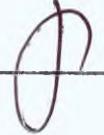


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 MAY 31 P 6 :59

RECEIVED BY: 

SENATE

S.B. No. 2271

Introduced by: **Senator Francis "Tol" N. Tolentino**

AN ACT

AMENDING SECTIONS 4, 5, 6, 8, AND 14 OF REPUBLIC ACT NO. 11053 OTHERWISE KNOWN AS AN ACT PROHIBITING HAZING AND REGULATING OTHER FORMS OF INITIATION RITES OF FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, OR THE ANTI-HAZING ACT OF 2018.

EXPLANATORY NOTE

The death of Ateneo Law Student Lenny Villa sparked the passage of Republic Act No. 8049 or the Anti-Hazing Law of 1995. While the intent of the law was to discourage members from making hazing a requirement for joining their sorority, fraternity, or association¹, data would reveal that the law has not really been successful, especially with at least 46 hazing-related deaths² reported after the passage of the law.

Twenty-two (22) years later or in 2018, the law was amended in response to the gruesome death of Mr. "Atio" Castilo III. However, data reported by the Philippine National Police Directorate for Investigation and Detective Management (PNP-DIDM) covering the period of 1 January 2016 until 6 March 2023 shows a total of 123 incidents of hazing, of which 48 have already been filed in court, 14 are still under investigation, 17 were amicably settled, 15 were dismissed, 19 are under preliminary investigation at the prosecutor's office, and 10 victims refused to file charges. It must be noted that these cases were also reported after the passage of Republic Act No. 11053 or the Anti-Hazing Act of 2018.

And now, just five years later, we are yet again confronted with another hazing-related death in the case of John Matthew Salilig.

¹ G.R. No. 151258, February 1, 2012

² <https://news.abs-cbn.com/news/multimedia/infographic/09/27/17/deaths-caused-by-hazing>

For the longest time, the state policy on hazing has been focused on penalizing the individuals who take part in the actual beating of a neophyte during the initiation rites of a fraternity, sorority, or other organization. Thus, the heavy penalties imposed under Sec. 4 of RA 8049, and the even heavier penalties provided under Sec. 14 of RA 11053.

However, an insightful analysis of the matters discussed during the Salilig case hearing would lead to the conclusion that the root cause of the problem in our midst really is the culture of violence that is prevalent and being perpetrated by fraternities, sororities, and other organizations. It is the tradition of these organizations of using violence as a requirement for admission and retention of membership in its supposed "brotherhood" that is causing the deaths in these organizations. Thus, we should not leave the fraternity out of the equation when we talk of liability.

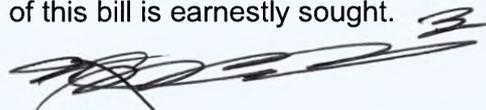
This measure seeks to ensure that this time it will be the fraternities, sororities, and organizations themselves that will implement the necessary changes in their organization to ensure that no hazing will ever happen again, by making them solidarily liable for any death or physical injury that results from the conduct of hazing by their organization. The said solidary liability includes the payment of fine in the amount of twenty million pesos (P20,000,000.00) and the corresponding shouldering of the litigation fees of the victims.

In addition to the payment of fines, this measure likewise proposes the corresponding death of the fraternity, sorority, or organization through the automatic cancellation of its SEC Certificate of Registration and the declaration of the organization as an illegal corporation upon any death or physical injuries caused by the initiations conducted by the organization.

This measure likewise seeks to fortify the role of the schools in partnering with the government in ensuring that hazing-related deaths like this do not happen again, by requiring the schools to conduct a mandatory information dissemination campaign and orientation program on the ills and consequences of hazing, and to submit a compliance report on the same to the Commission on Education (CHED) and the Congress.

Finally, the measure likewise imposes upon the fraternity, sorority, or organization the duty to register itself to the local police station having jurisdiction over its chapter, the failure to comply with the same shall be prima facie presumption that the organization is engaged in illegal activities.

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


FRANCIS "TOL" N. TOLENTINO

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AN ACT
AMENDING SECTIONS 4, 5, 6, 8, AND 14 OF REPUBLIC ACT NO. 11053
OTHERWISE KNOWN AS AN ACT PROHIBITING HAZING AND REGULATING
OTHER FORMS OF INITIATION RITES OF FRATERNITIES, SORORITIES, AND
OTHER ORGANIZATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF, OR THE ANTI-HAZING ACT OF 2018.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 4 of Republic Act No. 8409 as Amended is hereby amended to
2 read as follows:

3 "Sec. 4. *Regulation of school-based initiation rites.* – Only initiation rites or
4 practices that do not constitute hazing shall be allowed: *provided*, that:

5 (a) A written application to conduct initiation rites shall be made to the proper
6 authorities of the school **AND THE BARANGAY HAVING JURISDICTION OVER**
7 **THE SCHOOL** not later than seven (7) days prior to the scheduled initiation date;

8

9 (b) xxx;

10 (c) xxx;

11 (d) xxx;

- 1 (e) xxx;
- 2 (f) xxx; and
- 3 (g) xxx.
- 4 "xxx."
- 5 "xxx."
- 6 "xxx."
- 7 "xxx."

8 SECTION 2. Section 5 of Republic Act No. 8409 as Amended is hereby amended to
9 read as follows:

10 "Sec. 5. *Monitoring of Initiation Rites.* – The head of the school or an
11 authorized representative **AS WELL AS THE BARANGAY CHAIRMAN** must
12 **BOTH** assign at least two (2) representatives of the school **AND THE BARANGAY**
13 to be present during the initiation. It is the duty of the school representatives **AND**
14 **THE REPRESENTATIVES FROM THE BARANGAY** to see to it that no hazing is
15 conducted during the initiation rites, and to document the entire proceedings.
16 Thereafter, said representatives who were present during the initiation shall make
17 a report of the initiation rites to the appropriate officials of the school regarding the
18 conduct of the said initiation: *Provided*, that if hazing is still committed despite their
19 presence, no liability shall attach to them unless it is proven that they failed to
20 perform an overt act to prevent or stop the commission thereof."

21

22 SECTION 3. Section 6 of Republic Act No. 8409 as Amended is hereby amended to
23 read as follows:

24 "Sec. 6. *Registration of Fraternities, Sororities, and Other*
25 *Organizations.* – All existing fraternities, sororities, and other organizations
26 otherwise not created or organized by the school but has existing members
27 who are students or plans to recruit students to be its members shall be
28 required to register **UNDER OATH** with the proper school authorities **AND**
29 **THE BARANGAY WHICH HAS JURISDICTION OVER THE SCHOOL**
30 before it conducts activities whether on or off-campus, including recruitment
31 of members.

1 A newly established fraternity, sorority, or organization in a school
2 shall immediately register with the proper school authorities **AND THE**
3 **BARANGAY WHICH HAS JURISDICTION OVER THE SCHOOL** during
4 the semester or trimester in which it was established or organized:
5 *Provided*, that the new fraternity, sorority, or organization has complied with
6 the requirements prescribed by the school in establishing a fraternity,
7 sorority, or organization: *Provided, Further*, that schools shall promulgate
8 their guidelines in the registration of fraternities, sororities, and
9 organizations within their jurisdiction not later than sixty (60) days from the
10 approval of this Act.

11 Upon registration, all fraternities, sororities, and organizations shall
12 submit a comprehensive list of members, which shall be updated not later
13 than thirty (30) days from the start of every semester or trimester, depending
14 on the academic calendar of the school.

15 School officials shall have the authority to impose, after due notice and
16 summary hearings, disciplinary penalties in accordance with the school's
17 guidelines and regulations on the matter including suspension to the head
18 and other officers of the fraternity, sorority, or organization who fail to
19 register or update their roster of members as required under this section.

20 Failure to comply with any of the requirements in this section shall
21 result in the cancellation of the registration of the fraternity, sorority, or
22 organization.

23 **FOR PURPOSES OF THE EFFECTIVE IMPLEMENTATION OF THIS**
24 **PROVISION, SCHOOLS, COLLEGES, AND UNIVERSITIES SHALL NOT**
25 **MAKE MERE MEMBERSHIP IN A FRATERNITY, SORORITY, OR**
26 **ORGANIZATION AS A GROUND FOR EXPULSION OR DISMISSAL OF**
27 **A STUDENT FROM THEIR INSTITUTION. ONLY THE INVOLVEMENT**
28 **OF A STUDENT IN ANY HAZING-RELATED OR FRATERNITY,**
29 **SORORITY, AND ORGANIZATION-RELATED DEATH, PHYSICAL**
30 **INJURIES, OR VIOLENCE SHALL BE ALLOWED AS A VALID GROUND**
31 **FOR EXPULSION OR DISMISSAL OF A STUDENT FROM THEIR**
32 **INSTITUTION.”**

33 SEC. 4. Sec. 8 of the same Act is hereby amended to read as follows:

1 “Sec. 8. *Role of Educational Institutions.* - The responsibility of
2 schools to exercise reasonable supervision *in loco parentis* over the
3 conduct of its students requires the diligence that prudent parents would
4 employ in the same circumstance when disciplining and protecting their
5 children. To this end, it shall be the duty of schools to take more proactive
6 steps to protect its students from the dangers of participating in activities
7 that involve hazing.

8 Schools shall implement a **MANDATORY** information dissemination
9 campaign at the start of every semester or trimester **AND QUARTERLY**
10 **THEREAFTER TO EACH AND EVERY STUDENT TOGETHER WITH**
11 **THEIR PARENTS, GUARDIANS OR NEAREST KIN** to provide adequate
12 information to students and parents or guardians regarding the
13 consequences of conducting and participating in hazing.

14 An orientation program relating to membership in a fraternity, sorority,
15 or organization shall also be conducted by schools at the start of every
16 semester or trimester.

17 Schools shall encourage fraternities, sororities, and organizations to
18 engage in undertakings that foster holistic personal growth and
19 development and activities that contribute to solving relevant and pressing
20 issues of society.

21 **SCHOOLS SHALL SUBMIT TO THE COMMISSION ON HIGHER**
22 **EDUCATION (CHED) AND THE CONGRESS A REPORT ON THE**
23 **COMPLIANCE OF THE SCHOOL TO THE ABOVE-MENTIONED**
24 **MANDATORY REQUIREMENTS, INCLUDING THE LIST OF EACH OF**
25 **THE STUDENTS ACCEPTED FOR THAT SEMESTER OR TRIMESTER**
26 **AND THE LIST OF INCOMING STUDENTS THAT ATTENDED THE**
27 **MANDATORY ORIENTATION.**

28 **FAILURE OF THE SCHOOL TO TIMELY CONDUCT SUCH**
29 **MANDATORY INFORMATION DISSEMINATION CAMPAIGN AND**
30 **ORIENTATION PROGRAM, AND FAILURE TO SUBMIT THE**
31 **CORRESPONDING COMPLIANCE REPORT ON THE SAME TO THE**
32 **CHED AND THE CONGRESS SHALL MAKE THE SCHOOL LIABLE TO**
33 **PAY A FINE OF FIVE MILLION PESOS (P5,000,000.00) AND SHALL BE**
34 **A GROUND FOR THE CHED TO DENY A SCHOOL’S AUTONOMOUS**

1 **STATUS. THE FINE OF FIVE MILLION PESOS (P5,000,000.00) SHALL**
2 **BE PAID TO A TRUST FUND TO BE CREATED BY THE CHED, WHICH**
3 **FUND SHALL BE USED SOLELY FOR THE SUPPORT OF THE VICTIMS**
4 **OF HAZING.”**

5 SEC. 5. A new section to be denominated as Section 11 is hereby inserted in the same
6 Act to read as follows:

7 **“SEC. 11. REQUIREMENT TO REGISTER IN THE POLICE STATION**
8 **HAVING JURISDICTION OVER THEIR LOCALITY. IN ADDITION TO**
9 **THE REGISTRATION REQUIREMENTS PROVIDED UNDER**
10 **SECTIONS 6 AND 9 OF THIS ACT, FRATERNITIES, SORORITIES,**
11 **AND OTHER ORGANIZATIONS, WHETHER SCHOOL-BASED OR**
12 **COMMUNITY-BASED, SHALL LIKEWISE BE REQUIRED TO**
13 **REGISTER UNDER OATH WITH THE LOCAL POLICE STATION THAT**
14 **HAS JURISDICTION OVER THEIR LOCALITY. THE SAID**
15 **REGISTRATION SHALL LIST ALL THE OFFICERS AND MEMBERS**
16 **OF EACH FRATERNITY, SORORITY, AND OTHER ORGANIZATION**
17 **AND SHALL BE COLLECTED BY THE PHILIPPINE NATIONAL**
18 **POLICE TO BE INCLUDED IN A NATIONAL DATABASE OF**
19 **FRATERNITIES AND SORORITIES MEMBERSHIP NATIONWIDE.**

20
21 **THE FAILURE OR REFUSAL OF THE ORGANIZATION TO COMPLY**
22 **WITH THE SAME REQUIREMENT SHALL BE PRIMA FACIE**
23 **PRESUMPTION OF THE ORGANIZATION’S ILLEGAL ACTIVITIES.”**

24 SEC. 5. Sec. 14 of the same Act is hereby amended and renumbered as Sec. 15 to
25 read as follows:

26 “Sec. 15. *Penalties* – The following penalties shall be imposed:

27 “(a) The penalty of *reclusion perpetua* and a fine of Three million pesos
28 (P3,000,000.00) shall be imposed upon those who actually planned or
29 participated in the hazing if, as a consequence of the hazing, death, rape,
30 sodomy or mutilation results therefrom;

31 (b) The penalty of *reclusion perpetua* and a fine of Two million pesos
32 (P2,000,000.00) shall be imposed upon:

33 (1) All persons who actually planned or participated in the conduct of
34 the hazing;

35 (2) All officers of the fraternity, sorority, or organization who are
36 actually present during the hazing;

1 (3) The adviser of a fraternity, sorority, or organization who is present
2 when the acts constituting the hazing were committed and failed to take
3 action to prevent the same from occurring or failed to promptly report the
4 same to the law enforcement authorities if such adviser or advisers can do
5 so without peril to their person or their family;

6 (4) All former officers, non-resident members, or alumni of the
7 fraternity, sorority, or organization who are also present during the hazing,
8 *Provided*, that should the former officer, non-resident member, or alumnus
9 be a member of the Philippine Bar, such member shall immediately be
10 subjected to disciplinary proceedings by the supreme court pursuant to its
11 power to discipline members of the Philippine Bar: *Provided, further*, that
12 should the former officer, non-resident member, or alumnus belong to any
13 other profession subject to regulation by the Professional Regulation
14 Commission (PRC), such professional shall immediately be subjected to
15 disciplinary proceedings by the concerned Professional Regulatory Board,
16 the imposable penalty for which shall include, but is not limited to,
17 suspension for a period of not less than three (3) years or revocation of the
18 professional license. A suspended or revoked professional license
19 pursuant to this section may be reinstated upon submission of affidavits
20 from at least three (3) disinterested persons, good moral certifications from
21 different unaffiliated and credible government, religious, and socio-civic
22 organizations, and such other relevant evidence to show that the concerned
23 professional has become morally fit for readmission into the profession:
24 *Provided*, that said readmission into the profession shall be subject to the
25 approval of the respective Professional Regulatory Board;

26 (5) Officers or members of a fraternity, sorority, or organization who
27 knowingly cooperated in carrying out the hazing by inducing the victim to
28 be present thereat; and

29 (6) Members of the fraternity, sorority, or organization who are present
30 during the hazing when they are intoxicated or under the influence of
31 alcohol or illegal drugs;

32 (c) The penalty of *reclusion [temporal]* **PERPETUA** in its maximum
33 period and a fine of one million pesos (P1,000,000.00) shall be imposed
34 upon all persons who are present in the conduct of the hazing;

1 (d) The penalty of *reclusion temporal* and a fine of One million pesos
2 (P1,000,000.00) shall be imposed upon former officers, non-resident
3 members, or alumni of the fraternity, sorority, or organization who after the
4 commission of any of the prohibited acts proscribed herein, will perform any
5 act to hide, conceal, or otherwise hamper or obstruct any investigation that
6 will be conducted thereafter: *Provided*, that should the former officer, non-
7 resident member, or alumnus be a member of the Philippine Bar, such
8 member shall immediately be subjected to disciplinary proceedings by the
9 supreme court pursuant to its power to discipline members of the Philippine
10 Bar: *Provided, further*, that should the former officer, non-resident member,
11 or alumnus belong to any other profession subject to regulation by the PRC,
12 such professional shall immediately be subjected to disciplinary
13 proceedings by the concerned professional regulatory board, the imposable
14 penalty for which shall include, but is not limited to, suspension for a period
15 of not less than three (3) years or revocation of the professional license.
16 A suspended or revoked professional license pursuant to this section may
17 be reinstated upon submission of affidavits from at least three (3)
18 disinterested persons, good moral certifications from different unaffiliated
19 and credible government, religious, and socio-civic organizations, and such
20 other relevant evidence to show that the concerned professional has
21 become morally fit for readmission into the profession: *Provided*, that said
22 readmission into the profession shall be subject to the approval of the
23 respective Professional Regulatory Board.”

24 (e) The penalty of *prision correccional* in its minimum period shall be
25 imposed upon any person who shall intimidate, threaten, force, or employ,
26 or administer any form of vexation against another person for the purpose
27 of recruitment in joining or promoting a particular fraternity, sorority, or
28 organization. The persistent and repeated proposal or invitation made to a
29 person who had twice refused to participate or join the proposed fraternity,
30 sorority, or organization, shall be *prima facie* evidence of vexation for
31 purposes of this section; and

32 (f) A fine of one million pesos (P1,000,000.00) shall be imposed on the
33 school if the fraternity, sorority, or organization filed a written application to
34 conduct an initiation which was subsequently approved by the school and

1 hazing occurred during the initiation rites or when no representatives from
2 the school were present during the initiation as provided under section 5 of
3 this act: *Provided*, that if hazing has been committed in circumvention of the
4 provisions of this act, it is incumbent upon school officials to investigate
5 *motu proprio* and take an active role to ascertain factual events and identify
6 witnesses in order to determine the disciplinary sanctions it may impose, as
7 well as provide assistance to police authorities.”

8 “The owner or lessee of the place where hazing is conducted shall be
9 liable as principal and penalized under paragraphs (a) or (b) of this section,
10 when such owner or lessee has [actual] **PRESUMPTIVE** knowledge of the
11 hazing conducted therein but failed to take any action to prevent the same
12 from occurring or failed to promptly report the same to the law enforcement
13 authorities if they can do so without peril to their person or their family. If the
14 hazing is held in the home of one of the officers or members of the fraternity,
15 sorority, or organization, the parents shall be held liable as principals and
16 penalized under paragraphs (a) or (b) hereof when they have actual
17 knowledge of the hazing conducted therein but failed to take any action to
18 prevent the same from occurring or failed to promptly report the same to the
19 law enforcement authorities if such parents can do so without peril to their
20 person or their family.

21 The school authorities including faculty members as well as barangay,
22 municipal, or city officials shall be liable as an accomplice and likewise be
23 held administratively accountable for hazing conducted by fraternities,
24 sororities, and other organizations, if it can be shown that the school or
25 barangay, municipal, or city officials allowed or consented to the conduct of
26 hazing or where there is actual knowledge of hazing, but such officials failed
27 to take any action to prevent the same from occurring or failed to promptly
28 report to the law enforcement authorities if the same can be done without
29 peril to their person or their family.

30 The presence of any person, even if such person is not a member of
31 the fraternity, sorority or organization, during the hazing is *prima facie*
32 evidence of participation therein as a principal unless such person or
33 persons prevented the commission of the acts punishable herein or

1 promptly reported the same to the law enforcement authorities if they can
2 do so without peril to their person or their family.

3 **THE FRATERNITY, SORORITY, OR OTHER ORGANIZATION**
4 **CONCERNED SHALL BE SOLIDARILY LIABLE TO THE FAMILY OF**
5 **THE VICTIM OF HAZING AND SHALL BE LIABLE TO PAY A FINE IN**
6 **THE AMOUNT OF TWENTY MILLION PESOS (P20,000,000.00) FOR**
7 **ANY DEATH OR PHYSICAL INJURIES THAT RESULTS FROM ANY OF**
8 **THE INITIATION ACTIVITIES OF THEIR ORGANIZATION. THE**
9 **ORGANIZATION SHALL LIKEWISE SHOULDER THE LITIGATION**
10 **FEEES OF THE VICTIM'S FAMILY.**

11 **ANY DEATH OR PHYSICAL INJURY RESULTING FROM ANY OF**
12 **THE INITIATION ACTIVITIES OF THE FRATERNITY, SORORITY, OR**
13 **OTHER ORGANIZATION THAT HAS BEEN PROVEN IN COURT WILL**
14 **CAUSE THE AUTOMATIC CANCELLATION OF THE SECURITIES AND**
15 **EXCHANGE COMMISSION (SEC) CERTIFICATE OF REGISTRATION**
16 **OF THE FRATERNITY, SORORITY, OR OTHER ORGANIZATION, AND**
17 **THE CORRESPONDING DECLARATION OF THE GROUP AS AN**
18 **ILLEGAL ORGANIZATION.**

19 The incumbent officers of the fraternity, sorority, or organization
20 concerned shall be jointly liable with those members who actually
21 participated in the hazing.

22 Any person charged under this act shall not be entitled to the mitigating
23 circumstance that there was no intention to commit so grave a wrong.

24 This section shall apply to the president, manager, director or other
25 responsible officer of businesses or corporations engaged in hazing as a
26 requirement for employment in the manner provided herein.

27 Any conviction by final judgment shall be reflected in the scholastic
28 record, personal, or employment record of the person convicted, regardless
29 of when the judgment of conviction has become final.”

30 SEC. 6. *Separability Clause.* – If any provision or part of this Act is declared invalid or
31 unconstitutional, the other parts or provisions thereof shall remain valid and effective.

1 SEC. 7. *Repealing Clause.* – Republic Act No. 8049 and all other laws, decrees,
2 executive orders, proclamations, rules or regulations, or parts thereof which are
3 inconsistent with or contrary to the provisions of this Act are hereby amended or modified
4 accordingly.

5 SEC. 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication
6 in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

7

8 *Approved,*