HOUSE OF REPRESENTATIVES
E-Filed
RECEIVED
DATE December 12, 2023
TIME 2:37 pm
BY Reli
BILLS AND INDEX SERVICE

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 9727

EXPLANATORY NOTE

Article XIV, Section 5. (2) of the 1987 Constitution provides that:

> "(2) Academic freedom shall be enjoyed in all institutions of higher learning"

This provision ensures that all higher educational institutions are given the freedom to critically think, speak, move, act, and even dissent.

It is in the State's interest to protect the rights of the institution, its faculty, and students whose exchange of ideas have continuously strengthened our democracy. This has led to these higher educational institutions producing trailblazers in various fields and sectors.

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.

Our country's political, legal, business, economic, civic, and scientific leaders, both past and present, have enjoyed the academic freedom that the Constitution guarantees and it is because of this academic freedom that they got to where they are.

This bill aims to declare all higher educational institutions (HEIs) whether private or state universities and colleges (SUCs) as freedom spaces where academic freedom is guaranteed. The bill also recognizes that HEIs 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 HEI property. Finally, it seeks to provide for the creation of a joint monitoring committee to ensure proper implementation.

In view of the foregoing, the immediate approval of this measure is earnestly requested.

RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 9727

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 HIGHER EDUCATION INSTITUTIONS IN THE PHILIPPINES

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".

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 all higher education institutions in the Philippines.

SECTION 3. Coverage. —The provisions of this Act shall be made applicable to all Higher Education Institutions in the Philippines.

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

(a) The phrase "higher education institution" or "HEI" refers to an educational institution, private or public, undertaking operations of higher education program/s with an organized group of students pursuing defined studies in higher education, receiving instructions from teachers, usually located in a building or group of buildings in a particular site specifically intended for educational purposes.
(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 (BJMP), Philippine Coast Guard (PCG), and commissioned corps of the National Mapping and Resource Information Authority (NAMRIA).

SECTION 5. HEIs as Freedom Parks. —Free speech and peaceable assembly are highly ranked constitutional values. Pursuant to this, all 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 HEIs. Uniformed personnel shall not interfere with peaceful protest action by HEI constituents within HEI premises.

SECTION 6. Peace and Order Primary Responsibility of HEI. —It shall be the primary responsibility and duty of HEI 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 HEI official shall extend the necessary assistance in the enforcement of law within the HEI premises. In this regard, HEI officials shall endeavor to strengthen its own security, police and firefighting capabilities so as to leave no vacuum that can be exploited by malefactors or criminal elements.

Whenever the appropriate HEI official is of the opinion that assistance of uniformed personnel is indispensable to the maintenance of security, peace and order within HEI premises, the HEI official shall so inform in writing the head of the uniformed personnel and the later 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 HEI, 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 HEI.

No member of the uniformed personnel may enter the premises of any HEI 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 HEI student, faculty, employee, or invited participant in any official HEI activity shall, as far as practicable, be done after prior notification is given to the proper HEI 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 HEI 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 HEI official.

If the giving of prior notification by the party serving the warrant is not practical, a report shall be submitted to the concerned HEI official immediately, but not later than twenty-four (24) 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 RIC community. —The arrest or detention of any HEI 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 HEI official, who shall then take the necessary action.

No HEI 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 HEI 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 HEI 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 HEI.

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,