

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

OFFICE OF THE SECRETARY

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SENATE
S. No. 2282

RECEIVED BY: *(h)*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The constitutionally protected freedom of speech and of association are rights which are primarily exercised in institution of higher learning. The youth, particularly students in colleges and universities should be exposed to this right. However, the very institutions which should encourage the exercise of these rights are their main suppressors.

This bill seeks to provide further safeguards for the exercise of the cherished constitutional rights of free speech and association by students in institutions of higher learning by terminating government financial assistance to certain government funded programs or activities received by such educational institutions for violation of these rights.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
over

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO PROTECT THE FREEDOM OF SPEECH AND OF ASSOCIATION RIGHTS OF
3 STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION

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

4 SECTION 1. *Short Title.* - This Act may be cited as the "Freedom of Speech and of
5 Association on Campus Act."

6 SECTION 2. *Declaration of Policy.* - It is the policy of the State to protect the speech
7 and association rights of students attending institutions of higher education. Toward this end, the
8 government shall ensure, within the context of a free and democratic system, the promotion of
9 the right of every student in the exercise of their freedom of speech and association regardless of
10 sex, age, creed, socio-economic status, physical and mental conditions, racial or ethnic origin,
11 political or other affiliation.

12 SECTION 3. *Definition of Terms.* - For the purposes of this Act, the term:

13 (1) "Secretary" means the Secretary of the Department of Education.

14 (2) "Institution of Higher Education" means institutions offering tertiary degree
15 programs and post secondary programs.

16 (3) "Tertiary Degree Programs" refer to courses of study leading to an initial or
17 higher bachelor's degree, as well as formal graduate studies leading to masteral, doctoral or
18 similar degrees. It also includes courses of study which by themselves may be only for one-,
19 two-, or three-year courses of study leading to less than a bachelor's degree program, but which
20 can subsequently be credited in full bachelor's degrees.

1 (4) "Post-secondary Programs" refer to courses of study which cannot be credited
2 towards a bachelor's degree but which require the possession of a high school diploma for
3 admission, which are terminal in nature, and which are general' for obtaining technical and
4 vocational skills.

5 (5) "Protected Speech" means speech that is protected under the 1987 Constitution.

6 (6) "Protected Association" means the right to join, assemble, and reside with others
7 that is protected under the 1987 Constitution.

8 (7) "Official Sanction" (a) means expulsion, suspension, probation, censure,
9 condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an
10 institution of higher education or administrative unit of the institution; and (b) includes an oral or
11 written warning made by an official of an institution of higher education acting in his official
12 capacity.

13 (8) "Student" means those enrolled in and who regularly attend an educational
14 institution of higher level of a person engaged in formal study.

15 SECTION 4. *Protection of Student Speech and Association Rights.* - No student attending
16 an institution of higher education on a full or part-time basis shall, on the basis of protected
17 speech and association, be excluded from participation in, be denied the benefits of, or be
18 subjected to discrimination or official sanction under any educational program, activity, or
19 division directly or indirectly receiving financial assistance by the state, whether or not such
20 program, activity, or division is sponsored or officially sanctioned by the institution.

21 SECTION 5. *Sanctions.* -

22 (A) *In General.* - No funds shall be made available to an educational program, activity or
23 division of any institution of higher education that the Secretary finds, after notice
24 and opportunity for a hearing, has violated any provision of this Act.

25 (B) *Inapplicability to Student Assistance.* - Paragraph (1) shall not apply to any funds
26 that are provided under this Act for student financial assistance.

1 (C) *Exception to Sanctions.* – This section shall not apply to an institution of higher
2 education that is controlled by a religious or military organization, if the speech or
3 association is not consistent with the religious teaching or military training of the
4 institution.

5 (D) *Sanctions for Disruption Permitted.* – Nothing in this Act shall be construed to
6 prevent the imposition of an official sanction on a student that has willfully
7 participated in the disruption or attempted disruption of a lecture, class speech,
8 presentation, or performance made or scheduled to be made under the auspices of the
9 institution of higher education.

10 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or
11 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
15 with, the provision of this Act is hereby repealed, modified or amended accordingly.

16 SECTION 8. *Effectivity Clause.* – Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspaper of general circulation.

Approved, .