

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



Senate
Office of the Secretary

'22 JUL 18 P5:15

SENATE

RECEIVED BY

S.B. No. 745

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
REQUIRING POLICE AND MILITARY PERSONNEL TO COORDINATE
WITH PUBLIC EDUCATIONAL INSTITUTIONS PRIOR TO ENTRY IN
THE PREMISES THEREOF, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

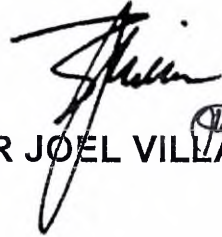
The role of education in bringing about innovations and social change cannot be overemphasized. Its ability to usher a population that is empowered, learned, tolerant, and critical has made it an invaluable weapon to fight and overcome economic oppression and social injustice. Needless to state, the value of education lies in its ability to inspire the human spirit to create, envision, engage, challenge, and question. Meaningful education, thus, is founded on intellectual liberty, where one can openly think, express his thoughts, criticize, disagree, and engage in discussions with another in a community of free thinkers.

It is in this spirit that the framers of our Constitution found it expedient to decree in Article XIV, Section 5(2) that "academic freedom shall be enjoyed in all institutions of higher learning." The guarantee of academic freedom was intended to foster an environment where learning institutions, teachers and students may freely express and discuss ideas in pursuit of knowledge; and where criticisms, no matter how scalding, are tolerated. The freedom of thought and discussion, thus, necessarily entails freedom from retaliation, censorship, interference, or intimidation by powerful forces, most especially the State.

The proposed law is the State's formal commitment to upholding intellectual integrity and independence in the academe, an assurance given to a learning institution, its teachers, students, and the whole of its academic community that they are free to pursue knowledge and be daring in their ideas, discussions, expressions, and creativity, and that the State shall not meet this freedom with undue interference, censorship, policing, or intimidation.

Thus, the limitations in the movement and entry of police and military forces in campus premises are intended to avoid the stifling and restrictive effect of these State forces' presence on the exercise of academic freedom. They are likewise meant to regulate in general State actions that may tend to unduly police or interfere with the constitutionally guaranteed right to academic freedom of public learning institutions.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



SENATOR JOEL VILLANUEVA

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

'22 JUL 18 P5:15

SENATE

RECEIVED BY: _____

S. B. NO. 745

Introduced by SENATOR JOEL VILLANUEVA

AN ACT
REQUIRING POLICE AND MILITARY PERSONNEL TO
COORDINATE WITH PUBLIC EDUCATIONAL INSTITUTIONS PRIOR
TO ENTRY IN THE PREMISES THEREOF, AND FOR OTHER
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 “Ligtas at
2 Malayang Campus Act.”
3

4 **SEC. 2. Declaration of Policy.** – The State reiterates the Constitutional
5 policy of protecting academic freedom for higher institutions of learning, and
6 ensuring the safety of all students, regardless of academic level, to a safe and
7 free campus. Towards this end, the State shall ensure that faculty members
8 and students are free to engage in academic discussions and debate without
9 fear of censorship and retaliation. The State shall also ensure that faculty
10 members and students are free to express their views, opinions, research
11 conclusions, and other forms of expression, without fear of sanction, unless
12 otherwise prohibited by law. Pursuant to this, the State shall ensure that
13 academic institutions remain to be free from interference from police and
14 military officials, and any entry into the campuses of these institutions shall be
15 coordinated with the officials of the educational institution concerned.
16

17 **SEC. 3. Mandatory Notification.** – Prior notice shall be given by the law
18 enforcement agency, such as, but not limited to, the Armed Forces of the
19 Philippines (AFP), the Philippine National Police (PNP), or any other agency
20 intending to conduct operations within the premises of public educational
21 institutions of higher learning in the Philippines, to the administration of the
22 educational institution concerned for proper coordination and to ensure the
23 safety and well-being of the students, faculty, and all stakeholders.

1
2 Except in cases of hot pursuit and similar occasions of emergency, or if
3 indispensably necessary in the maintenance of security, peace and order as
4 determined by the President, Dean, or other administrative officials of similar
5 rank and authority, no member of the law enforcement agency or any person/s
6 acting on their behalf shall enter the premises of any public educational
7 institution of higher learning.

8
9 **SEC. 4. Mutual Extension of Assistance.** – Notwithstanding the
10 foregoing, the police and/or military personnel shall, upon proper notification,
11 request the assistance of the administration of the public educational institution
12 concerned, for the enforcement of the law within its premises.

13
14 In addition, whenever in the reasonable opinion of the administrator,
15 President or Board of Regents or Trustees or the highest policy- and/or
16 decision-making body of the educational institution concerned, the assistance
17 of the police and/or military is necessary for the maintenance of security, peace,
18 and order within the premises of the educational institution, the nearest police
19 and/or military unit shall promptly dispatch assistance, with properly identified
20 personnel, as may be warranted by the circumstances. In all cases, the request
21 for assistance shall be duly supported by a written request or any appropriate
22 document showing proof of request for assistance.

23
24 In case the request for assistance is granted, only uniformed members
25 of law enforcement agencies with proper identification shall be allowed entry
26 into the premises of the educational institution concerned, except where the
27 assistance requested specifies otherwise.

28
29 **SEC. 5. Non-interference in peaceful protests or mass gatherings.**
30 – Nothing in this Act shall be construed to grant authority to police and military
31 personnel to interfere with peace protests or any kind of mass gatherings inside
32 the premises of the educational institution concerned, and those held outside
33 of its premises by recognized student organizations, for which a prior
34 notification have been made by the group participating in such peaceful protest,
35 except as provided under this Act. The administration of the educational
36 institution concerned shall be deemed responsible for the behavior of students,
37 faculty, and employees in such activities.

38
39 **SEC. 6. Arrest, Detention, and Custodial Investigation.** – The service
40 of search warrant, warrant of arrest, or oral or written invitation for questioning
41 and similar purposes on any student, faculty, employee, or invited participants
42 within the territorial jurisdiction or premises of the educational institution or in
43 any official event of a public educational institution of higher learning shall, as
44 far as practicable, be done after prior notification is given to the appropriate
45 official of the educational institution.

46
47 In case of prior notification, the party serving the warrant shall coordinate
48 closely with the appropriate officers of the educational institution or their duly
49 authorized representatives, who shall accompany and assist them in the
50 service of warrant, or in informing them of the invitation for questioning. In all

1 cases, no warrant shall be served, or invitation for questioning shall be made,
2 without the presence of at least two faculty members of the educational
3 institution concerned.

4
5 If the giving of prior notification by the party serving the warrant is not
6 practicable, a report shall be submitted to the concerned official of the
7 educational institution immediately, but not later than twenty-four (24) hours,
8 after the service of the warrant.

9
10 No student, faculty, personnel, or invited guest/s or participant/s in any
11 official activity of the educational institution concerned shall be subjected to
12 custodial investigation without prior notice to the administration of the
13 educational institution concerned. Said custodial investigation shall be
14 conducted in the presence of the counsel of choice of the student, faculty,
15 personnel, or such invited guest/s or participant/s, or with the assistance of
16 counsel who shall be appointed for them by the aforementioned administrative
17 officials.

18
19 **SEC. 7. Public Basic Education Schools.** – The provisions of this bill
20 shall also apply to public basic education schools under the jurisdiction of the
21 Department of Education (DepEd), subject to existing laws, rules, and
22 regulations.

23
24 **SEC.8. Continuous Enforcement of Laws.** – Nothing herein shall be
25 construed as a prohibition against the enforcement of the laws of the
26 Philippines.

27
28 **SEC. 9. Implementing Rules and Regulations.** – Within forty-five (45)
29 days upon the effectivity of this Act, the Commission on Higher Education
30 (CHED), the DepEd, State Universities and Colleges (SUCs), and other public
31 educational institutions in the Philippines, the Department of National Defense
32 (DND), the Armed Forces of the Philippines, and the Philippine National Police,
33 in consultation with relevant stakeholders, including student groups, shall
34 promulgate the necessary rules and regulations for the effective
35 implementation of this Act.

36
37 **SEC. 10. Separability Clause.** – If any provision of this Act is declared
38 invalid, the other provisions not affected thereby shall remain valid.

39
40 **SEC. 11. Repealing Clause.** – All laws, proclamations, executive
41 orders, rules and regulations or parts thereof inconsistent with this Act are
42 hereby repealed, modified or amended accordingly: *Provided*, That no person
43 shall be deemed to be vested with any property or other right by virtue of the
44 enactment or operation of this Act.

45
46 **SEC. 12. Effectivity Clause.** – This Act shall take effect fifteen (15) days
47 after its publication in the *Official Gazette* or in at least two (2) national
48 newspapers of general circulation.

49
50 **Approved,**