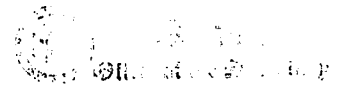


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'18 JUL 10 A8:57

SENATE

S. No. 1868

RECEIVED

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
UPHOLDING AND PROMOTING CAMPUS JOURNALISM AND CAMPUS
PRESS FREEDOM, REPEALING FOR THE PURPOSE, REPUBLIC ACT
NO. 7079, ENTITLED "AN ACT PROVIDING FOR THE DEVELOPMENT
AND PROMOTION OF CAMPUS JOURNALISM", PENALIZING
VIOLATIONS AGAINST CAMPUS PRESS FREEDOM, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

The campus press has an invaluable contribution in the restoration and preservation of free speech and expression inside and outside our nation's campuses.

During the Martial Law period, under Presidential Proclamation 1081, the state censored and ordered the closure of major publications, television networks and radio stations. With this unreasonable censorship, campus publications emerged and served as the alternative press – refuting State propaganda and exposing the grim conditions Filipinos experience under a dictatorship. Notable among these campus publications were *The Philippine Collegian* of the University of the Philippines, *Ang Malaya* of the Philippine School of Commerce, *Pandayan* of the Ateneo de Manila University, *Ang Hasik* of the Pamantasan ng Lungsod ng Maynila and *Balawis* of Mapúa University.

Student publications are regarded as tangible evidences of students' exercise of their rights to freedom of expression and freedom of the press – rights that are protected by the 1987 Constitution. As collectively run institutions managed and financed by the students, student publications are unlike most mainstream press that depend primarily on ad placements to operate. The campus press is expected to uphold the interest of the students and the Filipino people, such as the incessant and unabated

tuition and other fee increases, repressive student policies, human rights violations, disregard for national sovereignty, corruption in government, and various assaults to the rights of the people.

It is therefore unsurprising to find student journalists in conflict with institutions who use their authority to quell free speech and expression. Throughout history, many student editors and writers have been persecuted. Incidence of harassment were particularly high during the 60s, 70s and 80s when nationalist ideals were perceived as threats to the government. Even today, where information is being disseminated through more advanced platforms such as social media, student journalists continue to face the same dilemma despite the freedoms and rights enshrined in our Constitution.

Even in their own schools, student journalists experience harassment and intimidation from school administration especially when they oppose anti-school programs and policies or when they are being critical to the actions of political figures who are allies of the current school administration. One example is the recently attempted suppression of the *Bedan Roar*, the official student publication of San Beda University-Senior High School, wherein the San Beda University administration blocked the distribution of one of *Bedan Roar's* issues whose front page depicted President Rodrigo Duterte sitting on a throne of machine guns atop a mountain of corpses that were suggestively killed due to the government's gruesome War on Drugs.

Despite constitutionally-guaranteed rights to free speech and expression, it is simply preposterous and disheartening that campus press freedom violations exist. On 05 July 1991, in an effort to uphold and protect the freedom of the press at the campus level and to promote the development and growth of campus journalism, Republic Act. No. 7079, otherwise known as the Campus Journalism Act of 1991, was enacted. While this legislation was crafted with good intentions, it has been found to be seriously flawed and riddled with deficiencies to fully maintain the existence of campus press, and protect the rights and welfare of student journalists.

Some of its glaring flaws are the following:

- (1) It legalizes the non-mandatory collection of the publication fee, the lifeblood of most student publications. It only provided a provision that enumerates the sources where the student publication funds may be taken.

(2) It does not make it mandatory for all colleges and universities in the Philippines to establish student publications. Neither does the said law require that those student publications that remain closed until the present be re-opened for the benefit of the students.

(3) It does not contain a penalty clause which leaves erring administrations unscathed from violations. School administrations are able to commit offense after offense without suffering any retribution.

(4) Its Implementing Rules and Regulations (Department of Education, Culture and Sports Order No. 94, Series of 1992) simply contains the guidelines on the implementation of its provisions and additional rules on jurisdiction over cases that may arise from violations of the said law. As the IRR cannot lawfully narrow or restrict, and expand or broaden the statute's provisos, DECS Order No. 1994 naturally carries the weaknesses of Campus Journalist Act of 1991.

Given the law's frailties, the enactment of Campus Journalism Act of 1991 resulted to even more campus press freedom violations that are even wilier and more devious in form.

According to the College Editors Guild of the Philippines, (CEGP), the oldest intercollegiate alliance of student publications in the country, student publications nationwide face systematic assaults, such as: (1) harassment of student writers and editors; (2) meddling with editorial policies; (3) actual censorship of editorial content; (4) withholding of publication funds; (5) non-collection of publication fee; (6) padlocking of the publication office; (7) closure of the student publication; (8) suspension and expulsion of student editors and writers; and (9) filing of libel charges against them.¹

This measure seeks to provide remedy by undertaking various programs and projects aimed at empowering student journalists – affording the student press with consistent and reliable source of funds, providing them with in-depth training, and more importantly, bestowing them the freedom to determine the content of their publication.

¹ Pasion C. (2011). "Laws and flaws: Juxtaposing RA 7079 and HB 4287", The National Guilder, May-October 2011 Issue, Philippines.

By repealing the Campus Journalism Act of 1991, and replacing it with a law that genuinely upholds campus press freedom, we can once again reclaim campus journalism as it once were – an unbiased, untainted avenue of self-expression, critical and creative thinking, and a beacon of nationalism and democracy elucidated through the lens of the generation that is regarded as the hope of our nation.

A version of this bill was previously filed by Kabataan Party List Representative Terry Ridon during the 16th Congress.


LEILA M. DE LIMA



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UPHOLDING AND PROMOTING CAMPUS JOURNALISM AND CAMPUS
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NO. 7079, ENTITLED "AN ACT PROVIDING FOR THE DEVELOPMENT
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PURPOSES

*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 “Campus Press Freedom
2 Act of 2018.”

3 Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to promote
4 the development and growth of campus journalism as a means of encouraging critical
5 and creative thinking and as a beacon of nationalism and democracy inside and
6 outside the nation’s campuses.

7 The State also firmly recognizes the historic role and contribution of the campus
8 press to press freedom in the country, in providing a free and adequate venue for the
9 discussion of student concerns, and in upholding social consciousness and defending
10 the interest and welfare of the Filipino people by tackling both national and sectoral
11 issues in its pages. The State realizes that the campus press, as part of the media, is an
12 important institution in society that promotes and protects this constitutionally
13 afforded right to press freedom.

14 The education of the students shall be of paramount concern. Towards this end,
15 the State shall ensure that the practice of campus journalism shall neither interfere

1 with nor affect the regular schooling of the students, especially at elementary and
2 secondary levels.

3 The State thus resolves to undertake various programs and projects aimed at
4 improving the skills of student journalists by promoting responsible and free
5 journalism and protecting and upholding the freedom of the press in their own
6 campuses.

7 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following are hereby
8 defined as follows:

9 (a) “*Editor-in-Chief*” – the publication’s primary editor chosen through a
10 competitive but fair selection process. The process of selecting the editor-in-chief shall
11 be determined by the student body;

12 (b) “*Editorial Board*” – a body composed of student journalists who have
13 qualified in a placement examination and shall be primarily in-charge of setting the
14 tone of the paper in accordance to the thrust of the publication. The editorial board
15 may include a publication adviser at the option of its members;

16 (c) “*Editorial Policies*” – a set of guidelines by which a student publication is
17 operated and managed, taking into account pertinent laws as well as the school
18 administration’s reasonable policies. The said guidelines, which shall be created and
19 determined by the editorial board, shall determine the frequency of the publication,
20 the manner of selecting articles and features and other similar matters;

21 (d) “*School*” – an institution for learning in the elementary, secondary or
22 tertiary level composed of the studentry, administration, faculty and non-faculty
23 personnel;

24 (e) “*Student*” – any person enrolled in elementary, secondary, post-secondary,
25 tertiary, graduate and post graduate levels, including those enrolled in vocational and
26 technical education;

27 (f) “*Student Journalist*” – any *bona fide* student enrolled for the current
28 semester or term, who has passed or met the qualifications and standards of the
29 editorial board;

1 (g) "*Student Publication*" – the issue of any printed and/or online material
2 such as, but not limited to, newspapers, wall news, literary folios, newsletters and
3 other similar forms, independently published by, and which meets the needs and
4 interest of, the students;

5 *Sec. 4. Student Publication.* – All institutions on the elementary, secondary and
6 tertiary levels, public or private shall be mandated to establish a student publication.
7 Every school shall have at least one (1) student publication without prejudice to other
8 publications established within the campus. A student publication shall be published
9 by the student body through an editorial board and publication staff composed of
10 students selected through fair and competitive examinations.

11 All student publications whose operations ceased upon the directives of the
12 school administration shall be revived and allowed to operate again.

13 Once the publication is established or reopened, the editorial board shall freely
14 determine its editorial policies and manage the publication's funds

15 *Sec. 5. Operations.* – The school administration shall provide the student
16 publication with an office preferably located at the school's student center and other
17 materials and equipment necessary for its operations.

18 *Sec. 6. Independence.* – The student publication shall be autonomous from any
19 form of intervention from the school with regard to the content of the articles the
20 editorial board chooses to publish, the selection of its publication staff and members
21 of the editorial board. However, for elementary and secondary institutions, the school
22 administration may prevent the publication of materials that are libelous, oppressive,
23 or otherwise offensive to generally accepted ethical standards of journalism.

24 The editorial board for higher educational institutions shall have full autonomy
25 on handling of its funds, subject to audit from the school administration. For
26 elementary and secondary institutions, the faculty adviser shall be responsible for
27 preparing the budget and handling the funds along with the editorial board, likewise
28 subject to audit from the school administration. The school administration shall be
29 responsible for accounting and monitoring the use of the school publication funds.

1 The operation of the student publications shall not be delayed, suspended or
2 closed down in connection with the articles it has published, or on the basis of the
3 conduct or performance of its staff without due process.

4 *Sec. 7. Funding for Student Publications.* – Funding for the student publication
5 shall be sourced primarily from student publication fees collected by the school
6 administration. It shall be mandatory for the school administration to collect
7 reasonable student publication/subscription fees during the enrollment period.

8 For public schools, publication fund shall be included in the budget of the
9 institutions.

10 Secondary sources of publication funds shall include the savings of the
11 respective school's appropriations and donations.

12 For this purpose, the number of *bona fide* students enrolled for the current
13 semester or term shall be used as basis for the amount of publication funds that shall
14 be released by the school administration who shall issue a list of the students enrolled
15 for the current semester or term to the editorial board.

16 *Sec. 8. Transmittal of Funds.* – The school administration shall effect the
17 automatic release of the student subscription fees to the student publication within
18 fifteen (15) days after the last day of enrollment. The publication funds shall be
19 deposited through a trust fund or in the account of the student publication in an
20 authorized depository bank.

21 *Sec. 9. Publication Adviser.* – The editorial board for higher educational
22 institutions shall have the discretion whether or not they would appoint a faculty
23 adviser and the power to choose its faculty adviser, whose functions shall be limited
24 merely to advising the editorial board and technical assistance. Technical assistance of
25 the faculty adviser shall mean any concern related to sound practice of journalism.

26 However, the faculty adviser for elementary and secondary institutions shall be
27 mandatory. He/she shall ensure that the editorial board maintains proper journalistic
28 standards and that the publication funds are properly spent and accounted for.

29 *Sec. 10. Security of Tenure.* – A member of the publication staff shall maintain
30 his or her status as student in order to retain membership in the publication staff. The
31 student journalist shall not be suspended, expelled or punished with administrative

1 sanctions solely on the basis of the articles he or she has written except when such
2 articles constitute a violation of the law, and the school's valid and reasonable schools
3 and regulations.

4 His or her performance as a student should not be used as a basis for his or her
5 dismissal from the student publication.

6 Sec. 11. *Press Conferences and Training Seminars.* – The Commission on
7 Higher Education, the Technical Education and Skills Development Authority and the
8 Department of Education, in partnership with the media and campus press
9 organizations and alliances, shall sponsor periodic competitions, press conferences
10 and training seminars in which student editors/writers and teacher-adviser of student
11 publications in the elementary, secondary and tertiary levels shall participate. Such
12 competitions, conferences and seminars shall be held at the institutional, Divisional
13 and regional levels, culminating with the holding of the annual national elementary,
14 secondary or tertiary School Press Conference in places of historical and/or cultural
15 interest in the country.

16 Sec. 12. *Powers and Functions of the Editorial Board.* – The editorial board
17 shall have the power to select staff members of the publication, granted that the
18 student journalists the board selected were able to pass a qualifying examination.

19 The editorial board shall be primarily accountable with regard the operation of
20 the student publication and the management of its funds. At the end of each semester
21 or term, as the case may be, the editorial board shall prepare a report on the
22 disbursement of funds subject to accounting and auditing rules. Such report shall be
23 posted at the school's bulletin board or published in the school publication.

24 Sec. 13. *Printing of the Student Publication.* – The printing of the student
25 publication shall be conducted by the editorial board and the student publication staff
26 through canvass or public bidding. For public schools, the student publication shall be
27 exempted from undergoing formal bidding process under Republic Act 9184, also
28 known as the Procurement Reform Act, with regard the selection of a printing press
29 and the purchase of equipment and materials necessary for its operations. The
30 editorial board shall freely choose the printing press it wants to avail the services of.

31 Sec. 14. *Power to Investigate.* – The Commission on Higher Education, the
32 Technical Education and Skills Development Authority, and the Department of

1 Education, as the case may be, shall be granted the power to investigate any violation
2 of this Act and its implementing rules and regulations.

3 Sec. 15. *Administrative Sanctions.* – The Commission on Higher Education, the
4 Technical Education and Skills Development Authority, and the Department of
5 Education, as the case may be, shall impose administrative sanctions for campus press
6 freedom violations, including, but not limited to: Interrogation and intimidation of
7 editors and staff members and other forms of harassment by the school
8 administration, faculty members and the military, such as but not limited to, sending
9 of death threats, filing of libel cases against student journalists, issuance of derogatory
10 and libelous public statements against student journalists; meddling of school
11 administration with editorial policies; actual arbitrary censorship of editorial content;
12 withholding and non-collection of publication fees; expulsion and suspension of
13 student editors and writers without due process; stopping or suspending the
14 operations of the school publication such as, but not limited to, the outright closure of
15 the publication, locking of the publication office, cutting the electricity and water
16 supplies of the publication and other utilities of the office; non-establishment of at
17 least one (1) campus publication for every school; refusal to reopen closed student
18 publications.

19 Sec. 16. *Legal Assistance to Campus Journalists.* – The Commission on Higher
20 Education, the Technical Education and Skills Development Authority, and the
21 Department of Education, as the case may be, shall provide legal assistance to student
22 journalists in all cases as herein cited.

23 Sec. 17. *Reportorial Requirements.* – The Commission on Higher Education,
24 the Technical Education and Skills Development Authority, and the Department of
25 Education shall submit an annual report to both Houses of Congress on the status of
26 the implementation of the law including violations thereof and the disposition of
27 pertinent cases.

28 Sec. 18. *Penalties.* – Any person who shall willfully interfere with, restrain or
29 coerce any student publication/student journalist in the exercise of its/his/her
30 functions and rights guaranteed by this act or who shall in any other manner commit
31 any act to defeat any provision of this Act shall, upon conviction, be punished by a fine
32 of not less than ₱10,000 but not more than ₱200,000 or imprisonment of not less than

1 one (1) year but not more than (5) years, or both at the discretion of the court or both
2 upon discretion.

3 If the offender is an educational institution or a juridical person, the penalty
4 shall be imposed upon the president, treasurer or secretary or any other officer
5 responsible for the violation.

6 Sec. 19. *Implementing Rules and Regulations.* – The Commission on Higher
7 Education, the Technical Education and Skills Development Authority, and the
8 Department of Education, and in close consultation and coordination with student
9 campus press organization and all other concerned sectors, shall promulgate within
10 sixty (60) days upon its approval, the rules and regulations necessary for the
11 implementation of this Act.

12 Sec. 20. *Separability Clause.* – If any section or provision of this Act shall be
13 declared unconstitutional, the remaining sections or provisions shall not be affected
14 thereby.

15 Sec. 21. *Repealing Clause.* – Republic Act No. 7079, entitled “An Act Providing
16 for the Development and Promotion of Campus Journalism,” is hereby repealed.

17 All laws, presidential decrees, executive orders, letters of instruction, rules and
18 regulations which are inconsistent with any of the provisions of this Act are hereby
19 repealed or modified accordingly.

20 Sec. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after the
21 completion of its publication in the Official Gazette or in two (2) newspapers of general
22 circulation.

Approved,