

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

SENATE  
OFFICE OF THE SECRETARY

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SENATE  
S. No. 2257

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

Republic Act No. 8049, also known as the "Anti-Hazing Law of 1995" is the law specifically crafted to combat the then rising incident of hazing. Section 4, third to the last sentence of said Act provides that the mere presence of any person during the hazing is *prima facie* evidence of participation therein as principal unless he prevented the commission of the acts punishable therein. The sentence was inserted to ensure that every person witness to a hazing should do his part to prevent it. Thus, failure to act on his part would make him a principal.

However, the sentence should be removed because it goes against the constitutional right to presumption of innocence. The mere presence of any person during the hazing should not make him a principal because there are instances where the person present is unable to prevent the commission of the acts punishable therein. For instance, a house help present during a hazing would automatically qualify as a principal unless he prevented the commission of the acts punishable in the Anti-Hazing Law. This, notwithstanding the reality that a house help, more often than not, has no voice in the household where he serves. Speaking up to prevent hazing would most likely cost him his job.

Therefore, in order to make the law conform to the Constitution and to reality, the said sentence should be deleted.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO

<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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S. No. **2257**

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AN ACT

AMENDING REPUBLIC ACT NO. 8049, ALSO KNOWN AS THE ANTI-HAZING LAW  
OF 1995, SECTION 4 ON THE PENALTIES FOR THE VIOLATION OF THE ACT

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

SECTION 1. Section 4 of Republic Act No. 8049, also known as the Anti-Hazing Law of  
1995 is hereby amended to read as follows:

“Section 4. If the person subjected to hazing or other forms of initiation  
rites suffers any physical injury or dies as a result thereof, the officers and  
members of the fraternity, sorority or organization who actually participated in the  
infliction of physical harm shall be liable as principals. The person or persons  
who participated in the hazing shall suffer:

1. The penalty of *reclusion perpetua* (life imprisonment) if death, rape, sodomy or  
mutilation results there from.

2. The penalty of *reclusion temporal* in its maximum period (17 years, 4 months  
and 1 day to 20 years) if in consequence of the hazing the victim shall become  
insane, imbecile, impotent or blind.

3. The penalty of *reclusion temporal* in its medium period (14 years, 8 months  
and one day to 17 years and 4 months) if in consequence of the hazing the victim  
shall have lost the use of speech or the power to hear or to smell, or shall have lost  
an eye, a hand, a foot, an arm or a leg or shall have lost the use of any such  
member shall have become incapacitated for the activity or work in which he was  
habitually engaged.

1 4. The penalty of *reclusion temporal* in its minimum period (12 years and one day  
2 to 14 years and 8 months) if in consequence of the hazing the victim shall become  
3 deformed or shall have lost any other part of his body, or shall have lost the use  
4 thereof, or shall have been ill or incapacitated for the performance on the activity  
5 or work in which he was habitually engaged for a period of more than ninety (90)  
6 days.

7 5. The penalty of *prision mayor* in its maximum period (10 years and one day to  
8 12 years) if in consequence of the hazing the victim shall have been ill or  
9 incapacitated for the performance on the activity or work in which he was  
10 habitually engaged for a period of more than thirty (30) days.

11 6. The penalty of *prision mayor* in its medium period (8 years and one day to 10  
12 years) if in consequence of the hazing the victim shall have been ill or  
13 incapacitated for the performance on the activity or work in which he was  
14 habitually engaged for a period of ten (10) days or more, or that the injury  
15 sustained shall require medical assistance for the period.

16 7. The penalty of *prision mayor* in its minimum period (6 years and one day to 8  
17 years) if in consequence of the hazing the victim shall have been ill or  
18 incapacitated for the performance on the activity or work in which he was  
19 habitually engaged from one (1) to nine (9) days, or that the injury sustained shall  
20 require medical assistance for the same medical attendance.

21 8. The penalty of *prision correccional* in its maximum period (4 years, 2 months  
22 and one day to 6 years) if in consequence of the hazing the victim sustained  
23 physical injuries which do not prevent him from engaging in his habitual activity  
24 or work nor require medical assistance.

25 The responsible officials of the school or of the police, military or citizen's  
26 army training organization, may impose the appropriate administrative sanctions  
27 on the person or the persons charged under this provision even before their  
28 conviction. The maximum penalty herein provided shall be imposed in any of the  
29 following instances:

1 (a) when the recruitment is accompanied by force, violence, threat,  
2 intimidation or deceit on the person of the recruit who refuses to join;

3 (b) when the recruit, neophyte or applicant initially consents to join but  
4 upon learning that hazing will be committed on his person, is prevented from  
5 quitting;

6 (c) when the recruit, neophyte or applicant having undergone hazing is  
7 prevented from reporting the unlawful act to his parents or guardians, to the  
8 proper school authorities, or to the police authorities, through force, violence,  
9 threat or intimidation;

10 (d) when the hazing is committed outside of the school or institution; or

11 (e) when the victim is below twelve (12) years of age at the time of the  
12 hazing.

13 The owner of the place where hazing is conducted shall be liable as *an*  
14 *accomplice*, when he has actual knowledge of the hazing conducted therein but  
15 failed to take any action to prevent the same from occurring. If the hazing is held  
16 in the home of one of the officers or members of the fraternity, group, or  
17 organization, the parents shall be held liable as principals when they have actual  
18 knowledge of the hazing conducted therein but failed to take any action to prevent  
19 the same from occurring.

20 The school authorities including faculty members who consent to the  
21 hazing or who have actual knowledge thereof, but failed to take any action to  
22 prevent the same from occurring shall be punished as accomplices for the acts of  
23 hazing committed by the perpetrators.

24 The officers, former officers, or alumni of the organization, group,  
25 fraternity or sorority who actually planned the hazing although not present when  
26 the acts constituting the hazing were committed shall be liable as principals. A  
27 fraternity or sorority's adviser who is present when the acts constituting the hazing  
28 were committed and failed to take action to prevent the same from occurring shall  
29 be liable as principal.

1 [The presence of any person during the hazing is *prima facie* evidence of  
2 participation therein as principal unless he prevented the commission of the acts  
3 punishable herein.]

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

6 This section shall apply to the president, manager, director or other  
7 responsible officer of a corporation engaged in hazing as a requirement for  
8 employment in the manner provided herein.”

9 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
10 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
11 with the provisions of this Act is hereby repealed, modified or amended accordingly.

12 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
13 publication in at least two (2) newspapers of general circulation.

Approved,

/ptmt05july2010