

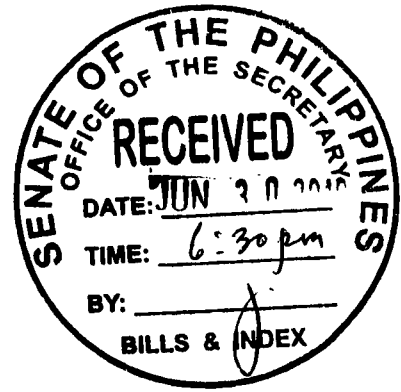
SEVENTEENTH CONGRESS OF THE]

REPUBLIC OF THE PHILIPPINES]

First Regular Session]

SENATE

S. No. 199



Introduced by SEN. SHERWIN T. GATCHALIAN

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 (RA) No. 8049, more commonly known as “The Anti-Hazing Law,” has not been effective in stopping fraternities, sororities, and other organizations from hazing their neophytes. Since RA 8049 was enacted in 1995, several neophytes attempting to join fraternities, sororities, or organizations in various schools have incurred injuries or died during dangerous and unregulated initiation rites. Justice for hazing victims over the last decade such as Marlon Villanueva, Chester Paolo Abracias, Cris Mendez, Menardo Clamucha, Jr., EJ Karl Intia, Noel Borja, Nor Silongan, Marc Andrei Marcos, John Mark Dugan, Marvin Reglos and others has been hard to come by. Often, families have no choice but to settle with the accused perpetrators or else face long years of expensive court battles.

Justice for victims of non-fatal hazing is even harder to come by, due to underreporting and the lack of media coverage. Even publicized cases, like the recent hazing of an anonymous Polytechnic University of the Philippines

student at the hands of her ROTC officers, result in administrative sanctions rather than criminal charges.

In order to stop hazing, it must be recognized by the law for what it is - a barbaric criminal act that compromises the integrity of any organization that employs it as a means of initiation. According to its formal title, RA 8049 merely seeks to regulate hazing when it should ban it outright. Anything less than the express prohibition and criminalization of hazing is not enough.

At the same time, however, any quest for justice that treats justice as an end rather than a means becomes a petty quest for vengeance rather than a vehicle to reform. Along with more stringent provisions against hazing and other initiation-related violations it is necessary to give these organizations a chance to cure the cancers that have entered their culture.

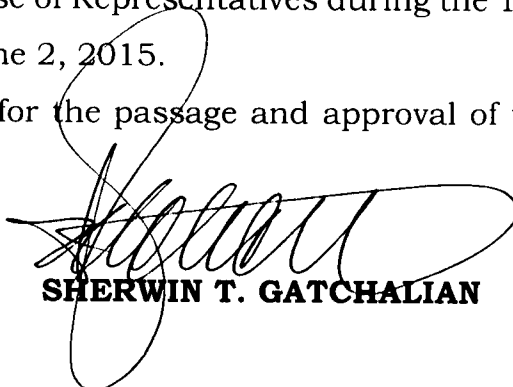
Allowing these organizations to come out of the shadows and become formally recognized by the institutions that house them will empower and compel both the organizations and the institutions to exercise greater accountability and transparency in their actions.

Thus, this legislation seeks to prohibit hazing once and for all while further mandating the registration of all organizations with their host institutions to allow for more efficient and effective enforcement of the provisions of this Act. It is my sincere hope that this legislation will be the first step towards creating a peaceful and productive culture for fraternities, sororities, and organizations, guaranteeing that anyone who violates the human rights of a neophyte will be swiftly punished.

We must ensure that no more aspiring and purposeful young people will meet a tragic and senseless end through hazing. Let the memory of Guillo Cesar Servando not be in vain.

This bill was approved by the House of Representatives during the 16th Congress as House Bill No. 5760 on June 2, 2015.

In view of the foregoing, support for the passage and approval of this legislation is earnestly sought.



SHERWIN T. GATCHALIAN

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14

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

17
18 SECTION 1. **Short Title.** – This Act shall be known as the “ANTI-
19 HAZING ACT OF 2016.”

20
21 SEC 2. **Definition of Terms.** – For purposes of this Act:

22 a. **Hazing** – refers to any physical or psychological suffering, harm, or
23 injury inflicted on a recruit, member, neophyte, or applicant as a form of an
24 initiation rite or practice made as a prerequisite for admission or a
25 requirement for continuing membership in a fraternity, sorority, or
26 organization. This shall also include any activity, intentionally made or
27 otherwise, by one person alone or acting with others, that tends to humiliate
28 or embarrass, degrade, abuse, or endanger, by requiring a recruit, member,
29 neophyte or applicant to do menial, silly, or foolish tasks.

1 **b. Organization** – refers to an organized body of people which includes
2 but is not limited to clubs, associations, and groups.

3 **c. Schools** – refer to colleges, universities, and all other educational
4 institutions.

5
6 SEC. 3. **Prohibition on Hazing.** – All forms of hazing shall be
7 prohibited in fraternities, sororities, and organizations in schools, including
8 Citizens' Military Training and Citizens' Army Training. It shall likewise be
9 prohibited in fraternities, sororities, and organizations not based in schools,
10 such as those which are community-based. In no case shall hazing be made
11 a requirement for employment in any business or corporation.

12 SEC. 4. **Regulation of Initiation Rites.** – Only initiation rites or
13 practices, which do not inflict direct or indirect physical or psychological
14 suffering, harm, or injury to the recruit, neophyte, or applicant of a fraternity,
15 sorority, or organization, shall be allowed: *Provided, That:*

- 16 a. A written application to conduct initiation rites shall be made to the
17 proper authorities of the school not later than seven (7) days prior to
18 the scheduled initiation date;
- 19 b. The written application shall indicate the place and date of the
20 initiation rites and the names of the recruit, neophyte, or applicant
21 to be initiated;
- 22 c. The initiation rites shall not last more than three (3) days;
- 23 d. The application shall contain the names of the incumbent officers of
24 the fraternity, sorority, or organization and any person or persons
25 that will take charge in the conduct of the initiation rites;

1 e. The application shall be under oath with a declaration that it has
2 been posted in the official school bulletin board, the bulletin board
3 of the office of the fraternity, sorority, or organization, and two other
4 conspicuous places in the school or in the premises of the
5 organization;

6 f. The application shall be posted from the time of submission of the
7 written notice to the school authorities or head of organization and
8 shall only be removed from its posting three (3) days after the
9 conduct of the initiation rites;

10 The school, organization, fraternity, or sorority shall provide for their
11 respective bulletin boards for the purposes of this Section.

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

20 School officials shall have the authority to impose, after due notice and
21 summary hearing, disciplinary sanctions to the head and all other officers of
22 the fraternity, sorority, or organization which conducts an initiation without
23 first securing the necessary approval of the school as required under this
24 Section. All members of the fraternity, sorority or organization, who

1 participated in the unauthorized initiation rites, even if no hazing was
2 conducted, shall also be punished accordingly.

3 In case the written application for the conduct of initiation rites
4 contains false or inaccurate information, appropriate disciplinary sanctions
5 shall be imposed, after due notice and summary hearing, against the person
6 who prepared the application or supplied the false and inaccurate information
7 and to the head and other officers of the fraternity, sorority, or organization
8 concerned.

9 SEC. 5. **Monitoring of Initiation Rites.** – The head of the school or an
10 authorized representative must assign at least two (2) representatives of the
11 school to be present during the initiation. It is the duty of the school
12 representatives to see to it that no hazing is conducted during the initiation
13 rites. The representatives of the school who were present during the initiation
14 shall make a report to the appropriate officials of the school regarding the
15 conduct of the initiation.

16 SEC. 6. **Registration of Fraternities, Sororities, and Other**
17 **Organizations.** – All existing fraternities, sororities, and other organizations
18 otherwise not created or organized by the school but has existing members
19 who are students or plans to recruit students to be its members shall be
20 required to register with the proper authorities of the school before it conducts
21 activities whether on or off-campus, including recruitment of members.

22 A newly established fraternity, sorority, or organization in a school shall
23 immediately register with the proper authorities of the school during the
24 semester or trimester in which it was established or organized: *Provided*, That

1 the new fraternity, sorority, or organization has complied with the
2 requirements prescribed by the school in establishing a fraternity, sorority, or
3 organization: *Provided, further,* That schools shall promulgate their guidelines
4 in the registration of fraternities, sororities, and organizations within their
5 jurisdiction not later than sixty (60) days from the approval of this Act.

6 Upon registration, all fraternities, sororities, and organizations shall
7 submit a comprehensive list of members, which shall be updated not later
8 than thirty (30) days from the start of every semester or trimester, depending
9 on the academic calendar of the school.

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

14 **SEC. 7. *Faculty Adviser.*** – All fraternities, sororities, and organizations
15 must be assigned a faculty adviser responsible for monitoring the activities of
16 the fraternity, sorority, or organization. The faculty adviser must be a duly
17 recognized active member, in good standing, of the faculty at the school in
18 which the fraternity, sorority, or organization is registered.

19 **SEC. 8. *Role of Educational Institutions.*** – Schools shall implement
20 an information dissemination campaign at the start of every semester or
21 trimester to provide adequate information to students regarding the
22 consequences of conducting and participating in hazing.

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

4 Schools shall encourage fraternities, sororities, and organizations to
5 engage in undertakings that foster holistic personal growth and development
6 and activities that contribute to solving relevant and pressing issues of
7 society.

8 **SEC. 9. Registration of community based fraternities, sororities,**
9 **or organizations.** – All new and existing community based fraternities,
10 sororities, or organizations shall register with the barangay or municipality or
11 city wherein it is primarily based.

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

15 **Sec. 10. Regulation of initiation rights for community-based**
16 **fraternities, sororities, or organizations.** – Only initiation rites or practices
17 which do not inflict direct or indirect physical or psychological suffering,
18 harm, or injury to the recruit, neophyte, or applicant of a fraternity, sorority,
19 or organization shall be allowed. *Provided, That:*

- 20 a. A written application to conduct the same shall be made to the
21 barangay captain in the barangay or the municipal or city mayor in
22 the city or municipality where the community-based fraternity,

1 sorority, or organization is based not later than seven (7) days prior
2 to the scheduled initiation date;

3 b. The written application shall indicate the place and date of the
4 initiation rites and the names of the recruit, neophyte, or applicant
5 to be initiated;

6 c. The initiation rites shall not last more than three (3) days;

7 d. The application shall contain the names of the incumbent officers of
8 the community-based fraternity, sorority, or organization and any
9 person or persons that will take charge in the conduct of the
10 initiation rites;

11 e. The application shall be under oath with a declaration that it has
12 been posted in the official bulletin board of the barangay hall or the
13 municipal or city hall where the community-based fraternity,
14 sorority, or organization is based and the bulletin board of the office
15 of the community based fraternity, sorority, or organization;

16 f. The application shall be posted from the time of submission of the
17 written notice to the barangay captain or municipal or city mayor
18 and shall only be removed from its posting three (3) days after the
19 conduct of the initiation rites.

20 SEC. 11. **Monitoring of initiation rites of community based**
21 **fraternities, sororities, or organizations.** – The barangay captain of the
22 barangay or the municipal or city mayor of the municipality or city where the
23 community based fraternity, sorority, or organization is based must assign at

1 least two (2) barangay or municipal or city officials to be present during the
2 initiation. It shall be their duty to see to it that no hazing is conducted during
3 the initiation rites. The representatives who were present during the initiation
4 shall make a report to the barangay captain, or the municipal or city mayor
5 regarding the conduct of the initiation.

6 SEC. 12. **Nullity of Waiver and Consent.** – Any form of approval,
7 consent, or agreement, whether written or otherwise, or of an express waiver
8 of the right to object to the initiation rite or proceeding which consists of
9 hazing as defined in this Act, made by a recruit, neophyte, or applicant prior
10 to an initiation rite that involves inflicting physical or psychological suffering,
11 harm, or injury, shall be void and without any binding effect on the parties.

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

15 SEC 13. **Implementing Rules and Regulations.** - The Commission on
16 Higher Education (CHED), together with the Department of Education
17 (DepEd), Department of Justice (DOJ), Philippine National Police (PNP),
18 Armed Forces of the Philippines (AFP), Department of Interior and Local
19 Government (DILG), Department of Social Welfare and Development (DSWD),
20 and National Youth Commission (NYC), shall promulgate the implementing
21 rules and regulations implementing within ninety (90) days from the effectivity
22 of this Act.

23 SEC. 14. **Administrative Sanctions.** – The responsible officials of the
24 school or of the police or military may impose the appropriate administrative

1 sanctions, after due notice and summary hearing, on the person or the
2 persons charged under this Act even before their conviction.

3 SEC. 15. ***Penalties and Liability of Those Involved in Hazing.*** –

4 a) The following penalties shall be imposed:

5 1) The penalty of *reclusion temporal* and a fine of one million pesos
6 (P1,000,000.00) shall be imposed upon the participating officers and
7 members of the fraternity, sorority, organization, business or
8 corporation involved in the hazing.

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

14 The same penalty shall be imposed upon the non-resident or
15 alumni members of the fraternity, sorority, organization, business or
16 corporation who actually participated in the hazing.

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

21 4) A fine of one million pesos (P1,000,000.00) shall be imposed on the
22 school if the fraternity, sorority, or organization filed a written application to
23 conduct an initiation which was subsequently approved by the school and

1 hazing occurred during the initiation rites or when no representatives from
2 the school were present during the initiation as provided under Section 5 of
3 this Act.

4 5) It shall be unlawful for any person to intimidate, threaten, force, or
5 to employ, or administer any form of vexation against another person for the
6 purpose of recruitment in joining or promoting a particular fraternity,
7 sorority, organization, business or corporation. The persistent and repeated
8 proposal or invitation made to a person who had twice refused to participate
9 or join the proposed fraternity, sorority, organization, business or corporation
10 shall be *prima facie* vexation for purposes of this Section. Provided further,
11 that violation of this section shall be punished by *prision correccional* in its
12 minimum period.

13 b) The owner of the place where hazing is conducted shall be liable as
14 a principal when he has actual knowledge of the hazing conducted therein
15 but failed to take any action to prevent the same from occurring or failed to
16 promptly report the same to the law enforcement authorities if he can do so
17 without peril to himself or his family. If the hazing is held in the home of one
18 of the officers or members of the fraternity, sorority, organization, business or
19 corporation, the parents shall be held liable as principals when they have
20 actual knowledge of the hazing conducted therein but failed to take any action
21 to prevent the same from occurring or failed to promptly report the same to
22 the law enforcement authorities if he can do so without peril to himself or his
23 family.

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

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

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

21 f) The incumbent officers of the fraternity, sorority, organization,
22 business or corporation concerned shall be jointly liable with those members
23 who actually participated in the hazing. The *prima facie* presumption that

1 arises herein shall be rebutted only by the individual defense of desistance
2 and renunciation by the accused.

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

6 h) In the case of businesses and corporations, the president, manager,
7 director, or other responsible officer of a corporation engaged in hazing shall
8 likewise be liable under this Act.

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

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

15 SEC. 12. **Separability Clause.** – If any provision or part of this Act is
16 declared invalid or unconstitutional, the remaining parts or provisions not
17 affected thereby shall remain in full force and effect.

18 SEC. 13. **Repealing Clause.** – Republic Act No. 8049 is hereby
19 repealed. All other laws, decreed, executive orders, proclamations, rules and
20 regulations, or parts thereof inconsistent with the provisions of this Act are
21 hereby amended, repealed or modified accordingly.

1 SEC. 14. **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.

Approved,