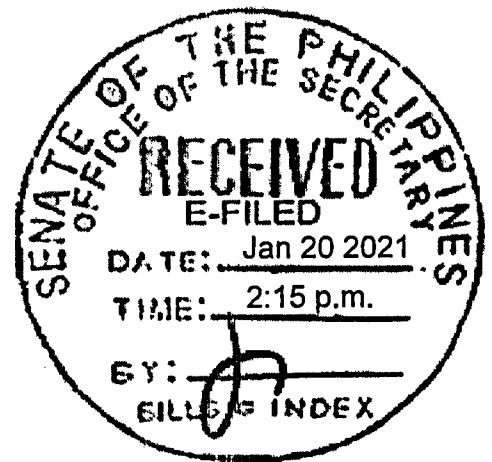


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. B. NO. 2002

Introduced by **SENATORS JOEL VILLANUEVA, SONNY ANGARA,
NANCY BINAY AND GRACE POE**

**AN ACT AMENDING REPUBLIC ACT NO. 9500, OTHERWISE
KNOWN AS THE UNIVERSITY OF THE PHILIPPINES CHARTER OF
2008, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The University of the Philippines (UP) has been one of our country's bulwarks of free expression and activism. However, this status has long been threatened by the state efforts to minimize the unique role and participation of the University in social change.

The most recent attack on the University's autonomy was made on January 18, 2021 when the Department of National Defense (DND) unilaterally terminated the 1989 UP-DND Accords, a document that guaranteed minimal state intrusion in the country's premier university. The 1989 Accords was an offshoot of the 1982 Soto-Enrile Accord, which was an agreement that barred military forces from entering U.P. campuses all over the country.

The UP-DND accord is not a "Do not enter" sign that bars law enforcement from entering the campus. It is not a wall which obstructs justice or deters the solution or prevention of crime. It is unfortunate that its abrogation is being invoked for the wrong reasons. Implying that it has enabled thinking that is critical to the government is a gross misreading of UP's role as vanguard of independent thought.

Our country is facing a number of very important issues where the resources of the military and the police can be more efficiently utilized. We have the West Philippine Sea dispute, the increasing criminality due to POGOs, and extrajudicial killings, among many others. Our law enforcement agencies and the military establishment must set its priorities straight and focus on what really matters.

We believe that DND should not break the agreement with UP. Our role as a legislator is to ensure that the spirit of the 1989 Accords is protected and set-in stone to ensure that our students are protected from unreasonable state intrusion.

This proposed measure institutionalizes the 1989 University of the Philippines-Department of National Defense Accords into RA 9500 or the University of the Philippines charter. It respects the freedoms of U.P. faculty, students, and staff in partaking in protest actions. It also prevents the unwarranted intrusion of state security forces into all U.P. campuses in the country. The proposed measure ensures that the procedural due process of U.P. students, staff and faculty are protected.

There is no monopoly of ideology in UP. It remains a big tent that shelters all ideas that can be pursued nonviolently. It is not a rebel recruitment station. On the contrary, it hosts many DDS whose are free to compete in the marketplace of ideas. It remains a citadel of excellence where the skills to serve the people are taught. This academic brilliance can only shine under a climate of freedom.

Let us nurture our youth's passion for political and social causes; and prevent any attempt to take away these long-cherished values. It is our hope that this proposed measure will continue to foster these traditions of the country's premier state university.

The swift passage of this measure is strongly urged.

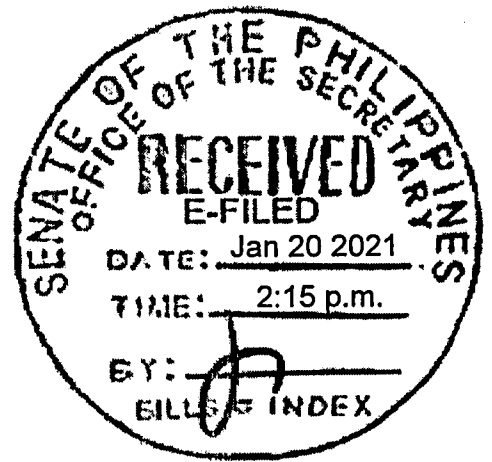

JOEL VILLANUEVA


SONNY ANGARA


NANCY BINAY


GRACE POE

EIGHTEENTH CONGRESS OF THE)
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**AN ACT AMENDING REPUBLIC ACT NO. 9500, OTHERWISE
KNOWN AS THE UNIVERSITY OF THE PHILIPPINES
CHARTER OF 2008, AND FOR OTHER PURPOSES**

*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

3 *SEC. 11-A. Prior notification on the entry of Police and Military Units*
4 *in all U.P. Campuses.* – Prior notification shall be given the Armed
5 Forces of the Philippines (AFP), the Philippine National Police
6 (PNP), or any other law enforcement agency intending to conduct
7 any military, police, or law enforcement operations in any U.P.
8 campus nationwide to the U.P. President or the Chancellor of the
9 constituent university, or the Dean of the regional unit concerned,
10 or their respective officers-in-charge in the event of their absence,
11 when the situation so warrants.
12

13 **SEC. 2.** A new Section 11-B is hereby inserted to read as follows:
14

15 *SEC. 11-B. Prohibition on the Entry of AFP, PNP, and Other Law*
16 *Enforcement Agency Personnel in all UP Campuses.* – Except in
17 cases of hot pursuit and similar occasions of emergency, or in cases
18 defined in the next succeeding paragraph, no member of the AFP,
19 the PNP, or other law enforcement agencies shall enter the
20 premises of any of the U.P. campuses or regional units.
21

22 Whenever requested by law enforcers, the appropriate U.P. officials
23 shall extend the necessary assistance in law enforcement within

1 U.P. premises.

2
3 Whenever the U.P. President, or Chancellor of the constituent
4 university, or Dean of the regional unit concerned, or their
5 respective officers-in-charge in the event of their absence, is of the
6 opinion that the assistance of the AFP or the PNP or other law
7 enforcement agency is indispensable to the maintenance of
8 security, peace, and order within U.P. premises, the said U.P.
9 official shall so inform in writing the head of the AFP, PNP, or other
10 law enforcement agency unit in the area, and the latter shall
11 promptly dispatch such assistance as may be warranted by the
12 circumstances.

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

19
20 **SEC. 3.** A new Section 11-C is hereby inserted to read as follows:

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

31
32 In case of prior notification, the party serving the warrant shall
33 coordinate closely with members of the U.P. police or security who
34 shall accompany and assist them in the service of the warrants.
35 Similarly, no warrant shall be served without the presence of at least
36 two (2) U.P. faculty members designated by the appropriate U.P.
37 official.

38
39 If the giving of prior notification by the party serving the warrant is
40 not practicable, a report shall be submitted to the concerned U.P.
41 official immediately, but not later than twenty-four (24) hours after
42 the service of the warrant.”

43
44 **SEC. 4.** A new Section 11-D is hereby inserted to read as follows:

45
46 **SEC. 11-D. *Limitations on the Arrest, Detention, and Custodial***
47 ***Investigations of U.P. Students, Faculty, or Personnel.*** – The arrest
48 or detention of any U.P. student, faculty, or personnel anywhere in
49 the Philippines shall be reported immediately by the responsible
50 head of the AFP, PNP, or other law enforcement agency unit

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

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

13
14 **SEC. 5.** A new Section 11-E is hereby inserted to read as follows:

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

23
24 **SEC. 6.** A new Section 11-F is hereby inserted to read as follows:

25
26 *SEC. 11-F. Strengthening of U.P.'s Security, Police, and Fire-*
27 *fighting Capabilities.* – U.P. officials shall endeavor to strengthen
28 U.P.'s own security, police, and fire-fighting capabilities to prevent
29 its campuses from being exploited by malefactors or criminal
30 elements.

31
32 **SEC. 7.** A new Section 11-G is hereby inserted to read as follows:

33
34 *SEC. 11-G. Establishment of a Joint Monitoring Group.* – The U.P.
35 Faculty Regent, the U.P. Student Regent, the U.P. Vice-President
36 for Public Affairs or his representative, the U.P. Vice Chancellor for
37 Student Affairs, the Undersecretary of National Defense for Civilian
38 Relations, the PNP Assistant Chief of Staff for Operations, the PNP
39 Director of the Civil Security Group, and the AFP Judge Advocate
40 General or his representative shall meet at least twice a year to
41 ensure and determine compliance with Sections 26-A to 26-F of this
42 Act.

43
44 **SEC. 8. Repealing Clause.** – All laws, executive orders, rules and regulations
45 or any part hereof inconsistent herewith are deemed repealed or modified
46 accordingly.

47
48 **SEC. 9. Separability Clause.** – If any part or provision of this Act shall be
49 declared unconstitutional and invalid, such declaration shall not invalidate other
50 parts thereof which shall remain in full force and effect.

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SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,