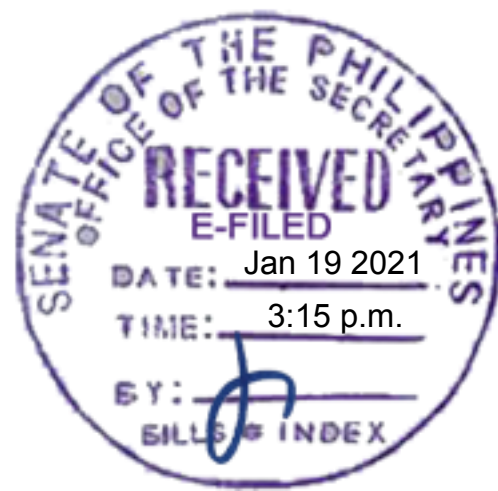


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

Proposed Senate Resolution No. **616**

Introduced by Senators FRANCIS "KIKO" N. PANGILINAN, RISA HONTIVEROS, MARIA LOURDES "NANCY" S. BINAY, RALPH G. RECTO, LEILA M. DE LIMA, FRANKLIM M. DRILON, and JOEL VILLANUEVA

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE TO OPPOSE THE UNILATERAL TERMINATION OF THE 1989 UNIVERSITY OF THE PHILIPPINES (UP) - DEPARTMENT OF NATIONAL DEFENSE (DND) ACCORD AND TO URGE UP AND DND TO COMMENCE A DIALOGUE AND FIND A COMMON GROUND THAT PROMOTES PEACE AND SECURITY, AND PROTECTS ACADEMIC FREEDOM, AND THE PURSUIT OF EXCELLENCE

WHEREAS, on 30 June 1989, the University of the Philippines (UP) and the Department of National Defense (DND) entered into an agreement that regulates military and police presence in any UP campus with a view to protecting academic freedom – the freedom to think, speak, move, and even dissent critically;

WHEREAS, the 1989 Accord was signed a few days after Donato Continente, a Philippine Collegian staffer, was arrested by the military and police at Vinzons Hall¹;

WHEREAS, the 1989 Accord succeeded the 1982 Soto-Enrile Accord, which was signed between student leader Sonia Soto and then-defense minister Juan Ponce Enrile “to protect students from the police and military presence in schools intended to suppress dissent and protest actions”²;

WHEREAS, the 1989 Accord prohibits the military or the police from entering the premises of any of the UP campuses except in cases of hot pursuit and similar occasions of emergency, upon the request of UP officials, or ordinary transit through UP premises;

WHEREAS, also under the 1989 Accord, the DND agreed that the military and police “shall not interfere with peaceful protest actions by UP constituents within UP premises”;

WHEREAS, for more than thirty (30) years, the parties have generally respected the 1989 Accord;

¹ <https://www.rappler.com/newsbreak/iq/things-to-know-1989-up-dnd-accord>

² *Id.*

WHEREAS, in October 2015, the Armed Forces of the Philippines (AFP) apologized to UP after six (6) military personnel were caught inside UP Diliman³;

WHEREAS, on 18 January 2021, the DND, through a letter addressed to UP President Danilo L. Concepcion, *unilaterally* terminated the 1989 Accord in pursuit of “true national peace and development” with a view to “protecting and securing the institution and youth against the enemies of the Filipino people without sacrificing the freedoms we have preserved for about thirty years since [the 1989 Accord] was executed”;

WHEREAS, in the same letter, the DND asserted that the 1989 Accord “has become moot and academic”;

WHEREAS, in March 2020, during the height of the COVID-19 pandemic, UP Manila students who initiated donation drives to help the frontliners of the Philippine General Hospital were sent death threats and were accused of being members of the New People’s Army⁴;

WHEREAS, in June 2020, the Cebu City police, without coordinating with UP officials, arrested and violently dispersed students who were peacefully protesting the Anti-Terrorism Act of 2020 inside the UP Cebu campus for allegedly violating the government’s ban on mass gatherings⁵;

WHEREAS, UP Cebu Chancellor Liza Corro was deeply disappointed with the incident and said that “the presence and action of the police anti-riot contingent, heightened rather than allayed the risks to the safety of the people involved”⁶;

WHEREAS, the March and June 2020 incidents are only snippets of the current reality that students face in this climate of red tagging, fear mongering, and intimidation – the 1989 Accord is far from being moot and academic;

WHEREAS, UP President Danilo L. Concepcion expressed his “grave concern over this abrogation, as it is totally unnecessary and unwarranted, and may result in worsening rather than improving relations between our institutions, and detract from our common desire for peace, justice, and freedom in our society” and said that prior consultation would have addressed the concerns raised by the DND⁷;

WHEREAS, according to UP President Concepcion, the DND’s decision to unilaterally abrogate the 1989 Accord sows “more confusion and mistrust, given that [the DND] have not specified what it is that [the DND] exactly aim[s] to do or put in place in lieu of the protections and courtesies afforded by the agreement”⁸;

WHEREAS, UP President Concepcion emphasized that the 1989 Accord was not sought and secured “to evade or weaken the law, but to protect the climate of academic

³ https://osu.up.edu.ph/wp-content/uploads/2016/02/1312-BOR-Decisions_.pdf

⁴ <https://interaksyon.philstar.com/trends-spotlights/2020/04/01/165528/up-students-report-being-red-tagged-over-donation-drive-hotline/>

⁵ <https://newsinfo.inquirer.net/1287133/terror-bill-protests-cebu-cops-arrest-8-on-up-campus>

⁶ <https://cebudailynews.inquirer.net/315822/up-cebu-investigation-ongoing-to-determine-if-up-dnd-accord-was-violated>

⁷ <https://www.up.edu.ph/protect-academic-freedom-up-president-danilo-l-concepcion-responds-to-dnds-unilateral-abrogation-of-the-up-dnd-accord/?fbclid=IwAR0vOWV-arG2xg1FrWNGHmZbiq05RJ7Z-5Y6w4bDV3Wnu6jagH7kIgwPxmY>

⁸ *Id.*

freedom— guaranteed by the Constitution— that makes intellectual inquiry and human and social advancement possible” and urges the DND “to reconsider and revoke [its] abrogation”⁹;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved to express the sense of the Senate of the Philippines to oppose the unilateral termination of the 1989 University of the Philippines (UP) - Department of National Defense (DND) Accord and to urge UP and DND to commence a dialogue and find common ground that promotes peace and security, and protects academic freedom, and the pursuit of excellence.

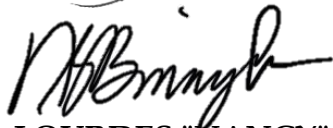
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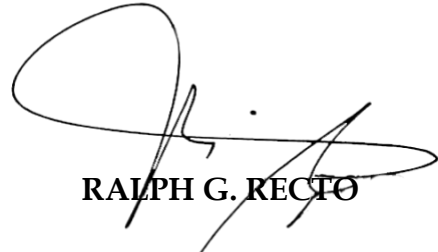
FRANCIS N. BANGILINAN



RISA HONTIVEROS



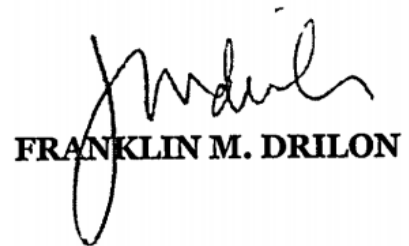
MARIA LOURDES "NANCY" S. BINAY



RALPH G. RECTO



DEILA M. DE LIMA



FRANKLIN M. DRILON



JOEL VILLANUEVA

⁹ *Id.*