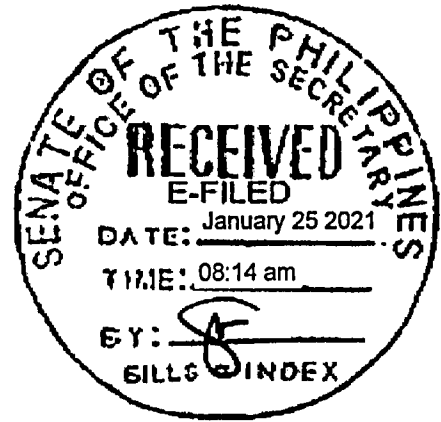


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE

Senate Bill No. 2016

---

Introduced by Senator FRANCIS N. PANGILINAN

---

AN ACT  
TO STRENGTHEN AND UPHOLD THE FREEDOM OF TEACHERS AND  
STUDENTS TO TEACH, STUDY, AND PURSUE KNOWLEDGE AND RESEARCH  
WITHOUT UNREASONABLE INTERFERENCE OR RESTRICTION,  
IN ALL STATE UNIVERSITIES AND COLLEGES

EXPLANATORY NOTE

Section 5, Article XIV of the 1987 Philippine constitution grants academic freedom – the freedom to critically think, speak, move, act, and even dissent – to all institutions of higher learning. All institutions of higher learning, especially all state universities and colleges (SUCs), should be centers of free thought – environments that encourage new thoughts and tests old ones. Intellectual liberty is foundational to a democracy.<sup>1</sup> Our nation’s top political, legal, business, economic, civic, and scientific leaders, both past and present, are fruits of the enjoyment of unimpeded and unrestrained academic freedom by institutions of higher learning.

This proposed measure seeks to protect and guarantee academic freedom enjoyed by SUCs by: (a) recognizing that SUCs can exercise their full acts of ownership over their property, including ensuring security within school property; (b) requiring prior notification before the service of warrants against students; (c) clarifying situations where law enforcement agents can enter SUC property (e.g., hot pursuit and emergency situations); and (d) creating a joint monitoring committee to ensure its proper implementation.

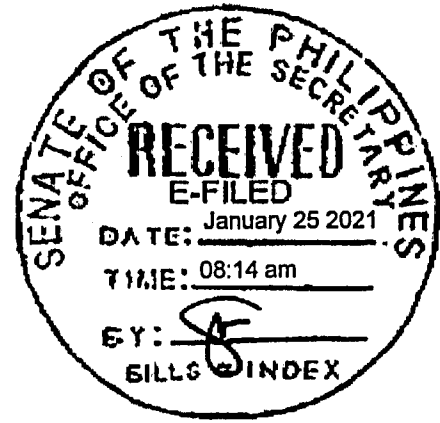
In view of the foregoing reasons, the approval of this bill is earnestly sought.

  
FRANCIS N. PANGILINAN  
Senator

---

<sup>1</sup> <https://www.gmanetwork.com/news/news/nation/772565/student-parties-hit-termination-of-up-dnd-accord-as-assault-on-up-s-academic-freedom-autonomy/story/>

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



SENATE

Senate Bill No. 2016

---

Introduced by Senator FRANCIS N. PANGILINAN

---

AN ACT  
TO STRENGTHEN AND UPHOLD THE FREEDOM OF TEACHERS AND  
STUDENTS TO TEACH, STUDY, AND PURSUE KNOWLEDGE AND RESEARCH  
WITHOUT UNREASONABLE INTERFERENCE OR RESTRICTION, IN ALL STATE  
UNIVERSITIES AND COLLEGES

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

1        **SECTION 1. Short Title.** – This Act shall be known as the “Academic Freedom Act  
2 of 2021.”

3        **SEC. 2. Declaration of Policy.** – Pursuant to Article II (State Policies), Section 13 of  
4 the 1987 Philippine Constitution, which recognizes that vital role of the youth in nation  
5 building; and pursuant to its Article XIV (Education), particularly Section 1 and Section  
6 5 (2), which provide that the State shall protect and promote the right of all citizens to  
7 quality education at all level, and that academic freedom shall be enjoyed in all  
8 institutions of higher learning, respectively, it is hereby made the policy of the State to  
9 extend the protection and limits in Article III (Bill of Rights), Section 4 to academic  
10 freedom in state universities and colleges.

11        **SEC. 3. Coverage.** – The provisions of this Act shall be made applicable to all state  
12 universities and colleges. Local government units are encouraged to adopt the principles  
13 herein as to be made applicable to their local universities and colleges.

14        **SEC. 4. Definition of Terms.** – As used in this Act, the following terms shall be  
15 defined as follows:

16        (a) *State Universities and Colleges* or *SUCs* refer to public higher education  
17 institutions established by national government and are governed by their  
18 respective independent board of trustees or regents. *SUCs* are covered by the  
19 guarantee in Article XIV, Section 5 (2) of the *Constitution*.

20        (b) *Freedom Park* refers to those public places duly established by law or  
21 ordinance as such.

- 1 (c) *Uniformed Personnel* shall refer to the commissioned officers and enlisted  
2 personnel of the uniformed services.
- 3 (d) *Uniformed Services* shall refer to the Armed Forces of the Philippines (AFP),  
4 Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of  
5 Jail Management and Penology (BMJP), Philippine Coast Guard (PCG), and  
6 commissioned corps of the National Mapping and Resource Information  
7 Authority (NAMRIA).

8 **SEC. 5. *SUCs as Freedom Parks.*** — Free speech and peaceable assembly are highly  
9 ranked constitutional values. Pursuant to this, all state universities and colleges, are  
10 established as freedom parks. No permit, written or otherwise, shall be required by the  
11 national or local government for any person or persons to organize and hold a public  
12 assembly in SUCs. Uniformed personnel shall not interfere with peaceful protest action  
13 by SUC constituents within SUC premises.

14 **SEC. 6. *Peace and Order Primary Responsibility of SUC.*** — It shall be the primary  
15 responsibility and duty of SUC officials to maintain proper behavior and conduct of their  
16 students, faculty, employees, and other members of its immediate community.

17 Whenever requested by uniformed personnel, the appropriate SUC official shall  
18 extend the necessary assistance in the enforcement of law within the SUC premises. In  
19 this regard, SUC officials shall endeavor to strengthen its own security, police and fire-  
20 fighting capabilities so as to leave no vacuum that can be exploited by malefactors or  
21 criminal elements.

22 Whenever the appropriate SUC official is of the opinion that assistance of uniformed  
23 personnel is indispensable to the maintenance of security, peace and order within SUC  
24 premises, the SUC official shall so inform in writing the head of the uniformed personnel  
25 and the latter shall promptly dispatch such assistance as may be warranted by the  
26 circumstances. In case the request for assistance is granted, only uniformed personnel  
27 with proper identification shall be allowed entry into the SUC, except where the  
28 assistance requested specifies otherwise.

29 **SEC. 7. *Prior Coordination Required from Uniformed Personnel.*** — The conduct of  
30 any operation by members of the uniformed personnel may be allowed only upon prior  
31 coordination with the administration of the SUC.

32 No member of the uniformed personnel may enter the premises of any SUC except  
33 only in the following instances—

- 34 (a) In the provision of assistance as provided for in Section 6 of this Act.  
35 (b) In cases of hot pursuit and similar occasions of emergency.  
36 (c) In cases of ordinary transit through the premises.

37 **SEC. 8. *Prior Notification in the Service of Search Warrants or Warrants of Arrest.***  
38 — The service of search warrants or warrants of arrest on any SUC student, faculty,  
39 employee, or invited participant in any official SUC activity shall, as far as practicable, be  
40 done after prior notification is given to the proper SUC official. The same requirement of

1 notification applies to any oral or written "invitation" for questioning and similar  
2 purposes.

3 In case of prior notification, the party serving the warrant shall coordinate closely  
4 with the members of the SUC police or security force who shall accompany and assist  
5 them in the service of warrants. Similarly, no warrant shall be served without the  
6 presence of at least two faculty members designated by the appropriate SUC official.

7 If the giving of prior notification by the party serving the warrant is not practical, a  
8 report shall be submitted to the concerned SUC official immediately, but not later than  
9 twenty-four hours after the service of the warrant.

10 Prior notification shall also be observed in the service of any notice or order issued  
11 under the Republic Act No. 11479 otherwise known as "*The Anti-Terrorism Act of 2020.*"

12 **SEC. 9. *Arrest or Detention of a Member of SUC Community.*** – The arrest or  
13 detention of any SUC student, faculty or personnel anywhere in the Philippines shall, by  
14 the fastest means of communication, be reported immediately by the responsible head of  
15 the uniformed personnel effecting the arrest or detention to the appropriate SUC official,  
16 who shall then take the necessary action.

17 No SUC student, faculty or employee shall be subjected to custodial investigation  
18 or detention without warrant of arrest under *The Anti-Terrorism Act of 2020* without, as  
19 far as practicable, prior notice to the appropriate SUC official, and except in the presence  
20 of the counsel of choice of the student, faculty or employee, or with the assistance of a  
21 counsel appointed for them by said SUC official.

22 **SEC. 10. *Construction.*** – Nothing in this Act shall be construed as a prohibition  
23 against the enforcement of the laws of the land.

24 **SEC. 11. *Joint Congressional Oversight.*** – The Commission on Higher Education,  
25 the Philippine Association of State Universities and Colleges, the Commission on Human  
26 Rights, the appropriate divisions of the Department of National Defense, the Armed  
27 Forces of the Philippines, Philippine National Police, Bureau of Fire Protection, Bureau  
28 of Jail Management and Penology, Philippine Coast Guard, and commissioned corps of  
29 the National Mapping and Resource Information Authority shall submit bi-annual report  
30 to the Congressional Oversight Committee to determine compliance with this Act.

31 **SEC. 12. *Non-compliance as Administrative Liability.*** – Non-compliance and  
32 violation of Sections 5, 6, 7, 8 and 9 of this Act will result in administrative liability, which  
33 shall be considered grave whenever such non-compliance results in serious physical  
34 injury or death of a student, faculty, employee, or guest of the SUC.

35 **SEC. 13. *Separability Clause.*** – If any part or provision of this Act shall be declared  
36 unconstitutional and invalid, such declaration shall not invalidate other parts thereof  
37 which shall remain in full force and effect.

38 **SEC. 14. *Repealing Clause.*** – All laws, executive orders, administrative orders, and  
39 rules and regulations inconsistent with this Act are hereby repealed or amended  
40 accordingly.

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

*Approved,*