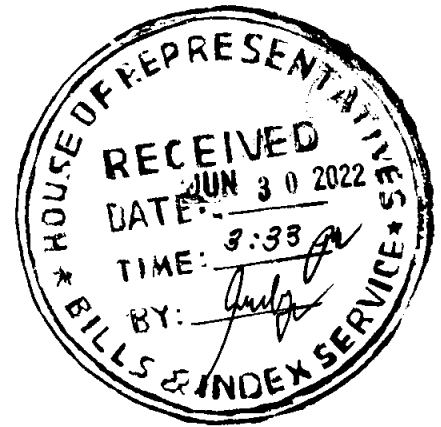


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

254
HOUSE BILL NO. _____



Introduced by

KABATAAN PARTY-LIST Representative Raoul Dannel A. Manuel,
ACT TEACHERS PARTY-LIST Representative France L. Castro,
and GABRIELA WOMEN'S PARTY Representative Arlene D. Brosas

AN ACT

**UPHOLDING THE ACADEMIC FREEDOM OF ALL ACADEMIC INSTITUTIONS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

It is crucial for the full guarantee of the rights of students, teachers, and other education stakeholders that spaces of learning are safe from the harmful influence of state armed forces. It is only when we legislate policies to such effect that we can allow the academic sector to flourish as a whole and learners to grow to the best of their ability.

As an example, the University of the Philippines (UP) is one of the leading academic centers in the country and, for decades, has been a haven of free expression and the right to protest, even more so during the pandemic. Unfortunately, this has not stopped the police and military from coming in and threatening the freedom that UP provides. It has been made much more manifest with the unilateral abrogation of the 1989 UP-DND Accord on January 18, 2021, after Defense Secretary Delfin Lorenzana asserted that the youth must be protected from what he claims is the clandestine recruitment by members of the New People's Army (NPA) in UP, among other academic institutions.

The UP-DND Accord was an agreement entered into on June 30, 1989 between then UP President Jose Abueva and then-Secretary of National Defense Fidel Ramos, by virtue

of which the Armed Forces of the Philippines signified its recognition of the autonomy of the University. The UP-DND Accord stemmed from the 1982 Soto-Enrile Accord which was signed between then League of Filipino Students national chairperson Sonia Soto and then-Defense Minister Juan Ponce Enrile to protect schools at all levels from the presence of the police or military.

The UP-DND Accord provided that state armed forces cannot enter into any of the campuses of the University of the Philippines without prior notification to the UP President, the Chancellor of the constituent university, or the Dean of the regional unit concerned, with the exception of hot pursuit and similar occasions of emergency. It further provided that these state armed forces cannot interfere with peaceful protest actions by UP constituents within its premises.

The unilateral decision of the Department of National Defense (DND) to terminate the Accord is an affront to both academic freedom and democratic spaces, as this will enable state armed forces to enter the premises of the country's premier university whenever they desire to, potentially sowing fear and establishing a chilling effect on its students and faculty, especially those who voice out their dissent. We should remember that the accord was created in order to safeguard spaces for dissent in the first place.

Also, the DND has threatened to abrogate the 1990 PUP-DND Accord, otherwise known as the Prudente-Ramos Accord, which affords the students and faculty of the Polytechnic University of the Philippines (PUP) the same protection.

To date, no other educational institution in the Philippines enjoys even the minimum guarantees that UP and PUP have with their respective accords. Thus, there is always a constant threat to academic freedom in the country. This has been shown with the recent book purges in Aklan State University, Isabela State University and Kalinga State University, and the unwarranted entry of state forces in the campuses of other state universities across regions.

Instead of being abrogated, the protection granted by the UP-DND and PUP-DND Accords should be extended to all academic institutions in the country. Schools, colleges and universities all around the Philippines should be safe spaces and places where critical thinking and independent thought are given utmost priority, and where students and faculty alike should be given the ability to freely discuss ideas without any fear of persecution. The UN also advocates for schools to be zones of peace, free from any kind of militarization.

This bill was filed by Rep. Sarah Jane Elago in the 18th Congress and was passed on third and final reading, transmitted afterward to the Senate. It was, however, called back to the Committee on Rules level through violations of procedure by Former Rep. Jesus Remulla.

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


RAOUL DANNIEL A. MANUEL
Kabataan Partylist


ARLENE D. BROSAS
Gabriela Women's Party


FRANCE L. CASTRO
Act Teachers Partylist

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HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 254

Introduced by
KABATAAN PARTY-LIST Representative Raoul Dannel A. Manuel,
ACT TEACHERS PARTY-LIST Representative France L. Castro,
and GABRIELA WOMEN'S PARTY Representative Arlene D. Brosas

AN ACT
UPHOLDING THE ACADEMIC FREEDOM OF ALL ACADEMIC INSTITUTIONS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This act shall be known as the “Academic Freedom Act of 2022.”

2
3 **SECTION 2. *Declaration of Principles and State Policies.*** – Consistent with the
4 principles enshrined in the 1987 Constitution, particularly those in the Preamble—to build a
5 just and humane society, and the recognition of the vital role of the youth in nation-building—
6 and jurisprudence, it is declared the policy of the State to guarantee academic freedom, which
7 includes the right of the school or college to decide for itself, its aims and objectives, and how
8 best to attain them free from outside coercion or interference.

9
10 It is also hereby declared a policy of the State to promote and protect the rights of
11 students, faculty, and staff inside academic institutions to peaceably assemble and protest,
12 and from violations of their fundamental rights and unscrupulous and indiscriminate entry of
13 state armed forces inside their campuses.

14
15 **SECTION 3. *Definition of Terms.*** – The following terms, as defined accordingly, shall
16 be used in this Act:

17
18 (a) *Academic institution* refers to an educational institution—public or private—offering
19 primary, secondary, tertiary, postgraduate, and/ or technical-vocational education,
20 or to any structure or space, with or without marked visible boundaries, which is
21 either known by the community or recognized by the government as a learning
22 space for children, youth, and professionals;

23
24 (b) *Arbitrary entry* refers to the entry of state armed forces into the premises of
25 academic institutions without prior notification to heads or representatives of
26 stakeholders of the institution, and without justification for the same;

1
2 (c) *Constituents* refers to current students, faculty, or staff of all academic institutions;

3
4 (d) *State armed forces* refers to the Philippine National Police (PNP), the Armed
5 Forces of the Philippines (AFP), or any other law enforcement agency intending to
6 conduct any police, military, or law enforcement operations in any academic
7 institution;

8
9 **SECTION 4. *Scope.*** – This Act shall primarily provide for the upholding of academic
10 freedom of all academic institutions, and for the protection of the constituents, primarily of the
11 current students, faculty, and staff of all academic institutions, from arbitrary entry of state
12 armed forces into their learning spaces or school/university premises.

13
14 **SECTION 5. *Prohibited Acts.*** – In order to uphold the academic freedom of all
15 academic institutions and the rights and interests of the constituents, the prohibited acts of
16 state armed forces, whether uniformed or in plainclothes, shall include, but are not limited to,
17 the following:

18
19 (a) Arbitrary entry (including surveillance), or entry without prior notice to the
20 President, Dean, Director or Principal, the Student Regent and Student Council or
21 Government, and/or the Parent-Teacher Association in the case of basic
22 educational institutions, or their respective officers-in-charge in the event of their
23 absence, and without justification for the same.

24
25 (b) Service of search or arrest warrants without prior notice to the President, Dean,
26 Director, or Principal, the Student Regent and Student Council or Government,
27 and/or the Parent-Teacher Association in the case of basic educational institutions,
28 or their respective officers-in-charge in the event of their absence. The same
29 requirement of notification applies to any oral or written “invitation” for questioning
30 and similar purposes;

31
32 (c) Interference with peaceful protest actions inside the premises of academic
33 institutions, pursuant to Article III, Section 4 of the 1987 Constitution;

34
35 (d) Torture or any kind of violence to be committed on any constituent of the academic
36 institution;

37
38 (e) Conducting of fora and all other activities that vilify and red- and terror-tag students,
39 youth organizations, faculty, staff, and all other individuals or groups;

40
41 (f) Entry and/or establishment of institutionalized or discreet student intelligence
42 networks and their recruitment, and all other forms of human and digital intelligence
43 and surveillance on students, faculty, and staff without a court order.

44
45 **SECTION 6. *Right to Privacy.*** - The privacy of communication and correspondence
46 of students, including data lodged with their academic institution, shall remain inviolable.

47
48 **SECTION 7. *Service of Search or Arrest Warrants.*** – In case of prior notification,
49 the party serving the warrant shall closely coordinate with the members of the security of the
50 academic institution, who will accompany and assist them in the service of the warrants.
51 Moreover, no service shall be done without the presence of two (2) officials from the academic

1 institution who shall be designated by the President, Dean, Director, Principal or their
2 respective officers-in-charge, as the case may be, and one (1) representative from the
3 students who shall be designated by the Office of the Student Regent, Student Council or
4 Government, and/or from the Parent-Teacher Association in the case of basic educational
5 institutions.

6
7 **SECTION 8. Arrest or Detention.** – The arrest or detention of any constituent
8 anywhere in the Philippines should be immediately reported in writing by the arresting or
9 detention officer to the President, Dean, Director, Principal, or their respective officers-in-
10 charge, as the case may be, and to the Student Regent, Student Council or Government,
11 Faculty Regent or representative, and Staff Regent or non-academic personnel
12 representative, as the case may be, for their immediate response. The report shall be done
13 not later than twenty-four (24) hours from said arrest or detention.

14
15 No constituent shall be subjected to custodial investigation without prior notification to
16 the President, Dean, Director, Principal, or their respective officers-in-charge, as the case
17 may be, and to the Student Regent, Student Council or Government, Faculty Regent or
18 representative, and Staff Regent or non-academic personnel representative and except in
19 the presence of their counsel of choice, or, absent that, a counsel chosen by the
20 aforementioned officials or groups.

21
22 **SECTION 9. Coordination and Monitoring Group.** – A Coordination and Monitoring
23 Group will be created in each academic institution composed of a representative from the
24 Board of Trustees or Directors, a faculty representative, a non-teaching staff representative,
25 a member of the student council, a member of the student publication, a local community
26 representative, the head of the security department of the campus or their representative,
27 and one (1) representative each from the AFP and the PNP stationed in the area, who will
28 meet once every semester, or as often as necessary, to determine compliance with the
29 provisions of this Act.

30
31 Utmost transparency shall be observed by the aforementioned coordination and
32 monitoring group.

33
34 The school or university police or security officers shall submit a quarterly report on
35 the security situation of the learning spaces and/ or school or university premises to the
36 President, Dean, Director or Principal, to the Student Regent and Student Council or
37 Government and/or to the Parent-Teacher Association in the case of basic educational
38 institutions, and to the student publication.

39
40 **SECTION 10. Penalties.** – The penalties are hereby as follows:

- 41
42 (a) Any public official or employee, regardless of whether or not he/she holds office or
43 employment in a casual, temporary, holdover, permanent or regular capacity,
44 committing any violation of this Act shall be punished with a fine equivalent to minimum
45 of twenty-four (24) months' salary, suspension for a minimum of two (2) years, and/ or
46 imprisonment for five (5) years and one day to ten (10) years, or removal depending
47 on the gravity of the offense after due notice and hearing by the appropriate body or
48 agency. If the violation is punishable by a heavier penalty under another law, he/she
49 shall be prosecuted under the latter statute.

1 (b) Any violation hereof proven in a proper administrative proceeding shall be sufficient
2 cause for removal or dismissal of a public official or employee, even if no criminal
3 prosecution is instituted against him.
4

5 (c) Private individuals who participate in conspiracy as co-principals, accomplices or
6 accessories, with public officials or employees, in violation of this Act, shall be subject
7 to the same penal liabilities as the public officials or employees and shall be tried jointly
8 with them.
9

10 (d) A prosecution under this Act shall be without prejudice to any liability for violation of
11 any provision of the Civil Code, as amended, the Revised Penal Code, as amended,
12 or special laws.
13

14 **SECTION 11. *Implementing Rules and Regulations.*** - Within sixty (60) days from
15 the effectivity of this Act, national representatives from the Commission on Higher Education
16 (CHED), Department of Education (DepEd), Technical Education and Skills Development
17 Authority (TESDA), Commission on Human Rights (CHR), Coordinating Council of Private
18 Educational Associations of the Philippines (COCOPEA), Philippine Association of State
19 Universities and Colleges (PASUC), Catholic Educational Association of the Philippines
20 (CEAP), representatives from national unions of student councils, student publications,
21 faculty, staff, and other relevant stakeholders in academic institutions, shall draft and
22 promulgate the implementing rules and regulation necessary to ensure the efficient and
23 effective implementation of this Act: *Provided*, That the failure to draft the said rules and
24 regulations shall not prevent nor delay the effectivity and implementation of this Act.
25

26 **SECTION 12. *Separability Clause.*** - Should any part of this Act be declared
27 unconstitutional or invalid, the other parts or provisions hereof not affected not thereby shall
28 continue to be in full force and effect.
29

30 **SECTION 13. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
31 implementing rules and regulations or parts thereof inconsistent with the provisions of this
32 Act are hereby repealed or modified accordingly.
33

34 **SECTION 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
35 publication in the Official Gazette or in a newspaper of general circulation.
36
37

38 *Approved,*