employment in the manner provided herein.

Section 8. *Impermissible Defenses.*— It is not a defense to a charge of hazing that:

- (a) The consent of the victim had been obtained;
- (b) The conduct or activity was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- (c) The conduct or activity was not done as a condition of membership to an organization.

Any person charged under this Act shall not be entitled to the mitigating circumstance that there was no intention to commit so grave a wrong.

Section 9. *Victim.*— This Act does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed.

Section 10. *Liability for Other Offenses.*— A prosecution under this Act does not bar a prosecution of the defendant for:

- (a) any other offense for which the defendant may be liable as a party for conduct committed by the person hazed; or
- (b) any offense, caused in the course of the hazing, that the defendant commits against the person who is hazed.

Under Section (9)(a), a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.

Under Section (9)(b), a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

Section 11. *Suits by the Victim.*— The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the individual is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing. Wrongful death suits may be brought in instances where the victim of hazing has died as a result.

Section 12. *Administrative Sanctions.*— The responsible officials of the school or of the police, military or citizen's army training organization, may impose the appropriate administrative sanctions on the person or the persons charged under this provision even before their conviction.

Section 13. *Anti-hazing Policy Requirement.*— Institutions that receive, or whose students receive, government financial assistance, and that house any of the organizations as defined in this Act, must adopt a written anti-hazing policy and under such policy must adopt rules prohibiting individuals or other persons associated with any organization from engaging in hazing. Such institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such organizations.

Such penalties may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

In the case of an organization that authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate under the sanction of the institution.

All penalties imposed under the authority of this Section shall be in addition to any penalty imposed for violation of any criminal laws or for violation of any other rule of the institution to which the violator may be subject.

Upon approval of the anti-hazing policy and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each individual at that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

Section 14. *Separability Clause.*— In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

Section 15. *Repealing Clause.* Republic Act No. 8049, as amended, is hereby repealed. All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which

are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

Section 16. *Effectivity.* This Act shall take effect fifteen (15) days following the completion of its publication in any two (2) national newspapers of general circulation.

Approved,...