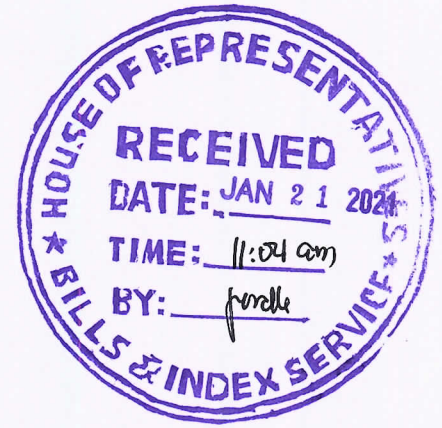




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8437



Introduced by CIBAC Party-List Representatives
EDUARDO "BRO. EDDIE" C. VILLANUEVA and DOMINGO C. RIVERA

**AN ACT AMENDING REPUBLIC ACT NO. 9500, OTHERWISE
KNOWN AS THE UNIVERSITY OF THE PHILIPPINES CHARTER OF
2008, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The University of the Philippines (UP) has been one of our country's bulwarks of free expression and activism. However, this status has long been threatened by the state efforts to minimize the unique role and participation of the University in social change.

The most recent attack on the University's autonomy was made on January 18, 2021 when the Department of National Defense (DND) unilaterally terminated the 1989 UP-DND Accords, a document that guaranteed minimal state intrusion in the country's premier university. The 1989 Accords was an offshoot of the 1982 Soto-Enrile Accord, which was an agreement that barred military forces from entering U.P. campuses all over the country.

The UP-DND accord is not a "Do not enter" sign that bars law enforcement from entering the campus. It is not a wall which obstructs justice or deters the solution or prevention of crime. It is unfortunate that its abrogation is being invoked for the wrong reasons. Implying that it has enabled thinking that is critical to the government is a gross misreading of UP's role as vanguard of independent thought.

Our country is facing a number of very important issues where the resources of the military and the police can be more efficiently utilized. We have the West Philippine Sea dispute, the increasing criminality due to POGOs, and extrajudicial killings, among

many others. Our law enforcement agencies and the military establishment must set its priorities straight and focus on what really matters.

We believe that DND should not break the agreement with UP. Our role as a legislator is to ensure that the spirit of the 1989 Accords is protected and set-in stone to ensure that our students are protected from unreasonable state intrusion.

This proposed measure institutionalizes the 1989 University of the Philippines-Department of National Defense Accords into RA 9500 or the University of the Philippines charter. It respects the freedoms of U.P. faculty, students, and staff in partaking in protest actions. It also prevents the unwarranted intrusion of state security forces into all U.P. campuses in the country. The proposed measure ensures that the procedural due process of U.P. students, staff and faculty are protected.

There is no monopoly of ideology in UP. It remains a big tent that shelters all ideas that can be pursued nonviolently. It is not a rebel recruitment station. On the contrary, it hosts many DDS whose are free to compete in the marketplace of ideas. It remains a citadel of excellence where the skills to serve the people are taught. This academic brilliance can only shine under a climate of freedom.

Let us nurture our youth's passion for political and social causes; and prevent any attempt to take away these long-cherished values. It is our hope that this proposed measure will continue to foster these traditions of the country's premier state university.

The swift passage of this measure is strongly urged.


HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA


HON. DOMINGO C. RIVERA



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2008, AND FOR OTHER PURPOSES**

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

SECTION 1. A new Section 11-A is hereby inserted to read as follows:

SEC. 11-A. Prior notification on the entry of Police and Military Units in all U.P. Campuses. – Prior notification shall be given the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), or any other law enforcement agency intending to conduct any military, police, or law enforcement operations in any U.P. campus nationwide to the U.P. President or the Chancellor of the constituent university, or the Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence, when the situation so warrants.

SEC. 2. A new Section 11-B is hereby inserted to read as follows:

SEC. 11-B. Prohibition on the Entry of AFP, PNP, and Other Law Enforcement Agency Personnel in all UP Campuses. – Except in cases of hot pursuit and similar occasions of emergency, or in cases defined in the next succeeding paragraph, no member of the AFP, the PNP, or other law enforcement agencies shall enter the premises of any of the U.P. campuses or regional units.

Whenever requested by law enforcers, the appropriate U.P. officials shall extend

1 the necessary assistance in law enforcement within U.P. premises.

2
3 Whenever the U.P. President, or Chancellor of the constituent university, or
4 Dean of the regional unit concerned, or their respective officers-in-charge in the
5 event of their absence, is of the opinion that the assistance of the AFP or the
6 PNP or other law enforcement agency is indispensable to the maintenance of
7 security, peace, and order within U.P. premises, the said U.P. official shall so
8 inform in writing the head of the AFP, PNP, or other law enforcement agency unit
9 in the area, and the latter shall promptly dispatch such assistance as may be
10 warranted by the circumstances.

11
12 In case the request for assistance is granted, only uniformed members of the
13 AFP, PNP, or other law enforcement agency with proper identification shall be
14 allowed entry into the campus or regional unit concerned, except where the
15 assistance requested specifies otherwise.

16
17 **SEC. 3.** A new Section 11-C is hereby inserted to read as follows:

18
19 *SEC. 11-C. Limitation on the Service of Search or Arrest Warrants.* – The service
20 of search or arrest warrants within the territorial jurisdiction of any U.P. campus
21 on any U.P. student faculty, employee or invited participants in any official U.P.
22 activity, as far as practicable, be done after prior notification is given to the U.P.
23 President, or Chancellor of the constituent university, or Dean of the regional unit
24 concerned, or their respective officers-in-charge in the event of their absence.
25 The same requirement of notification applies to any oral or written “invitation” for
26 questioning or similar purposes.

27
28 In case of prior notification, the party serving the warrant shall coordinate closely
29 with members of the U.P. police or security who shall accompany and assist
30 them in the service of the warrants. Similarly, no warrant shall be served without
31 the presence of at least two (2) U.P. faculty members designated by the
32 appropriate U.P. official.

33
34 If the giving of prior notification by the party serving the warrant is not practicable,
35 a report shall be submitted to the concerned U.P. official immediately, but not
36 later than twenty-four (24) hours after the service of the warrant.”

37
38 **SEC. 4.** A new Section 11-D is hereby inserted to read as follows:

39
40 *SEC. 11-D. Limitations on the Arrest, Detention, and Custodial Investigations of*
41 *U.P. Students, Faculty, or Personnel.* – The arrest or detention of any U.P.
42 student, faculty, or personnel anywhere in the Philippines shall be reported
43 immediately by the responsible head of the AFP, PNP, or other law enforcement
44 agency unit effecting the arrest or detention to the U.P. President, or Chancellor
45 of the constituent university, or Dean of the regional unit concerned, or their
46 respective officers-in-charge in the event of their absence, who shall then take
47 the necessary action.

48
49 No U.P. student, faculty, or employee shall be subjected to custodial
50 investigation without, as far as practicable, prior notice to the U.P. President, or

Chancellor of the constituent university, or Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence, and except in the presence of the counsel of choice of the student, faculty, or employee, or with the assistance of counsel appointed for them by the aforementioned U.P. officials.

SEC. 5. A new Section 11-E is hereby inserted to read as follows:

SEC. 11-E. *Prohibition on the AFP, PNP, and Other Law Enforcement Agencies to Interfere with Peaceful Protest Actions.* – Members of the AFP, PNP, or other law enforcement agencies shall not interfere with peaceful protest actions by individuals or groups within U.P. premises. U.P. officials shall be deemed responsible for the behavior of their students, faculty, and employees in such activities.

SEC. 6. A new Section 11-F is hereby inserted to read as follows:

SEC. 11-F. *Strengthening of U.P.'s Security, Police, and Fire-fighting Capabilities.* – U.P. officials shall endeavor to strengthen U.P.'s own security, police, and fire-fighting capabilities to prevent its campuses from being exploited by malefactors or criminal elements.

SEC. 7. A new Section 11-G is hereby inserted to read as follows:

SEC. 11-G. *Establishment of a Joint Monitoring Group.* – The U.P. Faculty Regent, the U.P. Student Regent, the U.P. Vice-President for Public Affairs or his representative, the U.P. Vice Chancellor for Student Affairs, the Undersecretary of National Defense for Civilian Relations, the PNP Assistant Chief of Staff for Operations, the PNP Director of the Civil Security Group, and the AFP Judge Advocate General or his representative shall meet at least twice a year to ensure and determine compliance with Sections 26-A to 26-F of this Act.

SEC. 8. Repealing Clause. – All laws, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

SEC. 9. Separability Clause. – If any part or provision of this Act shall be declared unconstitutional and invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,