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REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

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SENATE

RECEIVED BY:

S. B. NO. 737

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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT INSTITUTIONALIZING THE 1989 UNIVERSITY OF THE PHILIPPINES – DEPARTMENT OF NATIONAL DEFENSE ACCORD, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9500, OTHERWISE KNOWN AS THE UNIVERSITY OF THE PHILIPPINES, CHARTER OF 2008, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

No less than the Supreme Court has recognized the importance of ensuring peace and security in learning institutions. In *Philippine School of Business Administration v. Court of Appeals*,<sup>1</sup> the Court emphasized that:

“Institutions of learning must also meet the implicit or built-in obligation of providing their students with an atmosphere that promotes or assists in attaining its primary undertaking of imparting knowledge. Certainly, no student can absorb the intricacies of physics or higher mathematics or explore the realm of the arts and other sciences when bullets are flying or grenades exploding in the air or where there looms around the school premises a constant threat to life and limb. Necessary, the school must ensure that adequate steps are taken to maintain peace and order within the campus premises and to prevent the breakdown thereof.”

The University of the Philippines system is composed of eight constituent universities located in 17 campuses all over the Philippines – UP Diliman, UP Los Baños, UP Manila, UP Visayas, UP Open University, UP Mindanao, UP Baguio, and UP Cebu – collectively, the country’s national university.

The impact and influence of the University of the Philippines in the country cannot be denied. In its 114 years of existence, its community of professionals in various fields of study has made not only the institution, but also our country, proud of their countless contributions to Philippine development and nation-building. To date,

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<sup>1</sup> G.R. No. 84698, February 4, 1992.

the National University has produced at least 39 National Scientists, 44 National Artists, 8 National Social Scientists, 7 out of the 16 Presidents of the Republic, 15 Chief Justices of the Supreme Court, and generations of graduates in various fields embodying the institution's signature brand of excellence.<sup>2</sup>

Indeed, the UP community thrives because it has always been a citadel of excellence, a marketplace of ideas, and a vanguard of independent thought. Nonetheless, historically, the institution's students, faculty, and personnel had been targeted for the exercise of their political beliefs. One of the incidences that necessitated the signing of the UP-DND Accord on June 30, 1989, was the abduction of Mr. Donato Continente – a messenger of the UP Collegian – who was abducted inside the UP Diliman campus by the police for the alleged killing of US Army Officer, Col. James Rowe.<sup>3</sup>

To ensure that UP continues to enjoy unimpeded and unrestrained academic freedom, this bill seeks the institutionalization of the 1989 UP-DND Accord through its incorporation in Republic Act No. 9500, or the "University of the Philippines Charter of 2008."

This measure provides for the following:

1. Prior notification by law enforcement agencies or person/s acting on their behalf must be given to University officials if they intend to conduct operations within the premises of the national university nationwide, including its constituent universities;
2. Law enforcement agencies cannot enter the premises of any UP campus, except in cases of hot pursuit and similar occasions of emergency, or if determined by the University officials as indispensably necessary in the maintenance of security, peace and order;
3. Service and execution of warrants on any student, faculty, or personnel, or invited guests or participants in official activities of the University must be in accordance with the Rules of Court and subject to prior coordination with University officials, as far as practicable;
4. Student, faculty, personnel, or invited guest/s or participants in official school activities cannot be subjected to arrest, detention, or custodial investigation without prior notice to University officials;
5. Law enforcement agencies must not interfere with the peaceful protest actions by individuals or groups within the premises of the University, and if held outside of the University, as long as prior notifications have been;
6. The security, police, and firefighting capabilities of each constituent university must be strengthened to prevent its campuses from being exploited by criminal

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<sup>2</sup> University of the Philippines, Emerging Excellence: UP in the Past 114 Years, accessible at <https://up.edu.ph/university-history/>. (last accessed July 7, 2022).

<sup>3</sup> University of the Philippines, The 1989 UP-DND Accord: Content and Context, accessible at <https://law.upd.edu.ph/faculty-portfolio/the-1989-up-dnd-accord-content-and-context/>. (last accessed July 7, 2022).

elements. If necessary, campus security groups can assist law enforcement agencies to ensure law and order on the campuses;

7. A Joint Monitoring Group and constituent university-based joint monitoring groups must be established to monitor compliance with the provisions of the proposed measure.

Rather than a "do not enter sign," this bill lays down the guidelines on the conduct of operations by law enforcement agencies – highlighting the necessity for prior notification and coordination by law enforcement agencies with university officials. This is consistent with the guarantee of academic freedom in institutions of higher learning as enshrined in our Constitution.

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



SENATOR JOEL VILLANUEVA

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**AN ACT INSTITUTIONALIZING THE 1989 UNIVERSITY OF THE  
PHILIPPINES – DEPARTMENT OF NATIONAL DEFENSE ACCORD,  
AMENDING FOR THIS 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.** A new Section 11-A is hereby inserted to read as follows:  
2

3           SEC. 11-A. *Prior notification on the Entry of Law Enforcement*  
4           *Agencies within the Premises of the National University.* – Prior  
5           notification shall be given by the law enforcement agency, such as, but  
6           not limited to, the Armed Forces of the Philippines (AFP), the  
7           Philippine National Police (PNP), or any other agency intending to  
8           conduct operations within the premises of the national university  
9           nationwide, to the President of the University, or the Chancellor of the  
10          constituent university, or the Dean of the regional unit concerned, or  
11          their respective officers-in-charge, in the event of their absence, when  
12          the situation so warrants.  
13

14       **SEC. 2.** A new Section 11-B is hereby inserted to read as follows:  
15

16           SEC. 11-B. *Prohibition on the Entry of Law Enforcement Agency*  
17           *Personnel Within the Premises of the National University.* – Except in  
18           cases of hot pursuit and similar occasions of emergency, or if  
19           indispensably necessary in the maintenance of security, peace and  
20           order as determined by the President of the University, or Chancellor  
21           of the constituent university, or the Dean of the regional unit concerned,  
22           or their respective officers-in-charge in the event of their absence, no  
23           member of a law enforcement agency or any person/s acting on their  
24           behalf shall enter the premises of the national university.  
25



1 Whenever requested by law enforcers, the appropriate university  
2 officials shall extend the necessary assistance in law enforcement  
3 within the premises of the campuses.  
4

5 Whenever the President of the University, or the Chancellor of the  
6 constituent university, or the Dean of the regional unit concerned, or  
7 their respective officers-in-charge in the event of their absence,  
8 determines that the assistance of the AFP, the PNP, or other law  
9 enforcement agency is indispensable to the maintenance of security  
10 and peace and order within the university premises, the said official  
11 shall so inform in writing the head of the AFP, PNP, or other law  
12 enforcement agency unit in the area, and the latter shall promptly  
13 dispatch such assistance as may be warranted by the circumstances.  
14

15 In case the request for assistance is granted, only uniformed members  
16 of the AFP, PNP, or other law enforcement agencies in proper uniform  
17 and with proper identification shall be allowed entry into the campus or  
18 regional unit concerned, except where the assistance requested  
19 specifies otherwise.  
20

21 **SEC. 3.** A new Section 11-C is hereby inserted to read as follows:  
22

23 **SEC. 11-C. *Service and Execution of Warrants.*** – The service or  
24 execution of search, arrest, deportation, or any other warrant on any  
25 student, faculty, or personnel, regardless of their status of enrollment,  
26 engagement or arrangement, and/or invited guests or participants in  
27 any official activity, shall be in accordance with the rules and  
28 regulations promulgated by the Supreme Court or other appropriate  
29 government agency, as may be applicable, and as far as practicable,  
30 with prior notification to the President of the University, or the  
31 Chancellor of the constituent university, or the Dean of the regional  
32 unit concerned, or their respective officers-in-charge in the event of  
33 their absence. The same requirement of notification applies to any oral  
34 or written invitation for questioning or similar purposes.  
35

36 In case of prior notification, the party serving or executing the warrant  
37 shall coordinate closely with members of the campus security group  
38 who shall accompany and assist such party in the service or execution  
39 of the warrants. Similarly, no warrant shall be served or executed  
40 without the presence of at least two (2) University faculty members  
41 designated by the appropriate University official.  
42

43 If prior notification is not practicable, a report on the same shall be  
44 submitted to the concerned University official immediately, but not later  
45 than twenty-four (24) hours after such unsuccessful attempt.  
46

47 **SEC. 4.** A new Section 11-D is hereby inserted to read as follows:  
48

49 **SEC. 11-D. *Arrest, Detention, and Custodial Investigations.*** – The  
50 arrest or detention anywhere in the Philippines of any student, faculty,  
51 or personnel, or invited guests or participants in any official activity  
52 shall be reported immediately by the responsible head of the law  
53 enforcement agency effecting the arrest or detention to the President

1 of the University, or the Chancellor of the constituent university, or the  
2 Dean of the regional unit concerned, or their respective officers-in-  
3 charge in the event of their absence, who shall then take the necessary  
4 action. The same prior notification applies to any oral or written  
5 "invitation" for questioning or similar purposes.  
6

7 No student, faculty, personnel, or such invited guest/s or participant/s  
8 referred to shall be subjected to custodial investigation without prior  
9 notice to the President of the University, or the Chancellor of the  
10 constituent university, or the Dean of the regional unit concerned, or  
11 their respective officers-in-charge in the event of their absence:  
12 *Provided*, That said custodial investigation shall be conducted in the  
13 presence of the counsel of choice of the student, faculty, personnel, or  
14 such invited guest/s or participant/s, or with the assistance of counsel  
15 who shall be appointed for them by the aforementioned officials.  
16

17 **SEC. 5.** A new Section 11-E is hereby inserted to read as follows:  
18

19 *SEC. 11-E. Prohibition on the AFP, PNP, and Other Law Enforcement*  
20 *Agencies to Interfere with Peaceful Protest Actions.* – Members of the  
21 AFP, PNP, or other law enforcement agencies shall not interfere with  
22 the peaceful protest actions by individuals or groups within the  
23 premises of the national university and those held outside of its  
24 premises by recognized student organizations, for which a prior  
25 notification have been made by the group participating in such  
26 peaceful protest. University officials shall be deemed responsible for  
27 the behavior of their students, faculty, and employees in such activities.  
28

29 **SEC. 6.** A new Section 11-F is hereby inserted to read as follows:  
30

31 *SEC. 11-F. Strengthening of the National University's Security, Police,*  
32 *and Firefighting Capabilities.* – University officials shall endeavor to  
33 strengthen the security, crime response and prevention, and  
34 firefighting capabilities of the national university to prevent its  
35 campuses from being exploited by malefactors or criminal elements.  
36

37 University officials and the officials of security forces in the campuses,  
38 such as the campus security group, shall strive to coordinate closely,  
39 efficiently, and harmoniously with the law enforcement agencies to  
40 ensure the safety of students, faculty, and personnel of the national  
41 university, invited guests and participants in official activities, as well  
42 as the residents of the campuses.  
43

44 The security forces in the campuses shall engage in joint training and  
45 enhance the sharing of information and other resources with the law  
46 enforcement agencies to combat crime and help ensure law and order  
47 on the campuses.  
48

49 The university security forces shall report, as soon as possible, all  
50 crimes committed within the campuses to the PNP and render the  
51 necessary assistance to ensure the prosecution of criminals.  
52

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



1  
2 SEC. 11-G. *Establishment of the Joint Monitoring Group and*  
3 *Constituent University-Based and Regional Unit-Based Joint*  
4 *Monitoring Groups.* – There shall be established a national university  
5 Joint Monitoring Group, which shall be composed of the Vice-  
6 President for Public Affairs or his duly designated representative,  
7 Faculty Regent, Staff Regent, Student Regent, one (1) University  
8 alumnus, and the following government officials: the Undersecretary  
9 of National Defense for Civilian Relations, AFP Judge Advocate  
10 General or his representative, the PNP Assistant Chief of Staff for  
11 Operations, the PNP Director of the Civil Security Group. The alumnus  
12 shall be appointed by the members of the Joint Monitoring Group.  
13

14 There shall likewise be established, in each constituent university and  
15 regional unit, joint monitoring groups, which shall include the  
16 Chancellor of the constituent university or the Dean of the regional unit,  
17 or their respective officers-in-charge in the event of their absence, one  
18 (1) representative each from the students, faculty, personnel group in  
19 the concerned unit, and one (1) alumnus, to be appointed by the  
20 members of the respective joint monitoring groups. Constituent  
21 university-based and regional unit-based joint monitoring groups shall  
22 provide regular reports to the national university Joint Monitoring  
23 Group regarding compliance with the provisions of this Act.  
24

25 The Joint Monitoring Group shall meet at least twice a year to ensure  
26 and determine compliance with the provisions of this Act.  
27

28 **SEC. 8. *Implementing Rules and Regulations.*** Within sixty (60) days from the  
29 effectivity of this Act, upon consultation with relevant stakeholders, the members of the  
30 Joint Monitoring Group shall formulate the rules and regulations for the effective  
31 implementation of this Act.  
32

33 **SEC. 9. *Separability Clause.*** – If, for any reason, any section, clause, or term of  
34 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such  
35 declaration shall remain in full force and effect.  
36

37 **SEC. 10. *Repealing Clause.*** – All laws, presidential decrees, issuances, executive  
38 orders, letters of instruction, rules and regulations or any part hereof inconsistent with the  
39 provisions of this Act are hereby repealed or modified accordingly.  
40

41 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days its publication in  
42 the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever  
43 comes earlier.  
44

45 *Approved,*  
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47