

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session

COMMITTEE REPORT NO. **2684**

Submitted by the Committee on Higher and Technical Education on **05 FEB 2013**

Re: House Bill No. **6897**

Recommending its approval, in substitution of House Bill 6479

Sponsor: Representative Juan Edgardo M. Angara

Mr. Speaker:

The Committee on Higher and Technical Education, to which was referred:
House Bill No. 6479, introduced by Juan Edgardo Angara, entitled:

“AN ACT TO ENSURE SAFETY AND SECURITY IN ALL UNIVERSITIES AND
COLLEGES, CREATING A CRIME PREVENTION COMMITTEE FOR THIS PURPOSE
AND FOR OTHER PURPOSES”;

6897

has considered the same and recommends that the attached House Bill No. _____, entitled:

“AN ACT
MANDATING ALL HIGHER EDUCATION INSTITUTIONS TO CREATE A CRIME
PREVENTION COMMITTEE TO ENSURE THE SAFETY AND SECURITY OF THEIR
STUDENTS”

be approved in substitution of House Bill No. 6479 with Representative Juan Edgardo M. Angara as author thereof.

Respectfully submitted,



JUAN EDGARDO M. ANGARA
Chairman
Committee on Higher
& Technical Education

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6897

(In substitution of House Bill 6479)

Introduced by: REP. JUAN EDGARDO M. ANGARA

AN ACT
MANDATING ALL HIGHER EDUCATION INSTITUTIONS TO CREATE A CRIME
PREVENTION COMMITTEE THAT SHALL ENSURE THE SAFETY AND SECURITY OF
THEIR STUDENTS

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 Campus Safety Act."

Sec. 2. *Declaration of Policies.* It is the declared responsibility of the State to defend the right of the youth to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development as provided under the Constitution. It is also hereby declared the policy of the State to ensure access to quality education by ensuring the safety and security of students in all institutions of higher learning and recognizing the role of the youth in nation building and in the development of the country. Pursuant thereto,

Sec. 3. *Scope.* This Act shall apply to all Higher Education Institutions (HEIs), including State Universities and Colleges, Local Universities and Colleges and Private HEIs.

Sec. 4. *Creation of a Crime Prevention Committee (CPC).* A CPC shall be established in every HEI to formulate policies and strategies that shall help protect students from both internal and external threats to their safety and security, such as theft, robbery, rape and other forms of violence within and outside the area where the HEI is located.

Sec. 5. *Composition of the CPC.* The CPC in every HEI shall be composed of the following:

- a. The Vice President for community affairs or any other designee in the College or University, whose office deals with campus security and safety, as presiding officer;
- b. The Vice President for student affairs or any other designee in the College or University, whose office deals with the welfare and discipline of students, as alternate presiding officer;

- c. The Secretary of the University Student Council, as the committee secretary;
- d. The University Student Council/Supreme Council President or Chairperson, as member;
- d. The Class Presidents of the high school level and the College Presidents or Chairpersons of the college level, and the Corps Commander of the Reserved Officers Training Corps (ROTC) and the Citizens Army Training (CAT), as members;
- e. The Head of Campus Police or Security Personnel, as member;
- f. A Representative of student groups, as member; and
- f. The President of the Parent-Teachers' Association or its equivalent, as member.

Sec. 6. Duties and Responsibilities of the CPC. The CPC shall have the following duties and responsibilities:

A. To formulate, in consultation, with the School Head, Chief of Police where the college or university is located, Punong Barangay, and other security specialists as they deem fit, a Crime Prevention Strategy. Such Crime Prevention Strategy shall include, but not be limited, to the following:

- 1) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports;
 - 2) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities;
 - 3) A statement of current policies concerning campus law enforcement including but not limited to:
 - a) The enforcement authority of security personnel, including their working relationship with national and local police agencies, and
 - b). Policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies;
 - 4) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and security of others;
 - 5) A description of programs designed to inform students and employees about the prevention of crimes;
 - 6) Statistics concerning the occurrence on campus, during the most recent school year, and during the two (2) preceding school years for which data are available, including, but not limited to the following criminal offenses reported to campus security authorities or local police agencies: homicide, murder, physical injuries, rape, robbery, theft and sexual harassment;
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7) A statement of policy concerning the monitoring and recoding through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off campus housing facilities;

8) Statistics concerning the number of arrests for the following crimes occurring on campus: liquor law violations; drug abuse violations; and possession of weapons; and

9) Statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of underage drinking laws and a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of drug laws and a description of any drug or alcohol abuse education programs;

B. To formulate crime prevention programs for the implementation of the Committee;

C. To coordinate with college/school principals or deans, as the case may be, in the maintenance of peace and order within the school/college/university premises;

D. To recommend to the school/college/university the conduct of seminars or trainings on the crime and drug prevention and control in coordination with the National Police Commission (NAPOLCOM) regional office, local police station or Department of the Interior and Local Government (DILG) – Patrol 117;

E. To conduct intensive information drive on the Crime Prevention Strategy which includes its semestral distribution of copies and orientation thereon; and

F. To submit to Commission on Higher Education (CHED), through its CHED Regional Offices (CHEDROs), the composition of CPC and the Crime Prevention Strategy, as well as its program of activities and projects for the Academic Year two (2) months after the closing of enrolment in the First Semester and accomplishment report within two (2) months after finishing the second semester or trimester of the academic year.

Sec. 7. *Non-Interference in Peaceful Student Demonstrations.* The CPC shall not, in any way, interfere or prevent students from holding peaceful rallies, demonstrations and protest actions if such were held in connection with the exercise of their constitutionally guaranteed freedom of expression, except if violence erupts during the said mass actions.

Sec. 8. *Duty of the College or University President.* The Office of the College or University President shall submit to the CHEDRO the following:

a. Size of the college or university;

b. Crime prevention strategy; and

c. Accomplishment Report of the Committee.

Sec. 9. *Implementing Rules and Regulations.* The CHED, in coordination with the Department of Education (DepED), Philippine Association of State Universities and Colleges (PASUC), the Coordinating Council of Private Educational Associations (COCOPEA), and the Association of Local Colleges and Universities (ALCU), shall issue the necessary rules and regulations for the effective implementation of this Act.

Sec. 10. Approval and Review of the Crime Prevention Strategy. The Crime Prevention Strategy, after approval of the Board of Trustees/Regents, shall be submitted to the CHED and shall be subject to its review. If found unsatisfactory by the CHED, taking into consideration the circumstances of each college or university, it shall be returned to the Board for appropriate action: *Provided*, That pending its review, the Plan shall be implemented by the college or university concerned.

The Crime Prevention Strategy shall be subject to review or reassessment annually by the Board or as often as required by the circumstances.

Sec. 11. Duties of the CHEDROs. The CHEDROs shall coordinate, supervise and monitor the implementation of the crime prevention strategy, as approved, and projects of CPCs, jointly with the NAPOLCOM in the region. The Office of Student Services of the CHED shall consolidate regional reports for submission to the Office of the CHED chairperson through the Office of the Executive Director.

Sec. 12. Administrative Liability. Any HEI, its Board of Trustees or Regents, and other officers/persons responsible for the failure to comply with the provisions of this Act shall be subject to administrative sanctions to be imposed by the CHED.

Sec. 14. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the other sections or provisions not otherwise affected shall continue to be in full force and effect.

SEC. 15. Repealing Clause. All laws, executive orders, decrees, instructions, rules and regulations contrary to or inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

SEC. 17. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 6479

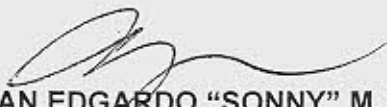
Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

Art. XIV Sec. 4(1) of the Constitution mandates the State to exercise reasonable supervision and regulation of all educational institutions. There has been a steady increase in the crime rate in campuses all over the country. As such, there is a need to provide a secure environment for students to enable them to better focus on their studies. It is necessary for parents to have access to information with regard to campus crime statistics, as well as crime prevention plans in these campuses to equip them in making an informed choice as to which school to send their children to.

At the same time, students currently enrolled in their respective universities need to know the measures undertaken by their institution, as well as courses of action in cases of emergency to guarantee security and expedient assistance, if need be.

In view of the foregoing, early and immediate passage of this bill is earnestly sought.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

FACT SHEET
House Bill No. 6897
(Substitute Bill to HB No. 6479)

AN ACT
MANDATING ALL HIGHER EDUCATION INSTITUTIONS TO CREATE A
CRIME PREVENTION COMMITTEE TO ENSURE THE SAFETY AND
SECURITY OF THEIR STUDENTS

Introduced by: REP. JUAN EDGARDO M. ANGARA

Committee Referral: COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

Committee Chairperson: REP. JUAN EDGARDO M. ANGARA

OBJECTIVES:

- To ensure that each college or university will undertake measures or courses of action that will avert any threat or attack to security
- To enable the higher education institution (HEI) as well as law enforcers and security personnel to respond immediately and properly in cases of emergency

SALIENT FEATURES:

- Mandates the creation of a Crime Prevention Committee in every HEI that will formulate a crime prevention strategy
- Provides that the crime prevention strategy shall be subject to annual review of the Board of Trustees/Regents or as often as required by the circumstances
- Provides that the Committee shall not prevent or interfere in the conduct of peaceful student demonstrations, rallies, protests and other forms of mass actions, except if violence erupts
- Mandates the Office of Student Services of Commission on Higher Education (CHED) to consolidate regional reports for submission to the Office of the CHED Chairperson
- Requires the CHED Regional Offices (CHEDROs) to coordinate, supervise and monitor the implementation of the crime prevention strategy, jointly with the National Police Commission
- States that non-compliance with the provisions of this Act shall subject the HEI, its Board of Trustees/Regents, and other officers or persons responsible for the failure to comply, to administrative sanctions to be imposed by the CHED

RELATED LAWS:

- Republic Act 7722 (CHED Charter)
 - RA 9163 (National Service Training Program Act)
 - RA 9165 (Dangerous Drugs Act)
 - RA 8294 (Illegal Possession of Weapons Law)
 - RA 8044 (Youth in Nation Building Act)
 - RA 7610 (Anti-Child Abuse Act)
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
15th Congress

MINUTES OF THE MEETING OF THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION HELD ON 23 JANUARY 2013, 9:30 A.M., CONFERENCE RMS. 9&10, RVM BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY

I. CALL TO ORDER

Rep. Juan Edgardo M. Angara, Chairman of the Committee on Higher and Technical Education (CHTE) called the meeting to order at 10:00 a.m.

II. ROLL CALL/APPROVAL OF THE MINUTES OF PREVIOUS MEETING

Upon motion duly seconded, the Committee dispensed with the roll call and the reading of the minutes of the meeting held last December 12, 2012, and thereafter approved the latter.

III. PRELIMINARY REMARKS OF THE COMMITTEE CHAIR

The Committee Chair expressed appreciation to all Members and guests for their presence and contribution to the measures under deliberation. He then steered the Body to the discussion of bills promoting student protection in schools, student's rights and welfare, and incentives for new graduates.

IV. INITIAL DELIBERATION AND APPROVAL OF THE FOLLOWING MEASURES:

A. House Bill 6479- An Act to Ensure Safety and Security in all Universities and Colleges, Creating a Crime Prevention Committee for this Purpose, and for other Purposes (Rep. Angara)

In sponsoring the above-mentioned bill, the Committee Chair expressed concern over the rising incidence of crime in universities and colleges in recent years. The bill, he said, is an attempt to address the problem through a protection policy in higher education institutions (HEIs), specifically through the creation of a Crime Prevention Committee (CPC) composed of representatives from various sectors which include the students, teachers, school management and the community to deal with school and student security issues.

The Committee Chair stated that the contemplated CPC in every school aims to craft policies to control and monitor the movement and entry, for instance, of drugs, alcohol and strangers within the higher education campuses. He also allayed the concerns that the bill might be misconstrued as dictating schools on the policy to adopt, or the police authorities as to their action response, relative to campus security threats. He said he merely articulated the imperative for the education and security sectors to talk in a consultative body to immediately address the problem.

Thereafter the Committee Chair solicited comments from the Body which generated the following views and issues:

- Rep. Mariano Piamonte stated that the bill is timely and relevant both here and abroad, citing recent reported incidents of campus shooting and massacre committed in schools in the United States. He raised, however, the following clarifications on the proposed function of the CPC that would be created:

- 1.1. How the CPC relates to the schools' disciplinary boards and specific committees created to deal with security and discipline concerns of students;
 - 1.2. How the CPC relates to existing laws, such that on Anti-Sexual Harassment which mandates the creation of a Special Board to handle sexual harassment incidents in campuses; and
 - 1.3. Whether the CPC will eventually take over the functions of the Disciplinary Boards and existing committees of the higher education institutions (HEIs), or will it be simply recommendatory to these bodies in-charge of student discipline, school threats and security matters; or
 - 1.4. Whether the proposed crime prevention committee would resolve crimes or threats to campus security.
- Rep. Walden Bello likewise lauded the bill for its timeliness and proposed the following:
 - 1.1 Inclusion of a provision defining clearly the scope of offenses under the CPC's contemplated jurisdiction; and
 - 1.2 Exclusion from the proposed crime prevention board student protest actions involving civil disobedience and similar activities which are technically illegal.
 - Rep. Pryde Henry Teves shared the Committee Chair's view on the presence of both internal and external threats in schools, and suggested engaging the assistance of a special group of students capable to provide preventive data gathering and information to avert any brewing security threats in the campuses from actually happening

In response, the author of HB 6479 made the following clarifications:

1. The proposed CPC is not intended in any way to substitute or perform the tasks of any of the school's existing bodies particularly the disciplinary boards;
2. In terms of jurisdiction, the regular school disciplinary boards and tribunals will continue to deal with internal threats and discipline problems involving individual students and teachers or the school faculty staff while the proposed Crime Prevention and Review Committee will deal with both the school's internal and external security threats;
3. The existing student boards will continue to have the power to enforce discipline by imposing penalties while the CPC shall recommend to the University President, the Board, or the governing body of each HEI the appropriate course of action and approach warranted pursuant to specific and unique security threat each school confronts inside the campuses as well as in the respective communities;
4. The CPC intends to look into all threats and formulate a school-specific approach in solving the various security problems in schools; and
5. The CPC's jurisdiction is meant to apply only to so-called common crimes rather than to the exercise of students' free speech and liberty.

During the subsequent discussions, Coordinating Council of Private Educational Associations (COCOPEA) President Dr. Jose Paolo Campos conveyed support for the bill. However, he stated that while many of the member schools have already taken the initiative to address, through fora with local authorities, some of the security issues contained in the bill such as those relating to petty crimes, unauthorized access, and the case of students living outside the school campus, the proposed crime prevention body is still seen as a welcome move to ensure safety of students and of the campuses.

Likewise, Philippine Regulatory Commission (PRC) Board of Teachers representative Ms. Rosita Navarro expressed support for the bill and cited the early efforts of the Mendiola Consortium when organized in the 70's to create the committee which intended to secure the students of the four (4) member consortium schools from any trouble and danger arising from the use of the Mendiola area as venue for many unrests and unlawful activities.

Meanwhile, Development Bank of the Philippines (DBP) Assistant Vice President Leopoldo Resmundo conveyed the bank's P1 billion approved financing for public safety initiatives covering security system development and training, and procurement of security devices available to state universities and colleges (SUCs), private HEIs, and local government units (LGUs) in recognition of the importance of public safety and security system in the prevention, or recording and reporting of crimes.

The bill also generated support from the Philippine National Police (PNP) officials who committed to secure the students from threats emanating from outside or off-campus incidents in as much as police intervention is limited and only coordinative in the internal security matters of schools.

On the other hand, the League of Cities, Association of Local Colleges and Universities (ALCU), Technical Education and Skills Development Authority (TESDA), and the Student Council Alliance of the Philippines (SCAP) expressed strong support for the bill. However, SCAP representative Mr. Ernest Calayag pressed for assurance of improved external security for students following the University of the Philippines-Los Banos rape slay and other killing incidents involving students outside of the campus.

On the part of the Commission on Higher Education (CHED), Education Specialist Ms. Rosalie Buscar expressed her agency's support for the bill, saying that such would further strengthen the guidelines on the creation of Student Crime Prevention Councils in all HEIs. However, she urged the review of the bill for consistency with Section 42 of RA 9165 or the Comprehensive Dangerous Drugs Act and Sec. 5-d of RA 9163 or the National Service Training Program Law providing for the creation of a body similar to the CPC.

Committee Action/Agreements:

The deliberation on the proposed Campus Safety Act forged the following agreements:

- The proposed CPC as purely recommendatory in function;
- Inclusion of a provision specifying clearly the scope, coverage and jurisdiction of the proposed CPC;
- Inclusion of a provision that the CPC applies only to common crimes and not to the exercise of students' free speech and liberty;
- Inclusion of a student and a community representative in the CPC; and
- Review of the bill for consistency and harmonization with existing laws such as the Anti-Sexual Harassment Law, NSTP and the Dangerous Drugs Act, specifically on the provision creating a committee similar to the CPC.

Approval:

On motion of Rep. Teves, the body approved HB 6479 subject to style and the inclusion of the proposed amendments of Reps. Bello and Teves as well as of those of the CHED.

B. Substitute Bill to House Bill 5915- An Act Providing Incentives for New Graduates of College and Technical-Vocational Courses from Accredited Higher Education Institutions and Technical-Vocational Institutions, otherwise known as the "Bill of Rights for New Graduates" by Reps. Angara, Teves, Zamora, Palatino, Jalosjos, Padilla, Piamonte and Castro.

Considering that the Committee had already conducted extensive deliberations on the original bill, which included three (3) meetings, several consultations with relevant agencies, stakeholders, and that the substitute bill already incorporated the relevant suggestions of the various agencies such as the Civil Service Commission (CSC), PAG-IBIG, LGUs and all other resource persons, the Body approved the Substitute Bill to HB 5915, with the Chair directing the Committee Secretariat to prepare the Committee Report for plenary deliberation.

**V. INITIAL DELIBERATION AND APPROVAL OF THE FOLLOWING MEASURES:
PROMOTING STUDENTS, RIGHTS AND WELFARE: HB 2190- An Act Providing for a National Policy on Students Rights and Welfare (Reps Bello and Kaka Bag-ao); HB 5272- An Act Providing for a Magna Carta of Students (Reps Diosdado Macapagal Arroyo & Gloria Macapagal-Arroyo); HB 5618- An Act Providing for a Magna Carta for Students (Rep. Linabelle Ruth Villarica); and HB 4842- An Act Establishing a Magna Carta of Students (Rep. Raymond Palatino)**

The Committee Chair acknowledged the authors, Reps. Bello and Palatino, respectively, in their sponsorship of their Students' Rights (HB 2190) and Magna Carta of Students (HB 4842) versions.

In sponsoring HB 2190, also dubbed as the STRAW bill, or the Students Rights and Welfare Act, Rep. Bello underscored its timeliness, importance, as well as its features which he finds covered closely and strongly correlates with the other three (3) Student Magna Carta bills under present deliberation.

Rep. Bello reiterated the centrality of education, which, he said, necessitated the clear articulation of the rights of students which include their unabridged right to organize, freedom to express, right to due process, and the explicit expression of such rights to organize student councils and bodies that would advance such rights and at the same time and make more explicit the responsibilities of educational institutions to their students.

Rep. Bello expressed dismay over the decreasing participation of students in the last two decades and the alleged impairment of their right to education due to deregulated tuition fee increases and the government apparent failure to exercise its key role to enforce and protect students' rights and welfare. He urged the Body for quick approval of the substitute bill that would incorporate the relevant provisions of the four (4) related student rights measures.

On the other hand, Rep. Palatino recalled before the body the long and intense debates that accompanied the desire of the previous Congress to pass a Students' Magna Carta since the early 1990s which did not prosper due to the controversial provision which allowed representation to students in the Schools governing boards. He stated that although the effort to pass a Magna Carta of Students persisted, the provisions in the original magna carta were henceforth pursued in piecemeal legislations such as separate bills on unpaid fees, tuition fee regulation, rights of students against discrimination, among others.

Rep. Palatino stated that HB 4842 simply aims to harmonize and summarize the essential rights that students are entitled to enjoy inside the campuses. He urged for a substitute bill for all the magna carta and students' welfare measures that will recognize students' rights, especially their right to organize and freedom to express in the campuses. He lamented that in the last decade and owing to the dominance of the raging discourse on total war against terrorism, many of the schools have been implementing security policies. These, he added, are quite excessive.

As an end note, Rep. Palatino urged the Body to take cognizance not only of the need to ensure security policies, but to recognize and respect students' rights inside the school campuses.

Some major issues raised by the Members, stakeholders and resource persons in the deliberation of the Magna Carta bills included the following:

1. The Magna Carta of Students had difficulty in seeing the light of day during the past Congresses due to some of its very controversial and irreconcilable provisions;
2. The four (4) bills are in conflict with the Supreme Court recognition that in the case of the private schools, the constitutional guarantee to academic freedom, the right to admission, along with the students' rights to organize are not rights but merely privileges;
3. The grant of rights to students should be weighed against the constitutional rights of the school owners and administrators too, particularly their right to property and observance of their management prerogative which are likewise guaranteed;
4. Student representation in the governing boards of private HEIs and their participation in the formulation of school policies and regulations is feared to constitute likewise a violation to the proprietorial rights of school owners;
5. The right to admission provision in the present bills is seen to counter the rights of HEIs and the school owners to determine those fit for admission based on their criteria and admissions policies; and
6. Local Colleges and Universities (LUCs) will find it difficult to comply with the proposed rights of students to adequate welfare services and academic facilities.

Committee Action:

Owing to a hosts of unresolved issues raised on the Students' Welfare and Rights measures, the Committee decided to create a Technical Working Group (TWG) that would convene on January 28, 2013 to harmonize and consolidate the four (4) bills.

VI. ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 12:15 p.m.

I hereby certify to the correctness of the foregoing minutes.

Prepared by:



DIANA J. MANALIGOD

Supervising Legislative Staff Officer II

Certified Correct by:



FRANCES MELANIE U. MAURICIO

Acting Committee Secretary

Noted by:



REP. JUAN EDGARDO M. ANGARA

Chairman

Committee on Higher and Technical Education