

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
SECOND REGULAR SESSION

House Bill No. **6538**



INTRODUCED BY Rep. GREG G. GASATAYA

EXPLANATORY NOTE

Since the enactment of Republic Act No. 8049 otherwise known as the Anti-Hazing Law in 1995, there has only been one out of the numerous cases of deaths due to hazing that was rightfully resolved in the 22 years that the law has been in effect – the lone case being the death of Marlon Villanueva during the initiation rites of the Alpha Phi Omega fraternity of the University of Los Baños in 2006 where only two members of the said fraternity were convicted. Uninvestigated claims that other organizations in certain universities are also engaging in acts that may be considered hazing have also circulated social media in the recent years.

The long list of cases filed under the said law over the years include one of my own people. In 2014, a Bacolodnon named Guillo Cesar Servando, an 18-year old 2nd year BS Hotel, Restaurant, and Institution Management student in De La Salle – College of St. Benilde died because of hazing. Just recently, another victim was added to the list as Horacio Castillo III died under the cruel hands of members of the Aegis Juris fraternity of the University of Sto. Tomas.

Despite the existence of a law regulating the act of hazing and other forms of initiation rites in fraternities, sororities, and other organizations for 22 years, the practice of having neophytes and pledges undergo dangerous and traumatizing processes for membership is still rampant. This Bill seeks to provide for a more comprehensive Anti-Hazing Law and finally put a stop to all the senseless, fatal violence in initiations.

A handwritten signature in black ink, appearing to read "Greg Gasataya", written in a cursive style.

REP. GREG G. GASATAYA
Lone District of Bacolod City

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AN ACT
PROHIBITING HAZING AND REGULATING OTHER FORMS OF INITIATION RITES OF
FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS, AND PROVIDING
PENALTIES FOR VIOLATION THEREOF, REPEALING FOR THE PURPOSE REPUBLIC
ACT NO. 8049

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Hazing Act of 2017."

SEC. 2. *Definition of Terms.* - For purposes of this Act:

a. Hazing - refers to any physical or psychological suffering, harm, or injury inflicted on a recruit, member, neophyte, or applicant as a form of an initiation rite or practice made as a prerequisite for the admission or a requirement for continuing membership in a fraternity, sorority, or organization. This shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse, or endanger, by requiring a recruit, member, neophyte or applicant to do menial, silly, or foolish tasks.

b. Organization - refers to an organized body of people which includes but is not limited to clubs, associations, and groups.

c. Schools - refer to colleges, universities, and all other educational institutions.

d. Alumni Members – refers to any initiated member of a fraternity, sorority, or organization who has finished a degree from the school where the fraternity, sorority, or organization is duly recognized and registered.

e. Non-Resident Members – refers to any initiated member of a fraternity, sorority, or organization who are is longer enrolled in the school where the fraternity, sorority, or organization is duly recognized and registered.

SEC. 3. *Prohibition on Hazing.* - All forms of hazing shall be prohibited in fraternities, sororities, and organizations in schools, including Citizens' Military and Citizens' Army Training, or their equivalent. It shall likewise be prohibited in fraternities, sororities, and organizations not based in schools, such as those

which are community-based. In no case shall hazing be made a requirement for the employment in any business or corporation.

SEC. 4. Regulation of Initiation Rites. - Only initiation rites or practices, which do not inflict direct or indirect physical or psychological suffering, harm, or injury to the recruit, neophyte, or applicant of a fraternity, sorority, or organization, shall be allowed: Provided, That:

- a. A written application to conduct initiation rites shall be made to the proper authorities of the school not later than seven (7) days prior to the scheduled initiation date;
- b. The written application shall indicate the place and date of the initiation rites and the names of the recruit, neophyte, or applicant to be initiated;
- c. The initiation rites shall not last more than three (3) days;
- d. The application shall contain the names of the incumbent officers of the fraternity, sorority, or organization and any person or persons that will take charge in the conduct of the initiation rites;
- e. The application shall be under oath with a declaration that it has been posted in the official school bulletin board, the bulletin board of the office of the fraternity, sorority, or organization, and two other conspicuous places in the school or in the premises of the organization;
- f. The application shall be posted from the time of submission of the written notice to the school authorities or head of organization and shall only be removed from its posting three (3) days after the conduct of the initiation rites;

The school, organization, fraternity, sorority shall provide for their respective bulletin boards for the purposes of this Section. The appropriate authorities of the school shall have the right to approve or disapprove the application, and the reason thereof shall be stated clearly and in unequivocal terms in a formal advice to the fraternity, sorority, or organization concerned taking into consideration the safety and security of participants to conduct initiation rites by a registered fraternity, sorority, or organization shall be promulgated by the appropriate school officials not later than sixty (60) days after the approval of this Act. School officials shall have the authority to impose, after due notice and summary hearing, disciplinary sanctions to the head and all other officers of the fraternity, sorority, or organization which conducts an initiation without first securing the necessary approval of the school as required under this Section.

All members of the fraternity, sorority or organization, who participated in the unauthorized initiation rites, even if no hazing was conducted, shall also be punished accordingly. In case the written application for the conduct of initiation rites contains false or inaccurate information, appropriate disciplinary sanctions shall be imposed, after due notice and summary hearing, against the person who prepared the application or supplied the false and inaccurate information and to the head and other officers of the fraternity, sorority, or organization concerned.

SEC. 5. Monitoring of Initiation Rites. - The head of the school or an authorized representative must assign at least two (2) representatives of the school to be present during the initiation rites. The representatives of the school who were present during the initiation shall make a report to the appropriate officials of the school regarding the conduct of the initiation.

SEC. 6. Registration of Fraternities, Sororities, and Other Organizations. - All existing fraternities, sororities, and other organizations otherwise not created or organized by the school but has existing members who are students or plans to recruit students to be its members shall be required to register with the proper authorities of the school before it conducts activities whether on or off-campus, including

recruitment of members. A newly established fraternity, sorority, or organization in a school shall immediately register with the proper authorities of the school during the semester or trimester in which it was established or organized: Provided, That the new fraternity, sorority, or organization has complied with the requirements prescribed by the school in establishing a fraternity, sorority, or organization: Provided, further, That schools shall promulgate their guidelines in the registration of fraternities, sororities, and organizations within their jurisdiction not later than sixty (60) days from the approval of this Act. Upon registration, all fraternities, sororities, and organizations shall submit a comprehensive list of members, which shall be updated not later than thirty (30) days from the start of every semester or trimester, depending on the academic calendar of the school. School officials shall have the authority to impose, after due notice and summary hearings, disciplinary penalties to the head and other officers of the fraternity, sorority, or organization who fails to register or update their roster of members as required under this Section.

SEC. 7. Faculty Adviser. - All fraternities, sororities, and organizations must be assigned a faculty adviser responsible for monitoring the activities of the fraternity, sorority, or organization. The faculty adviser must be a duly recognized active member, in good standing, of the faculty of the school in which the fraternity, sorority, or organization is registered and must not be a member of the fraternity, sorority, or organization to be advised.

SEC. 8. Role of Educational Institutions. - Schools shall implement an information dissemination campaign at the start of every semester or trimester to provide adequate information to students regarding the consequences of conducting and participating in hazing. An orientation program relating to membership in a fraternity, sorority, or organization shall also be conducted by schools at the start of every semester or trimester. Schools shall encourage fraternities, sororities, and organization to engage in undertakings that foster holistic personal growth and development and activities that contribute to solving relevant and pressing issues of society.

SEC. 9. Registration of community-based fraternities, sororities, or organizations. - All new existing community-based fraternities, sororities, or organizations shall register with the barangay or municipality or city wherein it is primarily based. Upon registration, all community-based fraternities, sororities, or organizations shall submit comprehensive list of members and officers which shall be updated yearly from the date of registration.

SEC. 10. Regulation of initiation rights for community-based fraternities, sororities, or organizations. - Only initiation rites or practices which do not inflict direct or indirect physical or psychological suffering, harm, or injury to the recruit, neophyte, or applicant of a fraternity, sorority, or organization shall be allowed. Provided, That:

- a. A written to conduct the same shall be made the Barangay captain in the barangay or the municipal or city mayor in the city or municipality where the community-based fraternity, sorority, or organization is based not later than seven (7) days prior to the schedules initiation date;
- b. The written application shall indicate the place and the date of the initiation rites and the names of the recruit, neophyte, or applicant to be initiated;
- c. The initiation rites shall not last more than three (3) days;
- d. The application shall contain the names of the incumbent officers of the community-based fraternity, sorority, or organization and any person that will take charge in the conduct of the initiation rites;
- e. The application shall be under oath with a declaration that it has been posted in the official bulletin board of the barangay hall or the municipal or city hall where the community-based fraternity, sorority, or

organization is based and the bulletin board of the office of the community-based fraternity, sorority, or organization;

f. The application shall be posted from the time of submission of the written notice to the barangay captain or municipal or city mayor and shall only be removed from its posting three (3) days after the conduct of the initiation rites.

SEC. 11. *Monitoring of initiation rites of community-based fraternities, sororities, or organizations.* -

The barangay captain of the barangay or the municipal or city mayor of the municipality or city where the community-based fraternity, sorority, or organization is based must assign at least two (2) barangay or municipal or city officials to be present during the initiation. It shall be their duty to see to it that no hazing is conducted during the initiation rites. The representatives who were present during the initiation shall make a report to the barangay captain, or the municipal or city mayor regarding the conduct of the initiation.

SEC. 12. *Nullity of Waiver and Consent.* - Any form of approval, consent, or agreement, whether written or otherwise, or of an express waiver of the right to object to the initiation rite or proceeding which consists of hazing as defined in this Act, made by the recruit, neophyte, or applicant prior to an initiation rite that involves inflicting physical or psychological suffering, harm, or injury, shall be void and without any binding effect on the parties. The defense that the recruit, neophyte, or applicant consented to being subjected to hazing shall not be available to persons prosecuted under this Act.

SEC. 13. *Implementing Rules and Regulations.* - The Commission on Higher Education (CHED), together with the Department of Education (DepEd), Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD) and National Youth Commission (NYC), shall promulgate the implementing rules and regulations implementing within ninety (90) days from the effectivity of this Act.

SEC. 14. *Administrative Sanctions.* - The responsible officials of the school or of the police or military may impose the appropriate administrative sanctions, after due notice and summary hearing, on the person or the persons charged under this Act even before their conviction.

SEC. 15. *Penalties and Liability of Those Involved in Hazing.* -

a) The following penalties shall be imposed:

1. The penalty of reclusion temporal and a fine of one million pesos (P1,000,000.00) shall be imposed upon the participating officers and members of the fraternity, sorority, organization, business or corporation involved in the hazing. The same penalty shall be imposed upon the non-resident or alumni members of the fraternity, sorority, organization, business or corporation who actually participated in the hazing;

2. The penalty of reclusion perpetua and a fine of two million pesos (P2,000,000.00) shall be imposed upon the members of the fraternity, sorority, organization, business or corporation who were intoxicated or under the influence of alcohol or illegal drugs when they actually participated in the hazing. The same penalty shall be imposed upon the non-resident or alumni members of the fraternity, sorority, organization, business or corporation who actually participated in the hazing.

3. The penalty of reclusion perpetua and a fine of three million pesos (P3,000,000.00) shall be imposed upon those who actually participated in the hazing if, as a consequence of the hazing, death, rape, sodomy, or mutilation results therefrom. The same penalty shall be imposed upon the non-resident or alumni

members of the fraternity, sorority, organization, business or corporation who actually participated in the hazing;

4. A fine of one million pesos (P 1,000,000.00) shall be imposed on the school if the fraternity, sorority, or organization filed a written application to conduct an initiation which was subsequently approved by the school and hazing occurred during the initiation rites or when no representatives from the school were present during the initiation as provided under Section 5 of this Act.

5. It shall be unlawful for any person to intimidate, threaten, force, or to employ, or administer any form of vexation against another person for the purpose of recruitment in joining or promoting a particular fraternity, sorority, organization, business or corporation. The persistent and repeated invitation to join the proposed fraternity, sorority, organization, business or corporation shall be prima facie vexation for purposes of this Section. Provided further, that the violation of this section shall be punished by prison correccional at its minimum period.

b) The owner of the place where hazing is conducted shall be liable as a principal when he has actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring or failed to promptly report the same to the law enforcement authorities if he can do so without peril to himself or his family. Membership of the owner of the place to the involved fraternity shall be considered prima facie evidence of actual knowledge of the hazing.

c) The school authorities including faculty members as well as barangay, municipal, or city officials shall be held administratively liable for hazing conducted by fraternities, sororities, and other organizations, if it can be shown that the school or barangay, municipal, or city official allowed or consented to the conduct of hazing or where there is actual knowledge of hazing, but failed to take any action to prevent the same from occurring or failed to promptly report to the law enforcement authorities if the same can be done without peril to the person reporting or his family.

d) The officers, former officers, or alumni of the fraternity, sorority, organization, business or corporation who actually planned the hazing although not present when the acts constituting the hazing were committed shall be liable as principals. A fraternity, sorority, or organization's faculty adviser, who is present when the acts constituting the hazing were committed and failed to take the action to prevent the same from occurring or failed to promptly report the same to the law enforcement authorities if he can do so without peril to himself or his family, shall be liable as principal.

e) 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 or promptly reported the same to the law enforcement authorities if he can do so without peril to himself or his family.

f) The incumbent officers of the fraternity, sorority, organization, business or corporation concerned shall be jointly liable with those members who actually participated in the hazing. The prima facie presumption that arises herein shall be rebutted only by the individual defense of desistance and renunciation by the accused.

g) 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.

h) In the case of businesses and corporations, the president, manager, director, or other responsible officer of a corporation engaged in hazing shall likewise be liable under this Act. This section shall apply to the president, manager, director or other responsible officer of a corporation engaged in hazing as a requirement for employment or retention of employment in the manner provided herein.

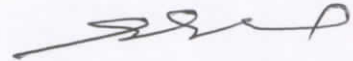
i) Any judgment of final conviction shall be reflected in the scholastic record, personal, or employment record of the person convicted, regardless of when the conviction is arrived at.

SEC. 16. *Separability Clause.* - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 17. *Repealing Clause.* - Republic Act No. 8049 is hereby repealed. All other laws, decreed, executive orders, proclamations, rules and regulations, or parts thereof inconsistent with provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

APPROVED,



REP. GREG G. GASATAYA
Lone District of Bacolod City