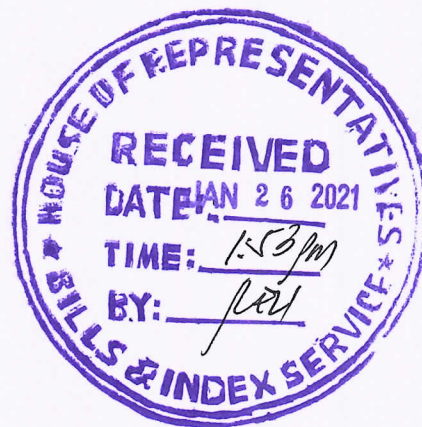


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8514



Introduced by **Hon. Stella Luz A. Quimbo** and **Hon. Jose Christopher Y. Belmonte**

AN ACT
INSTITUTIONALIZING THE 1989 UNIVERSITY OF THE PHILIPPINES (UP) -
DEPARTMENT OF NATIONAL DEFENSE (DND) ACCORD, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 9500, OTHERWISE KNOWN AS THE
UNIVERSITY OF THE PHILIPPINES CHARTER OF 2008, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

As the national university, the University of the Philippines (UP) serves as the cradle of freedom of speech and freedom of expression. Since its establishment in 1908, it has been a vanguard of democracy and of the freedom to mobilize. An environment of academic freedom, which lends to critical thinking, creativity, and innovation, is the university's trademark. In fact, seven of the country's 16 presidents, and the majority of its Supreme Court Chief Justices, National Scientists, and National Artists are UP alumni.

In 1982, the Soto-Enrile Accord was signed between Ms. Sonia Soto, then a student leader at the University of the Philippines, and former Defense Minister Juan Ponce Enrile, in order to safeguard the rights of those in the UP community. In a letter by Minister Enrile to Ms. Soto et al., it was put on record that the Defense Ministry agrees, among others, to "pull out police detachments, if any, inside school campuses," and to "enter campuses only to deal with crimes actually being committed or about to be committed, or upon the request of students or school authorities when such request is justified." Historically, the academic freedom of the UP institution was challenged during the period of martial law in the country, when UP students and faculty members were arrested for speaking out against the administration. The accord has since been a source of comfort among the UP community that military or police action would not unduly threaten their much-cherished tradition of academic freedom.

In 1989, the institutions of the Department of National Defense, represented by then-Defense Secretary Fidel Ramos, and the University of the Philippines,

represented by President Jose Abueva, formalized the Accord by signing the UP-DND Agreement where it was stipulated that prior notification be given to the UP administration should units of the military wish to conduct operations within any of the UP campuses, except in cases of hot pursuit and similar occasions of emergencies or ordinary transit through UP premises.

In a letter to UP President Danilo Concepcion dated 15 January 2021, Defense Secretary Delfin Lorenzana terminated the above agreement, citing as reason for the decision the identification of students from the university as members of the Communist Party of the Philippines, an organization declared by the Anti-Terrorism Council as a terrorist organization.

The unilateral abrogation of the 1989 Agreement by the Department of National Defense is against the country's best interest, as it is a step away from the goal of ensuring the safety and the freedoms of young Filipino minds destined to serve the people. This bill seeks to amend Republic Act No. 9500 or the UP Charter to, inter alia, institutionalize the requirement of prior notification on entry of police and military units in UP campuses, subject to exemptions, and the prohibition on law enforcement agencies to interfere with peaceful protest actions within UP premises, and to strengthen UP's own security, police, and fire-fighting capabilities.

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


STELLA LUZ A. QUIMBO
Representative
Second District, Marikina City


JOSE CHRISTOPHER Y. BELMONTE
Representative
Sixth District, Quezon City

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

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

2 ***“SEC. 11-A. Prior Notification on the entry of Police and Military Units in All***
3 ***UP Campuses.*** - Prior notification shall be given by the Armed Forces of the
4 Philippines (AFP), the Philippine National Police (PNP), or any law
5 enforcement agency intending to conduct any military, police, or law
6 enforcement operations in any U.P. campus nationwide to the U.P. President
7 or the Chancellor of the constituent university, or the Dean of the regional unit
8 concerned, or their respective officers-in-charge in the event of their absence,
9 when the situation so warrants.”

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

11 ***“SEC. 11-B. Prohibition on the Entry of AFP, PNP, and Other Law***
12 ***Enforcement Agency Personnel in all UP Campuses.*** - Except in cases of hot
13 pursuit and similar occasions of emergency, or if indispensably necessary in
14 the maintenance of security, peace and order as determined by the U.P.
15 President, or Chancellor of the constituent university, or Dean of the regional
16 unit concerned, or their respective officers-in-charge in the event of their
17 absence, no member of the AFP, the PNP, or other law enforcement agencies
18 shall enter the premises of any of the U.P. campuses or regional units.

1 Whenever requested by law enforcers, the appropriate U.P. officials shall
2 extend the necessary assistance in law enforcement within the U.P. premises.

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
9 unit in the area, and the latter shall promptly dispatch such assistance as may
10 be warranted by the circumstances.

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

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

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

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

29 If the giving of prior notification by the party serving the warrant is not
30 practicable, a report shall be submitted to the concerned U.P. official
31 immediately, but not later than twenty-four (24) hours after the service of the
32 warrant."

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

34 *"SEC. 11-D. Limitations on the Arrest, Detention, and Custodial*
35 *Investigations of U.P. Students, Faculty, or Personnel.* – The arrest or detention
36 of any U.P. student, faculty, or personnel anywhere in the Philippines shall be
37 reported immediately by the responsible head of the AFP, PNP, or other law

1 enforcement agency unit effecting the arrest or detention to the U.P. President,
2 or Chancellor of the constituent university, or Dean of the regional unit
3 concerned, or their respective officers-in-charge in the event of their absence,
4 who shall then take the necessary action.

5 No U.P. student, faculty, or employee shall be subjected to custodial
6 investigation without, as far as practicable, prior notice to the U.P. President,
7 or Chancellor of the constituent university, or Dean of the regional unit
8 concerned, or their respective officers-in-charge in the event of their absence,
9 and except in the presence of the counsel of choice of the student, faculty, or
10 employee, or with the assistance of counsel appointed for them by the
11 aforementioned U.P. officials."

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

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

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

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

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

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

33 **SEC. 8. Separability Clause.** - If any part of provision of this Act shall be declared
34 unconstitutional and invalid, such declaration shall not invalidate other parts thereof
35 which shall remain in full force and effect.

1 **SEC. 9. *Repealing Clause.*** - All laws, executive orders, administrative orders, and
2 rules and regulations inconsistent with this Act are hereby repealed or amended
3 accordingly.

4 **SEC. 10. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
5 complete publication in the Official Gazette or in two (2) newspapers of general
6 circulation.

7 Approved,