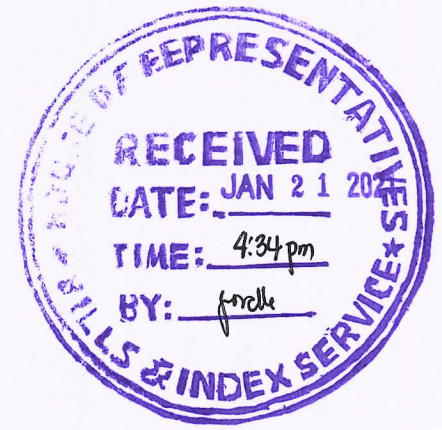




Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH (18<sup>th</sup>) CONGRESS**  
Second Regular Session

**HOUSE BILL NO. 8443**

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Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

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**EXPLANATORY NOTE**

The 1987 Philippine Constitution in the Section 5 of Article XIV provides that “Academic freedom shall be enjoyed in all institutions of higher learning.” The State is then mandated to promote its exercise and observance for continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of high-level and middle-level professionals and the enrichment of our historical and cultural heritage.

Ensuring academic freedom is vital to the realization of our societal goals as a democracy. It is through ensuring that academic institutions are free to breed new ideas through dynamic discourse that we are able to develop as a nation and guarantee the protection of our fundamental rights to freedom of expression, opinion, and association. The bill further echoes *Reyes v. Bagatsing*<sup>1</sup>:

“Free speech and peaceable assembly, along with the other intellectual freedoms, are highly ranked in our scheme of constitutional values. It cannot be too strongly stressed that on the judiciary, — even more so than on the other departments — rests the grave and delicate responsibility of assuring respect for and deference to such preferred rights. No verbal formula, no sanctifying phrase can, of course, dispense with what has been so felicitously termed by Justice Holmes ‘as the

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<sup>1</sup> G.R. No. L-65366 November 9, 1983

sovereign prerogative of judgment." Nonetheless, the presumption must be to incline the weight of the scales of justice on the side of such rights, enjoying as they do precedence and primacy."

In light of this, the bill aims to declare schools and state universities and colleges (SUCs) as freedom spaces where academic freedom is guaranteed. The bill also recognizes that SUCs can exercise their full acts of ownership over their property. Hence, coordination and authorization from the school administration is necessary to perform state security operations within school property. The bill further requires prior notification in the service of search warrants or warrants of arrest for students. It clarifies that in situations of hot pursuit, an emergency or seeking the assistance of law enforcement agencies, state security agents can enter SUC property. Finally, it seeks to provide for the creation of a joint monitoring committee to ensure proper implementation.

In view of the foregoing reasons, the approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "K. B. M. A.", located in the lower right quadrant of the page.



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

Eighteenth Congress  
*Second Regular Session*

House Bill No. 8443

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Introduced by REPRESENTATIVE JOSE CHRISTOPHER "KIT" Y. BELMONTE

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**AN ACT**  
**TO STRENGTHEN AND UPHOLD THE FREEDOM OF TEACHERS AND**  
**STUDENTS TO TEACH, STUDY, AND PURSUE KNOWLEDGE AND RESEARCH**  
**WITHOUT UNREASONABLE INTERFERENCE OR RESTRICTION,**  
**IN ALL STATE UNIVERSITIES AND COLLEGES**

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

**SECTION 1.** *Short Title.* — This Act shall be known as the "Academic Freedom Act of 2021."

**SECTION 2.** *Declaration of Policy.* — Pursuant to Article II (State Policies), Section 13 of the 1987 Philippine Constitution, which recognizes that vital role of the youth in nation building; and pursuant to its Article XIV (Education), particularly Section 1 and Section 5(2), which provide that the State shall protect and promote the right of all citizens to quality education at all level, and that academic freedom shall be enjoyed in all institutions of higher learning, respectively, it is hereby made the policy of the State to extend the protection and limits in Article III (Bill of Rights), Section 4 to academic freedom in state universities and colleges.

**SECTION 3. Coverage.**—The provisions of this Act shall be made applicable to all state universities and colleges. Local government units are encouraged to adopt the principles herein as to be made applicable to their local universities and colleges.

**SECTION 4. Definition of Terms.**—As used in this Act—

- (a) The phrase “*state universities and colleges*” or “*SUCs*” refers to public higher education institutions established by national government and are governed by their respective independent board of trustees or regents. SUCs are covered by the guarantee in Article XIV, Section 5(2) of the *Constitution*.
- (b) The phrase “*freedom park*” refers to those public places duly established by law or ordinance as such.
- (c) “*Uniformed personnel*” shall refer to the commissioned officers and enlisted personnel of the uniformed services. For purposes of this Act, “*uniformed services*” shall refer to the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BMJP), Philippine Coast Guard (PCG), and commissioned corps of the National Mapping and Resource Information Authority (NAMRIA).

**SECTION 5. SUCs as Freedom Parks.**—Free speech and peaceable assembly are highly ranked constitutional values. Pursuant to this, all state universities and colleges, are established as freedom parks. No permit, written or otherwise, shall be required by the national or local government for any person or persons to organize and hold a public assembly in SUCs. Uniformed personnel shall not interfere with peaceful protest action by SUC constituents within SUC premises.

**SECTION 6. Peace and Order Primary Responsibility of SUC.**—It shall be the primary responsibility and duty of SUC officials to maintain proper behavior and conduct of their students, faculty, employees, and other members of its immediate community.

Whenever requested by uniformed personnel, the appropriate SUC official shall extend the necessary assistance in the enforcement of law within the SUC premises. In this regard, SUC officials shall endeavor to strengthen its own security, police and fire-fighting capabilities so as to leave no vacuum that can be exploited by malefactors or criminal elements.

Whenever the appropriate SUC official is of the opinion that assistance of uniformed personnel is indispensable to the maintenance of security, peace and order within SUC premises, the SUC official shall so inform in writing the head of the uniformed personnel and the latter shall promptly dispatch such assistance as may be warranted by the circumstances. In case the request for assistance is granted, only uniformed personnel with proper identification shall be allowed entry into the SUC, except where the assistance requested specifies otherwise.

**SECTION 7. *Prior Coordination Required From Uniformed Personnel.***— The conduct of any operation by members of the uniformed personnel may be allowed only upon prior coordination with the administration of the SUC.

No member of the uniformed personnel may enter the premises of any SUC except only in the following instances—

- (a) In the provision of assistance as provided for in Section 6 of this Act.
- (b) In cases of hot pursuit and similar occasions of emergency.
- (c) In cases of ordinary transit through the premises.

**SECTION 8. *Prior notification in the service of search warrants or warrants of arrest.***— The service of search warrants or warrants of arrest on any SUC student, faculty, employee, or invited participant in any official SUC activity shall, as far as practicable, be done after prior notification is given to the proper SUC official. The same requirement of notification applies to any oral or written “invitation” for questioning and similar purposes.

In case of prior notification, the party serving the warrant shall coordinate closely with the members of the SUC police or security force who shall accompany and assist them in the service of warrants. Similarly, no warrant shall be served without the presence of at least two faculty members designated by the appropriate SUC official.

If the giving of prior notification by the party serving the warrant is not practical, a report shall be submitted to the concerned SUC official immediately, but not later than twenty-four hours after the service of the warrant.

Prior notification shall also be observed in the service of any notice or order issued under the Republic Act No. 11479 otherwise known as “*The Anti-Terrorism Act of 2020.*”

**SECTION 9. *Arrest or detention of member of SUC community.***— The arrest or detention of any SUC student, faculty or personnel anywhere in the Philippines shall, by the fastest means of communication, be reported immediately by the responsible head of the

uniformed personnel effecting the arrest or detention to the appropriate SUC official, who shall then take the necessary action.

No SUC student, faculty or employee shall be subjected to custodial investigation or detention without warrant of arrest under *The Anti-Terrorism Act of 2020* without, as far as practicable, prior notice to the appropriate SUC official, and except in the presence of the counsel of choice of the student, faculty or employee, or with the assistance of a counsel appointed for them by said SUC official.

**SECTION 10. *Construction.***—Nothing in this Act shall be construed as a prohibition against the enforcement of the laws of the land.

**SECTION 11. *Joint Congressional Oversight.***—The Commission on Higher Education, the Philippine Association of State Universities and Colleges, the Commission on Human Rights, the appropriate divisions of the Department of National Defense, the Armed Forces of the Philippines, Philippine National Police, Bureau of Fire Protection, Bureau of Jail Management and Penology, Philippine Coast Guard, and commissioned corps of the National Mapping and Resource Information Authority shall submit bi-annual report to the Congressional Oversight Committee to determine compliance with this Act.

**SECTION 12. *Non-compliance as administrative liability.***—Non-compliance and violation of Sections 5, 6, 7, 8 and 9 of this Act will result in administrative liability, which shall be considered grave whenever such non-compliance results in serious physical injury or death of a student, faculty, employee, or guest of the SUC.

**SECTION 13. *Separability Clause.***—Should any provision of this Act be declared invalid, or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

**SECTION 14. *Repealing clause*** - All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SECTION 15. *Effectivity.***—This Act shall take effect fifteen (15) days following its publication in the *Official Gazette*, or two (2) newspapers of general circulation, whichever comes first.

Approved,