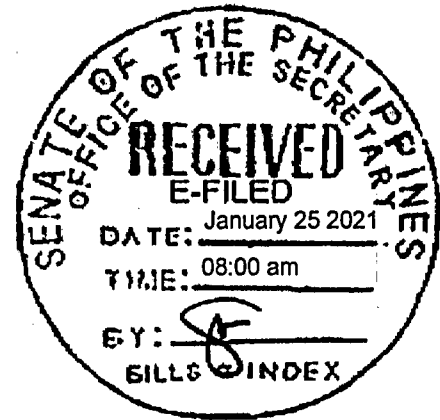


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE

Senate Bill No. 2014

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Introduced by Senator FRANCIS N. PANGILINAN

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AN ACT

INSTITUTIONALIZING THE 1989 UNIVERSITY OF THE PHILIPPINES (UP) - DEPARTMENT OF NATIONAL DEFENSE (DND) ACCORD, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9500, OTHERWISE KNOWN AS THE UNIVERSITY OF THE PHILIPPINES CHARTER OF 2008, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Since its establishment in 1908, the University of the Philippines (UP) has always been a major contributor in Philippine development and nation-building. It has produced our country's top political, legal, business, economic, civic, and scientific leaders, both past and present, through its uncompromising academic standards and an unwavering thrust towards academic excellence. UP owes this success to the environment conducive to academic freedom - the freedom to critically think, speak, move, act, and even dissent - that all its stakeholders, including the students, faculty, staff, administration, and alumni, seek to protect and cultivate.

UP's enjoyment of academic freedom was tested during the Martial Law regime. Back then, the military and police were free to enter the campus. Students were arrested for simply speaking out against the dictator. In 1982, student leader Sonia Soto and then-defense minister Juan Ponce Enrile signed an agreement "to protect students from the police and military presence in schools intended to suppress dissent and protest actions.<sup>1</sup> The Soto-Enrile Accord was the predecessor of the 1989 Accord signed between UP and the Department of National Defense (DND) days after the arrest of Donato Contiente, a Philippine Collegian staffer, by the military and police at Vinzons Hall.

The 1989 Accord sought to regulate military and police presence in any UP campus by: (a) requiring prior notification on the entry of military and police units in any UP campus; (b) prohibiting entry in any UP campus, except in cases of hot pursuit, similar occasions of emergency, or if indispensably necessary in the maintenance of security,

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

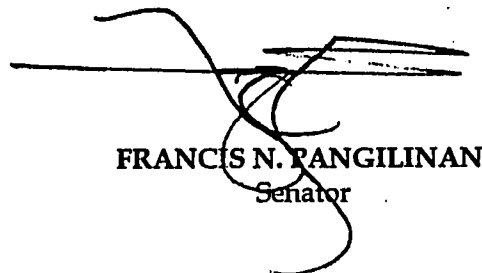
peace and order, as may be determined by UP officials; (c) adding safeguards on service of search or arrest warrants; (d) requiring law enforcement agencies to report arrests, detentions, and custodial investigations of UP students, faculty, or personnel to UP officials; and (e) prohibiting law enforcement agencies to interfere with peaceful protest actions.

On 18 January 2021, however, the DND *unilaterally* terminated the 1989 Accord without prior consultation from UP or its stakeholders. This unilateral termination, according to the DND, was 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.”<sup>2</sup> The DND, however, did not explain how the 1989 Accord hindered the mandate of the military and police. UP President Danilo L. Concepcion, in his statement, responded that the unilateral abrogation 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.”<sup>3</sup>

UP President Concepcion says that the university “reject[s] any form or semblance of militarization on our campuses, which will have a chilling effect deleterious to academic freedom.”<sup>4</sup> UP, through academic freedom, has both bred rebels and non-conformists on one hand and presidents, senators, representatives, and even military leaders. Police and military authorities should have no fear of academic freedom because “[a]ll the world’s great universities have produced the same range of thinkers and doers.”<sup>5</sup>

Indeed, in order to sustain its success, UP should continuously enjoy unimpeded and unrestrained academic freedom. The 1989 Accord is instrumental in protecting UP’s academic freedom. This proposed measure seeks to legislate the 1989 Accord by amending Republic Act No. 9500 or “The University of the Philippines Charter of 2008” to incorporate the provisions of the 1989 Accord.

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



FRANCIS N. PANGILINAN  
Senator

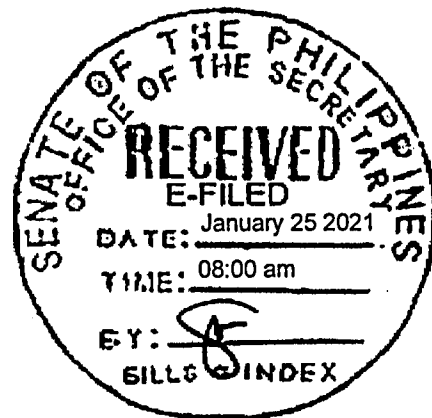
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<sup>2</sup> DND’s letter addressed to UP President Danilo L. Concepcion dated 15 January 2021.

<sup>3</sup> <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-5Y6w4bDV3Wnu6jagH7klgwPxmY>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*



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AN ACT  
INSTITUTIONALIZING THE 1989 UNIVERSITY OF THE PHILIPPINES (UP) -  
DEPARTMENT OF NATIONAL DEFENSE (DND) ACCORD, AMENDING FOR THE  
PURPOSE 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 the 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        ***"SEC. 11-A. Prior Notification on the entry of Police and Military Units***  
3        ***in All UP Campuses.*** - Prior notification shall be given by the Armed  
4        Forces of the Philippines (AFP), the Philippine National Police (PNP), or  
5        any other law enforcement agency intending to conduct any military,  
6        police, or law enforcement operations in any U.P. campus nationwide to  
7        the U.P. President or the Chancellor of the constituent university, or the  
8        Dean of the regional unit concerned, or their respective officers-in-charge  
9        in the event of their absence, when the situation so warrants."

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

11        ***"SEC. 11-B. Prohibition on the Entry of AFP, PNP, and Other Law***  
12        ***Enforcement Agency Personnel in all UP Campuses.*** - Except in cases of  
13        hot pursuit and similar occasions of emergency, or if indispensably  
14        necessary in the maintenance of security, peace and order as determined  
15        by the U.P. President, or Chancellor of the constituent university, or Dean  
16        of the regional unit concerned, or their respective officers-in-charge in the  
17        event of their absence, no member of the AFP, the PNP, or other law  
18        enforcement agencies shall enter the premises of any of the U.P. campuses  
19        or regional units.

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

23        Whenever the U.P. President, or Chancellor of the constituent university,  
24        or Dean of the regional unit concerned, or their respective officers-in-  
25        charge in the event of their absence, is of the opinion that the assistance of

1 the AFP or the PNP or other law enforcement agency is indispensable to  
2 the maintenance of security, peace, and order within U.P. premises, the  
3 said U.P. official shall so inform in writing the head of the AFP, PNP, or  
4 other law enforcement agency unit in the area, and the latter shall  
5 promptly dispatch such assistance as may be warranted by the  
6 circumstances.

7 In case the request for assistance is granted, only uniformed members of  
8 the AFP, PNP, or other law enforcement agency with proper identification  
9 shall be allowed entry into the campus or regional unit concerned, except  
10 where the assistance requested specifies otherwise."

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

12 **"SEC. 11-C. *Limitation on the Service of Search or Arrest Warrants.* -**

13 The service of search or arrest warrants within the territorial  
14 jurisdiction of any U.P. campus on any U.P. student faculty, employee  
15 or invited participants in any official U.P. activity, as far as practicable,  
16 be done after prior notification is given to the U.P. President, or  
17 Chancellor of the constituent university, or Dean of the regional unit  
18 concerned, or their respective officers-in-charge in the event of their  
19 absence. The same requirement of notification applies to any oral or  
20 written "invitation" for questioning or similar purposes.

21 In case of prior notification, the party serving the warrant shall  
22 coordinate closely with members of the U.P. police or security who  
23 shall accompany and assist them in the service of the warrants.  
24 Similarly, no warrant shall be served without the presence of at least  
25 two (2) U.P. faculty members designated by the appropriate U.P.  
26 official.

27 If the giving of prior notification by the party serving the warrant is  
28 not practicable, a report shall be submitted to the concerned U.P.  
29 official immediately, but not later than twenty-four (24) hours after the  
30 service of the warrant."

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

32 **"SEC. 11-D. *Limitations on the Arrest, Detention, and Custodial***  
33 ***Investigations of U.P. Students, Faculty, or Personnel.* -** The arrest or  
34 detention of any U.P. student, faculty, or personnel anywhere in the  
35 Philippines shall be reported immediately by the responsible head of  
36 the AFP, PNP, or other law enforcement agency unit effecting the  
37 arrest or detention to the U.P. President, or Chancellor of the  
38 constituent university, or Dean of the regional unit concerned, or their  
39 respective officers-in-charge in the event of their absence, who shall  
40 then take the necessary action.

41 No U.P. student, faculty, or employee shall be subjected to custodial  
42 investigation without, as far as practicable, prior notice to the U.P.

1 President, or Chancellor of the constituent university, or Dean of the  
2 regional unit concerned, or their respective officers-in-charge in the  
3 event of their absence, and except in the presence of the counsel of  
4 choice of the student, faculty, or employee, or with the assistance of  
5 counsel appointed for them by the aforementioned U.P. officials.”

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

7 “SEC. 11-E. *Prohibition on the AFP, PNP and Other Law Enforcement*  
8 *Agencies to Interfere with Peaceful Protest Actions.* – Members of the  
9 AFP, PNP, or other law enforcement agencies shall not interfere with  
10 peaceful protest actions by individuals or groups within U.P. premises.  
11 U.P. officials shall be deemed responsible for the behavior of their  
12 students, faculty, and employees in such activities.”

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

14 “SEC. 11-F. *Strengthening of U.P.’s Security, Police, and Fire-fighting*  
15 *Capabilities.* – U.P. officials shall endeavor to strengthen U.P.’s own  
16 security, police, and fire-fighting capabilities to prevent its campuses  
17 from being exploited by malefactors or criminal elements. ”

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

19 “SEC. 11-G. *Establishment of a Joint Monitoring Group.* – A Joint  
20 Monitoring Group shall be established composed of the U.P. Faculty  
21 Regent, the U.P. Student Regent, the U.P. Vice-President or Public  
22 Affairs or his representative, the U.P. Vice Chancellor for Student  
23 Affairs, the Undersecretary of National Defense for Civilian Relations,  
24 the PNP Assistant Chief of Staff for Operations, the PNP Director of the  
25 Civil Security Group, and the AFP Judge Advocate General or his  
26 representative. The Joint Monitoring Group shall meet at least twice a  
27 year to ensure and determine compliance with Sections 11-A to 11-F.”

28 SEC. 8. *Separability Clause.* – If any part or provision of this Act shall be declared  
29 unconstitutional and invalid, such declaration shall not invalidate other parts thereof  
30 which shall remain in full force and effect.

31 SEC. 9. *Repealing Clause.* – All laws, executive orders, administrative orders, and rules  
32 and regulations inconsistent with this Act are hereby repealed or amended accordingly.

33 SEC. 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete  
34 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*