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SENATE

SENATE BILL NO. 2868

RECEIVED BY: 

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

**AN ACT
PROHIBITING HAZING AND REGULATING OTHER FORMS OF INITIATION
RITES OF FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS,
AND PROVIDING PENALTIES FOR VIOLATION THEREOF, REPEALING FOR
THE PURPOSE REPUBLIC ACT NO. 8049**

EXPLANATORY NOTE

Republic Act No. 8049 or the Anti-Hazing Law of 1995 prohibits physical violence during initiation rites of fraternities and similar organizations and penalizes with life imprisonment activities that result in “death, rape, sodomy, or mutilation” This law aims to totally eradicate the harm brought to individuals who attempt to enter a fraternity or any other similar organization who might result to the usage of inhumane initiation rites.

However, despite the existence of the Anti-Hazing Law of 1995, incidents of death by hazing continue to escalate through-out the years. In 2012, two Bedan Law students namely, Marvin Reglos and Marc Andre Marcos died of hazing. Another incident took place in June 28, 2014 involving students of DLS-CSB. The incident killed Guillo Cesar Servando, a second year Hotel and Restaurant Management student, and leaving three (3) other students injured.

Based on the reports of killings and injuries experienced by the neophyte, it is deemed necessary to review the law its proper enforcement in order to prevent further deaths and injuries.

This bill, known as “ANTI-HAZING ACT OF 2015 or THE SERVANDO ACT OF 2015”, seeks to strengthen the protection of neophytes against vicious and brutal treatments by prohibiting hazing.

As defined, hazing is any physical or psychological suffering, harm or injury inflicted on a recruit, member, neophyte or applicant as a form of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority or organization shall be

considered as hazing and is hereby prohibited. Hazing shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse or endanger, by requiring a recruit, member, neophyte or applicant to do menial, silly, or foolish tasks. All forms of hazing shall be prohibited at whatever stage of the initiation rites or practice.

Hence, the early passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. G. Ejercito', with a stylized flourish at the end.

JOSEPH VICTOR G. EJERCITO

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THE PURPOSE REPUBLIC ACT NO. 8049

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

1 SECTION 1. **Short Title.** - This Act shall be known as the "ANTI-
2 HAZING ACT OF 2015 or THE SERVANDO ACT OF 2015."

3 SEC. 2. **Prohibition on Hazing.** - Any physical or psychological
4 suffering, harm or injury inflicted on a recruit, member, neophyte or applicant
5 as a form of an initiation rite or practice made as a prerequisite for admission
6 or a requirement for continuing membership in a fraternity, sorority or
7 organization shall be considered as hazing and is hereby prohibited. Hazing
8 shall also include any activity, intentionally made or otherwise, by one person
9 alone or acting with others, that tends to humiliate or embarrass, degrade,
10 abuse or endanger, by requiring a recruit, member, neophyte or applicant to do
11 menial, silly, or foolish tasks. All forms of hazing shall be prohibited at
12 whatever stage of the initiation rites or practice.

13 Fraternities, sororities, and organizations not based in schools such as
14 those which are community based are likewise covered by the prohibition
15 under this Section.

16 As used in this Act, the term "school" shall include colleges, universities,
17 and all other educational institutions, while the term "organization" shall
18 include but is not limited to any club, association or group as well as the officer
19 and cadet corps of the Citizens' Military Training and Citizens' Army Training.

20
21 SEC. 3. **Regulation of Initiation Rites.** - Only initiation rites or
22 practices which do not inflict direct or indirect physical or psychological
23 suffering, harm or injury to the recruit, neophyte, or applicant of a fraternity,
24 sorority or organization shall be allowed: *Provided;*

25 a. That a written application to conduct the same shall be made to the
26 proper authorities of the school not later than seven (7) days prior to
27 the scheduled initiation date;

28 b. That the written application shall indicate the place and date of the
29 initiation rites and the names of the recruit, neophyte or applicant to
30 be initiated;

- 1 c. That the initiation rites shall not last more than three (3) days;
- 2 d. The application shall contain the names of the incumbent officers of
- 3 the fraternity, sorority or organization and any person or persons that
- 4 will take charge in the conduct of the initiation rites;
- 5 e. The application shall be under oath with a declaration that it has
- 6 been posted in the official school bulletin board, the bulletin board of
- 7 the office of the fraternity, sorority, or organization, and two other
- 8 conspicuous places in the school or in the premises of the
- 9 organization;
- 10 f. The application shall be posted from the time of submission of the
- 11 written notice to the school authorities or head of organization and
- 12 shall only be removed from its posting three (3) days after the conduct
- 13 of the initiation rites;

14 The school, organization, fraternity, or sorority shall provide for their
15 respective bulletin boards for the purposes of this section.

16 The appropriate authorities of the school shall have the right to approve
17 or disapprove the application, and the reasons thereof shall be stated clearly
18 and in unequivocal terms in a formal advice to the fraternity, sorority or
19 organization concerned taking into consideration the safety and security of
20 participants in the activity. Guidelines for the approval or denial of the
21 application to conduct initiation rites by a registered fraternity, sorority or
22 organization shall be promulgated by the appropriate school officials not later
23 than sixty (60) days after the approval of this Act.

24 School officials shall have the authority to impose, after due notice and
25 summary hearing, disciplinary sanctions to the head and all other officers of
26 the fraternity, sorority, or organization which conducts an initiation without
27 first securing the necessary approval of the school as required under this
28 Section. All members of the fraternity, sorority or organization, who
29 participated in the unauthorized initiation rites, even if no hazing was
30 conducted, shall also be punished accordingly.

31 In case the written application for the conduct of initiation rites contains
32 false or inaccurate information, appropriate disciplinary sanctions shall be
33 imposed, after due notice and summary hearing, against the person who
34 prepared the application or supplied the false and inaccurate information and
35 to the head and other officers of the fraternity, sorority, or organization
36 concerned.

37
38 **SEC. 4. *Monitoring of Initiation Rites.*** – The head of the school or an
39 authorized representative must assign at least two (2) representatives of the
40 school to be present during the initiation. It is the duty of the school
41 representatives to see to it that no hazing is conducted during the initiation
42 rites. The representatives of the school who were present during the initiation
43 shall make a report to the appropriate officials of the school regarding the
44 conduct of the initiation.

45
46 **SEC. 5. *Registration of Fraternities, Sororities, and Other***
47 ***Organizations.*** – All existing fraternities, sororities, and other organizations
48 otherwise not created or organized by the school but has existing members who
49 are students or plans to recruit students to be its members shall be required to

1 register with the proper authorities of the school before it conducts activities
2 whether on or off-campus including recruitment of members.

3 A newly established fraternity, sorority, or organization in a school shall
4 immediately register with the proper authorities of the school during the
5 semester or trimester in which it was established or organized: *Provided*, That
6 the new fraternity, sorority, or organization has complied with the
7 requirements prescribed by the school in establishing a fraternity, sorority, or
8 organization: *Provided, further*, That schools shall promulgate their guidelines
9 in the registration of fraternities, sororities, and organizations within their
10 jurisdiction not later than sixty (60) days from the 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 than
13 thirty (30) days from the start of every semester or trimester, depending on the
14 academic calendar of the school.

15 School officials shall have the authority to impose, after due notice and
16 summary hearings, disciplinary penalties to the head and other officers of the
17 fraternity, sorority, or organization who fails to register or update their roster of
18 members as required under this Section.

19
20 **SEC. 6. Faculty Adviser.** – All fraternities, sororities, and organizations
21 must be assigned a faculty adviser responsible for monitoring the activities of
22 the fraternity, sorority, or organization. The faculty adviser must be a duly
23 recognized active member, in good standing, of the faculty at the school in
24 which the fraternity, sorority, or organization is registered.

25
26 **SEC. 7. Role of Educational Institutions.** – Schools shall implement an
27 information dissemination campaign at the start of every semester or trimester
28 to provide adequate information to students regarding the consequences of
29 conducting and participating in hazing.

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

33 Schools shall encourage fraternities, sororities, and organizations to
34 engage in undertakings that foster holistic personal growth and development
35 and activities that contribute to solving relevant and pressing issues of society.

36
37 **SEC.8. Registration of community based fraternities, sororities, or**
38 **organizations.** – All new and existing community based fraternities, sororities,
39 or organizations shall register with the barangay or municipality or city
40 wherein it is primarily based.

41 Upon registration, all community based fraternities, sororities, or
42 organizations shall submit a comprehensive list of members and officers which
43 shall be updated yearly from the date of registration.

44
45 **Sec. 9. Regulation of initiation rights for community based**
46 **fraternities, sororities, or organizations.** – Only initiation rites or practices
47 which do not inflict direct or indirect physical or psychological suffering, harm,

1 or injury to the recruit, neophyte, or applicant of a fraternity, sorority, or
2 organization shall be allowed. Provided;

- 3 a. That a written application to conduct the same shall be made to the
4 barangay captain in the barangay or the municipal or city mayor in
5 the city or municipality where the community based fraternity,
6 sorority, or organization is based not later than seven (7) days prior to
7 the scheduled initiation date;
- 8 b. That the written application shall indicate the place and date of the
9 initiation rites and the names of the recruit, neophyte or applicant to
10 be initiated;
- 11 c. That the initiation rites shall not last more than three (3) days;
- 12 d. The application shall contain the names of the incumbent officers of
13 the community based fraternity, sorority or organization and any
14 person or persons that will take charge in the conduct of the initiation
15 rites;
- 16 e. The application shall be under oath with a declaration that it has
17 been posted in the official bulletin board of the barangay hall or the
18 municipal or city hall where the community based fraternity, sorority,
19 or organization is based and the bulletin board of the office of the
20 community based fraternity, sorority, or organization,
- 21 f. The application shall be posted from the time of submission of the
22 written notice to the barangay captain or municipal or city mayor and
23 shall only be removed from its posting three (3) days after the conduct
24 of the initiation rites.

25

26 **SEC. 10. *Monitoring of initiation rites of community based***
27 ***fraternities, sororities, or organizations.*** – The barangay captain of the
28 barangay or the municipal or city mayor of the municipality or city where the
29 community based fraternity, sorority, or organization is based must assign at
30 least two (2) barangay or municipal or city officials to be present during the
31 initiation. It shall be their duty to see to it that no hazing is conducted during
32 the initiation rites. The representatives who were present during the initiation
33 shall make a report to the barangay captain, or the municipal or city mayor
34 regarding the conduct of the initiation.

35

36 **SEC. 11. *Nullity of Waiver and Consent.*** – Any form of approval,
37 consent or agreement, whether written or otherwise, or of an express waiver of
38 the right to object to the initiation rite or proceeding which consists of hazing
39 as defined in this act made by a recruit, neophyte or applicant prior to an
40 initiation rite that involves inflicting physical or psychological suffering, harm
41 or injury shall be void and without any binding effect on the parties.

42 The defense that the recruit, neophyte or applicant consented to being
43 subjected to hazing shall not be available to persons prosecuted under this Act.

44

45 **SEC. 12. *The Inter Agency Committee Against Hazing.*** – The
46 Commission on Higher Education (CHED), Department of Education (DepEd),
47 Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of

1 the Philippines (AFP), Department of Interior and Local Government (DILG),
2 Department of Social Welfare and Development (DSWD), National Youth
3 Commission (NYC) and an organization representing educational institutions,
4 schools, colleges and universities shall create an inter-agency committee that
5 shall promulgate guidelines and implementing rules and regulations in order to
6 carry out the provisions of this act.

7

8 SEC. 13. **Administrative Sanctions.** – The responsible officials of the
9 school or of the police or military may impose the appropriate administrative
10 sanctions, after due notice and summary hearing, on the person or the persons
11 charged under this Act even before their conviction.

12

13 SEC. 14. **Penalties and Liability of Those Involved in Hazing.** –

14 a) The following penalties shall be imposed:

15 1) The penalty of *reclusion temporal* and a fine of one million pesos
16 (P1,000,000.000) shall be imposed upon the participating officers and members
17 of the fraternity, sorority or organization involved in the hazing.

18 2) The penalty of *reclusion perpetua* and a fine of two million pesos
19 (P2,000,000.00) shall be imposed upon the members of the fraternity, sorority
20 or organization who were intoxicated or under the influence of alcohol or illegal
21 drugs when they actually participated in the hazing.

22 The same penalty shall be imposed upon the non-resident or alumni
23 members of the fraternity, sorority or organization who actually participated in
24 the hazing.

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

29 4) A fine of one million pesos (P1,000,000.00) shall be imposed on the
30 school if the fraternity, sorority or organization filed a written application to
31 conduct an initiation which was subsequently approved by the school and
32 hazing occurred during the initiation rites or when no representatives from the
33 school were present during the initiation as provided under Section 4 of this
34 Act.

35 5) It shall be unlawful for any person to intimidate, threaten, force, or to
36 employ, or administer any form of vexation against another person for the
37 purpose of recruitment in joining or promoting a particular fraternity, sorority,
38 or organization. The persistent and repeated proposal or invitation made to a
39 person who had twice refused to participate or join the proposed fraternity,
40 sorority, or organization shall be *prima facie* vexation for purposes of this
41 section. Provided further, that violation of this section shall be punished by
42 *prision correccional* in its minimum period.

43 b) The owner of the place where hazing is conducted shall be liable as a
44 principal when he has actual knowledge of the hazing conducted therein but
45 failed to take any action to prevent the same from occurring or failed to
46 promptly report the same to the law enforcement authorities if he can do so
47 without peril to himself or his family. If the hazing is held in the home of one of
48 the officers or members of the fraternity, sorority, or organization, the parents
49 shall be held liable as principals when they have actual knowledge of the

1 hazing conducted therein but failed to take any action to prevent the same
2 from occurring or failed to promptly report the same to the law enforcement
3 authorities if he can do so without peril to himself or his family.

4 c) The school authorities including faculty members as well as barangay,
5 municipal or city officials shall be held administratively liable for hazing
6 conducted by fraternities, sororities and other organizations if it can be shown
7 that the school or barangay, municipal or city official allowed or consented to
8 the conduct of hazing or where there is actual knowledge of hazing, but failed
9 to take any action to prevent the same from occurring or failed to promptly
10 report to the law enforcement authorities if the same can be done without peril
11 to the person reporting or his/her family.

12 d) The officers, former officers, or alumni of the fraternity, sorority, or
13 organization who actually planned the hazing although not present when the
14 acts constituting the hazing were committed shall be liable as principals. A
15 fraternity, sorority or organization's faculty adviser who is present when the
16 acts constituting the hazing were committed and failed to take action to
17 prevent the same from occurring or failed to promptly report the same to the
18 law enforcement authorities if he can do so without peril to himself or his
19 family shall be liable as principal.

20 e) The presence of any person during the hazing is *prima facie* evidence of
21 participation therein as principal unless he prevented the commission of the
22 acts punishable herein or promptly reported the same to the law enforcement
23 authorities if he can do so without peril to himself or his family.

24 f) The incumbent officers of the fraternity, sorority or organization
25 concerned shall be jointly liable with those members who actually participated
26 in the hazing. The *prima facie* presumption that arises herein shall be rebutted
27 only by the individual defense of desistance and renunciation by the accused.

28 g) Any person charged under this Act shall not be entitled to the
29 mitigating circumstance that there was no intention to commit so grave a
30 wrong.

31 h) This Section shall apply to the president, manager, director or other
32 responsible officer of a corporation engaged in hazing as a requirement for
33 employment in the manner provided herein.

34 i) Any judgment of final conviction shall be reflected in the scholastic
35 record, personal or employment record of the person convicted, regardless of
36 when the conviction is arrived at.

37 SEC. 15. **Separability Clause.** – If any provision or part of this Act is
38 declared invalid or unconstitutional, the remaining parts or provisions not
39 affected thereby shall remain in full force and effect.

40
41 SEC. 16. **Repealing Clause.** – Republic Act No. 8049 is hereby repealed.
42 All other laws, decreed, executive orders, proclamations, rules and regulations,
43 or parts thereof inconsistent with the provisions of this Act are hereby
44 amended, repealed or modified accordingly.

45

1 SEC. 17. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
2 after its publication in the *Official Gazette* or in any newspaper of general
3 circulation.

4 *Approved,*

5