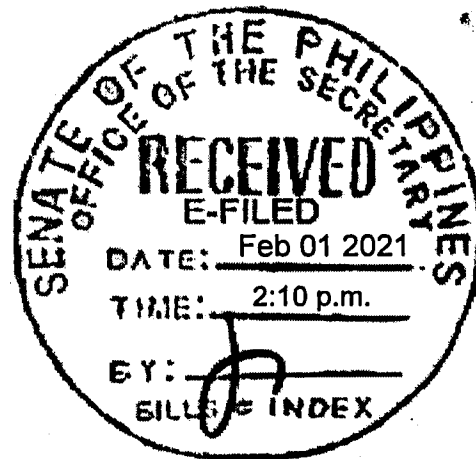


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE  
S. No. 2035

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT  
TO UPHOLD THE ACADEMIC FREEDOM IN THE UNIVERSITY OF THE  
PHILIPPINES, 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**

Political theorist and American Revolutionary Thomas Paine once said that "Reason obeys itself; ignorance submits to what is dictated to it."

If we are to progress as a country, we need to protect the havens of ideas and critical thinking from the fleeting whims of any administration. More than any resource, the most important one is that of our people. As such, we need to raise and nurture citizens who can think critically, and entertain ideas that can serve our country far more than any single politician in office.

Our government must veer away from policies that intimidate our educational institutions and prevent them from effectively joining the national discourse. Military presence in institutions of learning serves only to send the wrong signal to the academe that certain ideas will be met with hostility. This creates a climate of fear that creates a chilling effect and, in effect, paralyzes the academic community and prevents them from fully forming ideas which is the lifeblood of policymaking.

It is in this background that the Soto-Enrile Agreement was reached in 1981 and was further institutionalized in 1989 between then-U.P. President Jose Abueva and then-DND Secretary Fidel Ramos as the UP-DND Accord. The said accord was in fact an agreement not between our military, the AFP and UP to respect each other's spheres, but between Ramos -- in representation of the PC-INP which was then still under the

Secretary of National Defense (SND), but which is now the PNP under the Secretary of the Interior and Local Government (SILG) and the NAPOLCOM – and UP.

For the DND to abrogate that accord – albeit mistakenly because it is the SILG who should now represent the PNP as the proper party to the accord, not the SND -- without considering the issues that led to its creation, is to betray that goal of promoting critical thinking and active citizenry in the guise of preventing recruitment by rebellious forces.

First of all, recruitment can happen anywhere. In the age of digital communications, people do not even have to be in the same place to share ideas and plan action. What basis is there to put military presence in campuses when the students do not even have to go there to attend their classes?

Second, these students are already adults. Following the enactment of R.A. No. 10533, or the Enhanced Basic Education Act of 2013, students would need to complete 13 years of basic schooling before they qualify for university. That would have freshmen at around 17 to 18 years old. It would be absurd to treat them like mindless human beings that need to be placed under a culture of fear to dissuade them from entertaining purportedly seditious ideas. Reason and inspiration should shape the minds of our youth rather than fear of government reprisal over ideas that they deem taboo.

Thirdly, the 1987 Constitution places civilians above military personnel. Art. II, Section 3 provides that civilian authority is, at all times, supreme over the military. As such, the armed forces are prohibited by the Constitution to meddle in civilian affairs. The Constitution provides for the situations in which the armed forces can legally operate as law enforcers among civilians. Under Art. VII, Sec. 18, the Constitution states that “[t]he President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion.” Absent a declaration of a state of lawless violence or martial law, there is no reason for our armed forces to conduct any operation in any civilian establishment, including our universities, both public and private.

Finally, containing subversion and sedition is not a function of suppression of ideas but of raising the standard of living for everyone. Corruption and misgovernance, when left untreated, lead to discontent which could eventually result in seditious acts.

While it is important to protect our national security, it is likewise important to afford our academic institutions the democratic space conducive to free exchange of ideas and critical thinking, which leads to more effective participation in the national conversation.

It must be emphasized that nothing in this bill prevents any lawful exercise of the law enforcement powers of the President through the PNP and other civilian law enforcement units, within the bounds of the Constitution and the guidelines of due process.

This bill seeks to enact and make permanent the UP-DND Accord of 1989 in order to protect the academic freedom of our country's premiere academic institution. The bill provides for guidelines in which our armed forces and law enforcement units may operate within the U.P. campuses and promotes peaceful co-existence with the U.P. Community in protecting the campuses and maintaining peace and order.

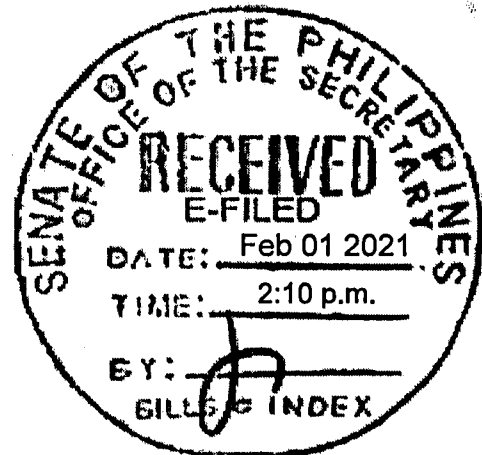
This bill prohibits military operations within the campuses, except under conditions of lawless violence, invasion, or rebellion, and during civil defense operations upon invitation by U.P. authorities. This bill likewise outlines the conduct of law enforcement in the campuses towards a more effective and properly calibrated operations within the U.P. Community.

In closing, the government must always encourage public discourse as a matter of determining policy. This way, we can let our citizens know that national issues can be resolved without resort to violence. The government policy must always be that free flow of ideas and discourse will dispense the need for violence, rather than ideas against the government of the day are met with state-sponsored violence.

Early passage of this bill is earnestly sought.

  
**LEILA M. DE LIMA**

EIGHTEENTH CONGRESS OF THE )  
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SENATE  
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**AN ACT  
TO UPHOLD THE ACADEMIC FREEDOM IN THE UNIVERSITY OF THE  
PHILIPPINES, 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 House of Representatives of the Philippines in  
Congress assembled:*

1 Section 1. – Section 2 of R.A. No. 9500, otherwise known as the University of  
2 the Philippines Charter of 2008 (R.A. No. 9500), shall be amended, as follows:

3 SEC. 2. Declaration of Policy. - The University of the  
4 Philippines is hereby declared as the national  
5 university.

6 The State shall promote, foster, nurture and protect  
7 the right of all citizens to accessible quality education.  
8 Toward this end, it is the policy of the State to  
9 strengthen the University of the Philippines as the  
10 national university.

11 THE STATE SHALL LIKEWISE ENDEAVOR TO  
12 PROTECT THE ACADEMIC FREEDOM OF THE  
13 UNIVERSITY OF THE PHILIPPINES RECOGNIZED  
14 UNDER ARTICLE XIV, SECTION 5(2) OF THE 1987  
15 CONSTITUTION. AS SUCH, THE STATE SHALL  
16 IMPLEMENT POLICIES THAT WOULD ALLOW

1 UNRESTRAINED EXCHANGE AND EXPRESSION  
2 OF THOUGHTS AND IDEAS FREE FROM  
3 INTIMIDATION FROM THE COERCIVE FORCES  
4 OF THE STATE WITHIN THE UNIVERSITY  
5 PREMISES.

6 Sec. 2. – New Sections 11-A to 11-G are hereby inserted to read, as follows:

7 SEC. 11-A. *Prohibition of Unauthorized Military*  
8 *Presence in All U.P. Campuses.* – The Armed Forces  
9 of the Philippines (AFP), including all of its officers,  
10 enlisted personnel, trainees, and militias, unless in the  
11 conduct of personal civilian business, shall not enter  
12 the U.P. Campuses, except in the following instances:

- 13 1) During a state of lawless violence, invasion, or  
14 rebellion, when called out by the President  
15 pursuant to Article VII, Section 18 of the 1987  
16 Constitution, but only upon proper coordination  
17 with UP authorities;
- 18 2) On occasion of a legitimate civil defense operation  
19 upon invitation by the U.P. President or the  
20 Chancellor of the constituent university, or the  
21 Dean of the regional unit concerned, or their  
22 respective officers-in-charge in the event of their  
23 absence; *Provided that*, in no case shall the  
24 presence of the AFP officer or personnel concerned  
25 under this instance be used as a pretext in the  
26 conduct of whatever kind of military operation;
- 27 3) Upon invitation of the university to serve as a  
28 resource person or subject matter expert in  
29 conferences, forums, symposia, lectures or any  
30 other academic undertaking sponsored by the  
31 university or its constituent faculty, student, or  
32 alumni bodies; *Provided that*, in no case shall the  
33 presence of the AFP officer or personnel concerned

1 under this instance be used as a pretext in the  
2 conduct of whatever kind of military operation.

3 *SEC. 11-B. Prior Notification on the entry of Police*  
4 *and Law Enforcement Units in All U.P. Campuses. -*

5 Prior notification shall be given by the Philippine  
6 National Police (PNP) or any other law enforcement  
7 agency intending to conduct any police or law  
8 enforcement operations in any U.P. campus  
9 nationwide to the U.P. President or the Chancellor of  
10 the constituent university, or the Dean of the regional  
11 unit concerned, or their respective officers-in-charge  
12 in the event of their absence, when the situation so  
13 warrants.

14 *SEC. 11-C. Prohibition on the Entry of PNP and Other*  
15 *Law Enforcement Agency Personnel in all U.P.*

16 *Campuses. - Except in cases of hot pursuit or similar*  
17 *occasions of emergency, or if indispensably necessary*  
18 *in the maintenance of security and peace and order as*  
19 *determined by the U.P. President, or Chancellor of the*  
20 *constituent university, or Dean of the regional unit*  
21 *concerned, or their respective officers-in-charge in the*  
22 *event of their absence, no member of the PNP or other*  
23 *law enforcement agencies shall enter the premises of*  
24 *any of the U.P. campuses or regional units.*

25 Whenever requested by law enforcers, the appropriate  
26 U.P. officials shall extend the necessary assistance in  
27 law enforcement within the U.P. premises.

28 Whenever the U.P. President, or Chancellor of the  
29 constituent university, or Dean of the regional unit  
30 concerned, or their respective officers-in-charge in the  
31 event of their absence, is of the opinion that the  
32 assistance of the PNP or other law enforcement  
33 agency is indispensable to the maintenance of security

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

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

13 *SEC. 11-D. Limitation on the Service of Search or*  
14 *Arrest Warrants.* - The service of search or arrest  
15 warrants within the territorial jurisdiction of any U.P.  
16 campus on any U.P. student faculty, employee or  
17 invited participants in any official U.P. activity, as far  
18 as practicable, be done after prior notification is given  
19 to the U.P. President, or Chancellor of the constituent  
20 university, or Dean of the regional unit concerned, or  
21 their respective officers-in-charge in the event of their  
22 absence. The same requirement of notification applies  
23 to any oral or written invitation for questioning or  
24 similar purposes.

25 In case of prior notification, the party serving the  
26 warrant shall coordinate closely with members of the  
27 U.P. police or security who shall accompany and assist  
28 them in the service of the warrants.

29 Similarly, no warrant shall be served without the  
30 presence of at least two (2) U.P. faculty members  
31 designated by the appropriate U.P. official.

1 If the giving of prior notification by the party serving  
2 the warrant is not practicable, a report shall be  
3 submitted to the concerned U.P. official immediately,  
4 but not later than twenty-four (24) hours after the  
5 service of the warrant.

6 **SEC. 11-E. *Limitations on the Arrest, Detention, and***  
7 ***Custodial Investigations of U.P. Students, Faculty, or***  
8 ***Personnel.*** - The arrest or detention of any U.P.  
9 student, faculty, or personnel anywhere in the  
10 Philippines shall be reported immediately by the  
11 responsible head of the AFP, PNP, or other law  
12 enforcement agency unit effecting the arrest or  
13 detention to the U.P. President, or Chancellor of the  
14 constituent university, or Dean of the regional unit  
15 concerned, or their respective officers-in-charge in the  
16 event of their absence, who shall then take the  
17 necessary action.

18 No U.P. student, faculty, or employee shall be  
19 subjected to custodial investigation without, as far as  
20 practicable, prior notice to the U.P. President, or  
21 Chancellor of the constituent university, or Dean of  
22 the regional unit concerned, or their respective  
23 officers-in-charge in the event of their absence, and  
24 except in the presence of the counsel of choice of the  
25 student, faculty, or employee, or with the assistance of  
26 counsel appointed for them by the aforementioned  
27 U.P. officials.

28 **SEC. 11-F. *Prohibition on the AFP, PNP and Other***  
29 ***Law Enforcement Agencies to Interfere with Peaceful***  
30 ***Protest Actions.*** - Members of the AFP, PNP, or other  
31 law enforcement agencies shall not interfere with  
32 peaceful protest actions by individuals or groups  
33 within U.P. premises, except to maintain security and



1 peace and order upon request by the U.P President,  
2 or Chancellor of the constituent university, or Dean of  
3 the regional unit concerned, or their respective  
4 officers-in-charge in the event of their absence under  
5 Section 11-C. In all instances, the policy of maximum  
6 tolerance shall be observed.

7 U.P. officials shall be deemed responsible for the  
8 behavior of their students, faculty, and employees in  
9 such activities.

10 **SEC. 11-G. *Strengthening of U.P.'s Security, Police,***  
11 ***and Firefighting Capabilities.*** - U.P. officials shall  
12 endeavor to strengthen U.P.'s own security, police,  
13 and fire-fighting capabilities to prevent its campuses  
14 from being exploited by malefactors or criminal  
15 elements.

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

29 **Sec. 3. *Penalty Clause.*** - Any violation of Secs. 11-A to 11-F of Section 2 of this  
30 Act shall be punished by imprisonment of six years to twelve years. The AFP, PNP, or  
31 law enforcement officer who authorized and issued orders, or in any way took part in  
32 the planning of any operation or activity knowing that such operation or activity is in  
33 violation of the said provisions of this Act, that thereafter eventually results in the

1 violation of said provisions of this Act, shall suffer the same penalty as the officers and  
2 personnel who directly conducted the operation or activity.

3       **Sec. 4 *Separability Clause.*** – If any provision of this Act is declared  
4 unconstitutional or invalid, other parts or provisions hereof not affected shall continue  
5 to be in full force and effect.

6       **Sec. 5. *Repealing Clause.*** – All laws, executive orders, presidential decrees,  
7 presidential proclamations, letters of instruction, rules and regulations or parts  
8 thereof which are inconsistent with the provisions of this Act are hereby repealed or  
9 modified accordingly.

10       **Sec. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days following  
11 its publication in the Official Gazette or in two (2) newspapers of general circulation  
12 in the Philippines.

Approved,