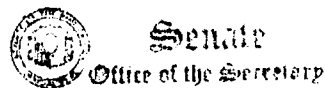


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

20 MAY 12 AIO :48

S. No. 1524

Introduced by SENATOR LEILA M. DE LIMA

RECEIVED



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 experienced under the 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 under the 1987 Constitution. As collectively-run institutions managed and financed by 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 coming into conflict with institutions who use their authority to quell free speech and expression. Throughout history, many student editors and writers have been persecuted. Incidences of harassment were particularly high during the '60s, '70s and '80s when nationalist ideals were perceived as threats to the government.

On 5 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.¹

Some of its glaring flaws are as follows:

- (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 remain closed until the present be reopened 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 (IRR), which was issued by the then Department of Education, Culture and Sports (DECS) as Department 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 statutory provisions,

¹ Luci-Atienza, C. (2020, February 18). Elago pushes for enhanced campus journalism bill. Retrieved from <https://news.mb.com.ph/2020/02/18/elago-pushes-for-enhanced-campus-journalism-bill/>

the aforementioned Department Order naturally carries the weaknesses of Campus Journalist Act of 1991.

Given the law's deficiencies, the enactment of Campus Journalism Act of 1991 resulted to even more campus press freedom violations that are even wilier and devious in form. 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. Within their own schools, student journalists experience incidences of harassment and intimidation from the school administration, especially when they oppose anti-student programs and policies or when they are being critical to the actions of political figures who are allies of the current school administration.

According to the College Editors Guild of the Philippines (CEGP), which is 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.²

In March 2017, members of the Philippine National Police (PNP) in Baao, Camarines Sur warned member publications of the CEGP from joining any of their activities, as they maliciously red-tagged the Guild as an organization affiliated with the New People's Army. Later that year in September, The SPARK, the official publication of Camarines Sur Polytechnic College (CSPC)-Nabua was informed by a reliable source that they had become part of a "watchlist" of the Armed Forces of the Philippines (AFP). Also included in the watchlist were other member publications of the CEGP — The PILLARS Publication of Ateneo de Naga University (AdNU), The Seafarers' Gazette of Mariners Polytechnic College Foundation (MPCF)—Canaman

² Pasion, C. (2011). "Laws and flaws: Juxtaposing RA 7079 and HB 4287", The National Guilder, May-October 2011 Issue, Philippines.

Campus, and The Stateans Publication of Central Bicol State University of Agriculture (CBSUA)—Main Campus.³

Another incident is the April 2018 attempt to suppress 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.⁴ In another case in August 2019, policemen harassed the editors and staff of the University of Eastern Philippines' student publication, *The Pillar*, regarding a candle lighting ceremony which the publication organized for victims of extrajudicial killings in Negros.⁵

It is rather ironic then that the current administration recently enacted Republic Act No. 11440 on 28 August 2019, which commemorates July 25th as National Campus Freedom Day⁶, thereby declaring the importance of the campus press as an institution for the promotion and protection of freedom of the press and freedom of expression, yet these violations continue to exist.

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.

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

³ College Editors Guild of the Philippines. (2017, October 11). College Editors rebukes state's intensified crackdown on campus press freedom and democratic rights. Retrieved from <https://medium.com/@cegphils/college-editors-rebukes-states-intensified-crackdown-on-campus-press-freedom-and-democratic-rights-6ca6045d4f26>

⁴ Spot.ph. (2018, April 25). "Pro-Truth" High School Publication Banned for Being "Too Critical". Retrieved from <https://www.spot.ph/newsfeatures/the-latest-news-features/73548/the-bedan-roar-san-beda-university-a00171-20180425-lfrm>

⁵ Clarin, A. M. (2019, August 23). Cops harass campus journalists in Samar. Retrieved from <https://www.bulatlat.com/2019/08/23/cops-harass-campus-journalists-in-samar/>

⁶ Ranada, P. (2019, September 10). Duterte signs law making July 25 'National Campus Press Freedom Day'. Retrieved from <https://www.rappler.com/nation/239731-duterte-signs-law-july-25-campus-freedom-day>

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.

The immediate passage of this bill is earnestly sought.


LEILA M. DE LIMA

EIGHTEENTH CONGRESS OF THE)
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**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
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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
2 Freedom Act of 2020.”

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 safe venue for the
9 discussion of student concerns, and in promoting 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 acknowledges that the campus press, as part of the media,
12 is an important institution in a democratic society that promotes 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 and fair selection process. The process of selecting the editor-
11 in-chief shall 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
14 setting the tone of the paper in accordance to the thrust of the publication.
15 The editorial board may include a publication adviser at the option of its
16 members;
- 17 (c) *“Editorial Policies”* – a set of guidelines by which a student publication is
18 operated and managed, taking into account pertinent laws as well as the
19 school administration’s reasonable policies. The said guidelines, which shall
20 be created and determined by the editorial board, shall determine the
21 frequency of the publication, the manner of selecting articles and features
22 and other similar matters;
- 23 (d) *“School”* – an institution for learning in the elementary, secondary or
24 tertiary level composed of the studentry, administration, faculty and non-
25 faculty personnel;
- 26 (e) *“Student”* – any person enrolled in elementary, secondary, post-secondary,
27 tertiary, graduate and post-graduate levels, including those enrolled in
28 vocational and technical education;
- 29 (f) *“Student Journalist”* – any *bona fide* student enrolled for the current
30 semester or term, who has passed or met the qualifications and standards of
31 the editorial board;
- 32 (g) *“Student Publication”* – the issue of any printed and/or online material such
33 as, but not limited to, newspapers, wall news, literary folios, newsletters and

1 other similar forms, independently published by, and which meets the needs
2 and interest of, the students;

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

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

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

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

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

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

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

32 *Sec. 7. Funding for Student Publications.* – Funding for the student publication
33 shall be sourced primarily from student publication fees collected by the school

1 administration. It shall be mandatory for the school administration to collect
2 reasonable student publication/subsorption fees during the enrollment period.

3 For public schools, publication fund shall be included in the budget of the
4 institutions.

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

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

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

16 In no instance shall the Commission on Higher Education (CHED), Technical
17 Education and Skills Development Authority (TESDA), and the Department of
18 Education (DepEd), as the case may be, or the school administration concerned,
19 withhold the release of funds intended for the student publication.

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

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

28 *Sec. 10. Security of Tenure.* – A member of the publication staff shall maintain
29 his or her status as student in order to retain membership in the publication staff. The
30 student journalist shall not be suspended, expelled or punished with administrative
31 sanctions solely on the basis of the articles he or she has written except when such
32 articles constitute a violation of the law, and the school's valid and reasonable rules
33 and regulations.

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

3 Sec. 11. *Press Conferences and Training Seminars.* – The CHED, TESDA and
4 DepEd, in partnership with the media and campus press organizations and alliances,
5 shall sponsor periodic competitions, press conferences and training seminars in which
6 student editors/writers and teacher-adviser of student publications in the elementary,
7 secondary and tertiary levels shall participate. Such competitions, conferences and
8 seminars shall be held at the institutional, divisional and regional levels, culminating
9 with the holding of the annual National School Press Conference for elementary,
10 secondary and tertiary levels in places of historical and/or cultural interest in the
11 country.

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

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

20 Sec. 13. *Printing of the Student Publication.* – The printing of the student
21 publication shall be conducted by the editorial board and the student publication staff
22 through canvass or public bidding. For public schools, the student publication shall be
23 exempted from undergoing formal bidding process under Republic Act No. 9184, also
24 known as the Procurement Reform Act, with regard to the selection of a printing press
25 and the purchase of equipment and materials necessary for its operations. The
26 editorial board shall freely choose the printing press it wants to avail the services of.

27 Sec. 14. *Power to Investigate.* – The CHED, TESDA and DepEd, as the case may
28 be, shall be granted the power to investigate any violation of this Act and its
29 implementing rules and regulations.

30 Sec. 15. *Administrative Sanctions.* – The CHED, TESDA and DepEd, as the case
31 may be, shall impose administrative sanctions for campus press freedom violations,
32 including, but not limited to:

- 33 (a) interrogation and intimidation of editors and staff members and other
34 forms of harassment by the school administration, faculty members and

1 the military, such as but not limited to, sending of death threats, filing of
2 libel cases against student journalists, issuance of derogatory and
3 libelous public statements against student journalists;

4 (b) meddling of school administration with editorial policies;

5 (c) actual arbitrary censorship of editorial content;

6 (d) withholding and non-collection of publication fees;

7 (e) expulsion and suspension of student editors and writers without due
8 process;

9 (f) stopping or suspending the operations of the school publication such as,
10 but not limited to, the outright closure of the publication, locking of the
11 publication office, cutting the electricity and water supplies of the
12 publication and other utilities of the office;

13 (g) non-establishment of at least one (1) campus publication for every school;

14 (h) and refusal to reopen closed student publications.

15 *Sec. 16. Legal Assistance to Campus Journalists.* – The CHED, TESDA and
16 DepEd, as the case may be, shall provide legal assistance to student journalists in all
17 cases herein cited.

18 *Sec. 17. Reportorial Requirements.* – The CHED, TESDA and DepEd shall
19 submit an annual report to both Houses of Congress on the status of the
20 implementation of the law including violations thereof and the disposition of pertinent
21 cases.

22 *Sec. 18. Penalties.* – Any person who shall willfully interfere with, restrain or
23 coerce any student publication/student journalist in the exercise of its/his/her
24 functions and rights guaranteed by this Act or who shall in any other manner commit
25 any act to defeat any provision of this Act shall, upon conviction, be punished by a fine
26 of not less than One hundred thousand pesos (₱100,000.00) but not more than Two
27 hundred thousand pesos (₱200,000.00) or imprisonment of not less than one (1) year
28 but not more than five (5) years, or both at the discretion of the court.

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

32 *Sec. 19. Implementing Rules and Regulations.* – The CHED, TESDA and
33 DepEd, in close consultation and coordination with student campus press

1 organizations and all other concerned sectors, shall promulgate within sixty (60) days
2 from effectivity of this Act the rules and regulations necessary for its implementation.

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

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

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

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

Approved,