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SENATE

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S. No. 696

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Fraternity violence has destroyed many promising young men and hurled them to their graves.

Dennis Venturina and Alexander Miguel Icasiano were exceptional public administration students when they met their untimely death in a fraternity. Venturina was a graduating student who was candidate for honors when he was killed in a fraternity rumble in 1994, while Icasiano died during a hazing in 1998. Both are among six students of the University of the Philippines alone, whose lives have been snuffed out due to fraternity hazing and rumbles despite the enactment of the Anti-Hazing Law in 1995.


Republic Act No. 8049, more popularly known as the Anti-Hazing Law, prohibits physical violence during initiation rites and metes penalties ranging from *prision correccional* to *reclusion perpetua* should the person subjected to hazing or other forms of initiation rites suffer any physical injury, dies or is raped.

The law, however, has not deterred physical harm or death of applicants of fraternities, sororities, and organizations. In fact, there are groups whose memberships are based on the applicant's acceptance of physical violence or sexual abuse. Women in these groups are given a choice of *hirap o sarap* – a choice of beatings or sex with the male members.

What is worse is that non-members of fraternities or sororities, the so-called "barbarians," have often fallen prey to fraternity violence -- violence elicited by a brotherhood which many believe to have degenerated into a barbaric gang. Mass communications student, Niño Calinao, a non-fraternity member, suffered this fate when he was slayed near a fraternity hangout. Students believe that it was a case of mistaken identity.

All these incidents of fraternity violence emphasize the need to strengthen the existing mechanism for deterrence of the commission of crimes in the conduct of fraternity, sorority, confraternity and organization initiation rites. This bill answers that need. It amends Republic Act No. 8049 to provide rules of conduct of initiation rites and compels officers and members of the fraternity, sorority, confraternity or organization who actually participated in the infliction of physical harm or caused the death of an individual due to hazing to shoulder all actual damages including up to double the amount of loss of future income of the individual. The officers and members of the fraternity, sorority, confraternity or organization shall also suffer imprisonment - *prision correccional* to *reclusion perpetua* depending on the gravity of their offense.

The immediate passage of this bill is fervently called for.


MANUEL B. VILLAR, JR.
Senator

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

RECEIVED BY: *Alu*

S. No. 696

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

**AN ACT
TO FURTHER STRENGTHEN THE EXISTING MECHANISM FOR DETERRENCE
TO THE COMMISSION OF CRIME IN THE CONDUCT OF FRATERNITY,
SORORITY, CONFRATERNITY AND ORGANIZATION INITIATION RITES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER EIGHT THOUSAND
AND FORTY NINE**

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

SECTION 1. Republic Act Number Eight Thousand and Forty Nine is hereby amended to read as follows:

SECTION 1. GENERAL WELFARE. – THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION SHALL EXERCISE THE RIGHTS EXPRESSLY GRANTED UNDER EXISTING LAWS, THEREFROM, AS WELL AS DUTIES AND FUNCTIONS NECESSARY, APPROPRIATE, OR INCIDENTAL FOR ITS EFFICIENT AND EFFECTIVE EXISTENCE, AND THOSE WHICH ARE ESSENTIAL TO THE PROMOTION OF GENERAL WELFARE. THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION SHALL ENSURE AND SUPPORT, AMONG OTHER THINGS, THE PRESERVATION, ENRICHMENT AND RESPECT FOR HUMAN LIFE AND DIGNITY, PROMOTE AND ENHANCE THE RIGHT OF PEOPLE TO HEALTH AND SAFETY, IMPROVE PUBLIC MORALS, ENCOURAGE AND SUPPORT THE DEVELOPMENT OF APPROPRIATE PROGRAMS AND ACTIVITIES, MAINTAIN PEACE AND ORDER, AND PRESERVE THE COMFORT AND CONVENIENCE OF ITS MEMBERS AND THE REST OF SOCIETY,

SECTION 2. [Section 1.] **DEFINITION OF HAZING.** – xxx

SECTION 3. [Section 2.] **ISSUANCE OF NOTICE OF INITIATION RITES.**

– xxx

SECTION 4. RULES OF CONDUCT OF INITIATION RITES. – THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION IS MANDATED UNDER THIS ACT, TO OBSERVE THE FOLLOWING RULES OF CONDUCT OF INITIATION RITES:

1. ANY FORM OF PHYSICAL CONTACT, AND ANY WILLFUL ACT, DIRECTLY OR INDIRECTLY PURSUED BY ANY MEMBER OR OFFICER OF THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION, TO INFLICT PHYSICAL HARM AND/OR INJURY UPON THE NEOPHYTE(S) IS STRICTLY PROHIBITED.

2. PARENTAL CONSENT SHALL BE REQUIRED TO BECOME A MEMBER OF A PARTICULAR FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION AND/OR TO UNDERGO THE PROCESS OF INITIATION RITE IF THE APPLICANT IS BELOW TWENTY ONE (21) YEARS OF AGE. PARENTAL CONSENT SHALL BE GIVEN THROUGH A SIGNED LETTER FOR HIS/HER SON/DAUGHTER STIPULATING EITHER OF THE PARENT'S VOLUNTARY APPROVAL.
3. THE FRATERNITY, SORORITY, CONFRATERNITY, OR ORGANIZATION SHALL EMPLOY THE PHYSICAL PRESENCE OF AT LEAST TWO (2) OF ITS ADVISERS DURING THE CONDUCT OF INITIATION RITE.
4. THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION SHALL PROVIDE ADEQUATE LOGISTIC PREPARATIONS SUCH AS BUT NOT LIMITED TO FIRST-AID SERVICES AND THE DEPLOYMENT AND/OR EMPLOYMENT OF AT LEAST ONE (1) REGISTERED MEDICAL PRACTITIONER DURING THE CONDUCT OF INITIATION RITE.
5. PRIOR TO THE FORMAL ORIENTATION AND INTRODUCTION OF THE APPLICANT TO THE ORGANIZATION, THE NEOPHYTE(S) SHALL SUBJECT HIMSELF/HERSELF TO A COMPREHENSIVE MEDICAL AS WELL AS PHYSIOLOGICAL EXAMINATION, RESULTS OF WHICH DULY ATTESTED AND SIGNED BY REGISTERED PRACTITIONERS OF BOTH SHALL BE MADE AVAILABLE AND SUBMITTED TO THE HEAD OF THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION CONDUCTING THE INITIATION RITES.
6. THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION IS ABSOLUTELY PROHIBITED FROM EMPLOYMENT OF ANY FORM OF SEXUAL HARASSMENT OR ANY ACTION, MOTIVE OR IMMINENT PLAN LEADING TO SUCH BEFORE, DURING AND AFTER THE CONDUCT OF INITIATION RITE.
7. THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION SHALL MAKE ALL THE NECESSARY REQUISITES FOR APPLICATION, HEREIN STIPULATED AND DEFINED KNOWN TO THE APPLICANT(S) BEFORE THE START OF ORIENTATION AND FORMAL INTRODUCTION OF THE APPLICANT TO THE ORGANIZATION.

SECTION 5. [Section 3] RESPONSIBILITY OF SCHOOL OR ORGANIZATION. - xxx

SECTION 6. [Section 4] LIABILITIES OF OFFICERS AND MEMBERS; PENALTIES. - xxx

a) xxx

xxx

h) xxx

IF THE PERSON SUBJECTED TO HAZING OR OTHER FORMS OF INITIATION RITES SUFFERS ANY PHYSICAL INJURY OR DIES AS A RESULT THEREOF, THE OFFICERS AND MEMBERS OF THE FRATERNITY, SORORITY, CONFRATERNITY OR ORGANIZATION WHO ACTUALLY PARTICIPATED IN THE INFLECTION OF PHYSICAL HARM OR CAUSED THE PERSON'S DEATH OR WHO WAS PRESENT DURING SUCH PROCEEDING BUT WHO DID NOT TAKE STEPS TO PREVENT THE INFLECTION OF THE HARM SHALL SHOULDERS ALL ACTUAL

DAMAGES SUSTAINED BY THE APPLICANT INCLUDING UP TO DOUBLE THE AMOUNT OF LOST FUTURE INCOME.

LOST FUTURE INCOME REPRESENTS THE LOSS OF EARNING CAPACITY OF THE VICTIM EITHER BY VIRTUE OF DEATH OR TOTAL DISABILITY. IT SHALL BE COMPUTED BY THE COURT BASED ON BUT NOT LIMITED TO THE PERSON'S STATE OF HEALTH, EDUCATIONAL ATTAINMENT, NATURE OF OCCUPATION WHETHER EXISTING OR PROSPECTIVE, AND OBLIGATION TO SUPPORT DEPENDENTS.

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SECTION 7. IMPLEMENTING RULES AND REGULATIONS. – THE SECRETARY OF JUSTICE IS HEREBY AUTHORIZED TO PROMULGATE THE NECESSARY GUIDELINES TO IMPLEMENT THE AFORESAID SECTIONS IN ACCORDANCE WITH EXISTING LAWS.

SECTION 2. [Section 5] **SEPARABILITY CLAUSE** – xxx

SECTION 3. [Section 6] **REPEALING CLAUSE** – xxx

SECTION 4. [Section 7] **EFFECTIVITY** – xxx

Approved,