

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
Seventeenth Congress
Second Regular Session



HOUSE OF REPRESENTATIVES
H.B. No. **6440**

Introduced by Representative H. Harry L. Roque Jr.

Republic Act No. 8049, also known as the "Anti-Hazing Law of 1995" is now 22 years old. Over that period of time, there is an expectation of strong deterrence. However, it did not happen, as shown by even just the more recent cases of the fatal hazing of students in the last five or so years, the latest of which was that of 22-year old University of Sto. Tomas Law Student Horacio Castillo III, allegedly by officers and members of the *Aegis Juris Fraternity*, on September 16, 2017 at the fraternity house in Manila.

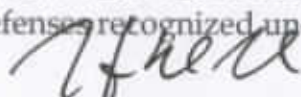
There is a need to revisit the law to give it more teeth. *Firstly*, the law as it stands, in particular through sections 1, 2 and 3, only regulates hazing but does not really prohibit it. The way to do it is to declare as illegal all organizations that practice all forms of hazing, in addition to criminalizing hazing.

Secondly, in Section 4 of the law, there is a need to impose higher penalties as well as to penalize other acts arising from hazing, if only to ensure greater deterrence. Also, section 4, third to the last sentence of said Act states that the mere 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 therein.

The sentence was inserted to ensure that every person witness to a hazing should do his part to prevent it. Thus, failure to act on his part would make him a principal.

Thirdly, there is a need to fine tune this portion of Section 4 of the law, as there are circumstances when the mere presence of any person during the hazing does not make him a principal because there are instances where the person present is unable to prevent the commission of the acts punishable, as when he is subjected to some insuperable force as defined under Art. 12 (7) of the Revised Penal Code.

Therefore, in order to make the law conform to the Constitution and to reality, the said sentence should also be amended as to follow defenses recognized under the Revised Penal Code.


H. HARRY L. ROQUE

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1 AN ACT AMENDING REPUBLIC ACT NO. 8049, ALSO KNOWN AS THE ANTI-
2 HAZING LAW OF 1995, SECTION 4 ON THE PENALTIES FOR THE VIOLATION
3 OF THE ACT

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

4 SECTION 1. Sections 1 and 2 and 4 of Republic Act No. 8049, also known as
5 the Anti-Hazing Law of 1995 is hereby amended to read as follows:

6 "Section 1. Hazing, as used in this Act, is an initiation rite or practice imposed
7 as prerequisite for admission into membership in a fraternity, sorority or any
8 organization, by subjecting the recruit, neophyte or applicant to any form of physical
9 and/or psychological suffering or injury, including, but not limited to, beating,
10 burning, cutting, kicking, slapping, punching, boxing or wounding him in any part
11 of the body with the use of any object or tool and/or subjecting him to serious
12 emotional or psychological injury as may later on be determined by any competent
13 professional. The term does not include any activity in which the recruit, neophyte
14 or applicant is asked to do menial, silly, foolish and other similar tasks or
15 activities that does not involve any physical or serious emotional and psychological

1 harm. Any organization that practices initiation rites through hazing as defined by
2 the law is hereby declared illegal.

3
4 The term "organization" shall include any club or the Armed Forces of the
5 Philippines, Philippine National Police, Philippine Military Academy, or officer and
6 cadet corp of the Citizen's Military Training and Citizen's Army Training. The
7 physical, mental and psychological testing and training procedure and practices to
8 determine and enhance the physical, mental and psychological fitness of prospective
9 regular members of the Armed Forces of the Philippines and the Philippine National
10 Police as approved by the Secretary of National Defense and the National Police
11 Commission duly recommended by the Chief of Staff, Armed Forces of the
12 Philippines and the Director General of the Philippine National Police shall not be
13 considered as hazing for the purposes of this Act."

14 "Section 2. No initiation rites in any form or manner by a fraternity, sorority
15 or organization shall be allowed without prior written notice to the school
16 authorities or head of organization seven (7) days before the conduct of such
17 initiation. The written notice shall indicate the period of the initiation activities
18 which shall not exceed three (3) days, shall include the names of those to be
19 subjected to such activities, and shall further contain an undertaking that no physical
20 violence be employed by anybody during such initiation rites."

21 "Section 4. If the person subjected to hazing or any initiation rites suffers
22 any physical injury or dies as a result thereof, the officers and members of the
23 fraternity, sorority or organization who actually participated in the infliction of
24 physical harm shall be liable as principals. The person or persons who participated
25 in the hazing shall suffer:

- 26 1. The penalty of reclusion perpetua (life imprisonment) if death, rape,
27 sodomy or mutilation results there from.

- 1 2. The penalty of reclusion temporal in its maximum period (17 years, 4
2 months and 1 day to 20 years) if in consequence of the hazing the victim
3 shall become insane, imbecile, impotent or blind.
- 4 3. The penalty of reclusion temporal in its medium period (14 years, 8
5 months and one day to 17 years and 4 months) if in consequence of the
6 hazing the victim shall have lost the use of speech or the power to hear or
7 to smell, or shall have lost an eye, a hand, a foot, an arm or a leg or shall
8 have lost the use of any such member shall have become incapacitated for
9 the activity or work in which he was habitually engaged.
- 10 4. The penalty of reclusion temporal in its minimum period (12 years and
11 one day to 14 years and 8 months) if in consequence of the hazing the
12 victim shall become deformed or shall have lost any other part of his body,
13 or shall have lost the use thereof, or shall have been ill or incapacitated for
14 the performance on the activity or work in which he was habitually
15 engaged for a period of more than ninety (90) days.
- 16 5. The penalty of prison mayor in its maximum period (10 years and one day
17 to 12 years if in consequence of the hazing the victim shall have been ill or
18 incapacitated for the performance on the activity or work in which he was
19 habitually engaged for a period of more than thirty (30) days.
- 20 6. The penalty of prison mayor in its medium period (8 years and one day to
21 10 years) if in consequence of the hazing the victim shall have been ill or
22 incapacitated for the performance on the activity or work in which he was
23 habitually engaged for a period of ten (10) days or more, or that the injury
24 sustained shall require medical assistance for the same period.
- 25 7. The penalty of prison mayor in its minimum period (6 years and one day
26 to 8 years) if in consequence of the hazing the victim shall have been ill or
27 incapacitated for the performance on the activity or work in which he was
28 habitually engaged from one (1) to nine (9) days, or that the injury
29 sustained shall require medical assistance for the same period.
- 30 8. The penalty of prison correccional in its maximum period (4 years, 2
31 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.

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. 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; or
- (e) when the victim is below twelve (12) years of age at the time of the hazing.

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 fraternity, group, or 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.

1 The officers, former officers, or alumni of the organization, group, fraternity
2 or sorority who actually planned the hazing although not present when the acts
3 constituting the hazing were committed shall be liable as principals. A fraternity or
4 sorority's adviser who is present when the acts constituting the hazing were
5 committed and failed to take action to prevent the same from occurring shall be
6 liable as principal.

7 The presence of any person during the hazing is prima facie evidence of
8 participation therein as principal unless he prevented the commission of the acts
9 punishable herein or he was prevented from doing so by some lawful insuperable
10 cause.

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

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

16 SECTION 2. Repealing Clause. - Any law, presidential decree or issuance,
17 executive order, letter of instruction, administrative order, rule or regulation
18 contrary to or inconsistent with the provisions of this Act is hereby repealed,
19 modified or amended accordingly.

20 SECTION 3. Effectivity Clause. - This Act shall take effect fifteen (15) days
21 after its publication in at least two (2) newspapers of general circulation.

22 Approved,