

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. **3636**



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Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

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**EXPLANATORY NOTE**

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

As early as the periods of the Spanish, American, and Japanese Occupations, campus journalists have braved repressive conditions in order to expose the grim realities under a colonial government. During the tumultuous decades under Martial Law, campus publications served as the alternative press as Presidential Proclamation 1081 imposed state censorship and ordered the closure of major dailies, television and radio stations, and even community papers. As part of the alternative press, campus publications countered State propaganda and fought for the espousal of truth that pierced through the maelstrom of the political and economic injustices of the time.

From the campus press also came prominent and notable figures in Philippine politics, media, art, literature, and business, who, in one way or another, have contributed significantly to their respective fields. The campus press instilled in many of them the hunger for truth and social change that served as the first stirrings of their nationalist consciousness. Among the known products of the campus press are Amado V. Hernandez, Wenceslao Vinzons, Ernesto Rodriguez, Jr., Armando Malay, Renato Constantino, Elmer Ordoñez, Homobono Adaza, Ramon V. Mitra, Leonardo Quisumbing, Luis Teodoro, Antonio Tagamolila, Abraham Sarmiento, Jr., Malou Mangahas, Artemio Panganiban, Miriam Defensor-Santiago, Helena Z. Benitez, Rolando Tolentino, Satur Ocampo, Joe Taruc, and many others. But more importantly, the campus press produced many nameless and faceless heroes who not only used the pen to hone their skills but to write narratives that "sting" the powers-that-be.

In the many campuses today, student publications that continue to uphold and preserve their thrust as an alternative media act as vanguards of academic freedom. In particular, student publications like the Philippine Collegian of the University of the Philippines Diliman, The Torch of the Philippine Normal University, The Catalyst of the Polytechnic University of the Philippines,

and several others are able to openly and comprehensively discuss sexuality, armed conflict and other topics often left out or even misunderstood by the mainstream media.

The campus press is regarded as a concrete manifestation of the students' democratic rights and a tangible expression of press freedom in the campus. Through it, students are able to practice their rights to freedom of expression and information, rights that are protected by the 1987 Constitution. It does not exist for commercial purposes, unlike the mainstream press that depends primarily on advertisements as its lifeblood. While there are some student publications that resort to advertisements in order to generate additional funds, the majority of campus publications throughout the country rely on the collection of student fees to maintain their operations.

The campus press is expected to uphold the interests of the students amid various issues such as the incessant and unabated tuition and other fees increases, repressive student policies, the militarization of campuses, and various assaults on their democratic rights. However, it does not discriminate between local and national issues because it recognizes that the student body and the community outside our schools and universities are hounded by the same political and economic contradictions.

It is therefore not surprising to find student journalists in conflict with institutions who use their authority to quell free speech and expression. Many student editors and writers have been persecuted throughout history, especially during the 60s, 70s, and 80s when nationalist thoughts were dismissed as threats to the government. Today, student journalists continue to face the same dilemma despite the freedoms and rights enshrined in our Constitution. Student journalists who are critical of the government's policies are being tagged by the military as enemies of the State, openly incriminating them to a grand plot to overthrow the government. Student publications and editors are being tagged as subversives and incorporated into the Armed Forces of the Philippines' order of battle, placing their lives in grave danger.

Meanwhile, student journalists also experience harassment, especially in their own backyard. While the school administration abides by the dictates of state abandonment, the campus press struggles for students rights by boldly exposing anti-student policies and condemning both the national and school administration's policies of commercialization and privatization. The student journalists are placed at the mercy of school authorities, who have at their discretion the power to determine the student's fate inside the educational institution.

It is simply preposterous that campus press freedom violations exist despite our constitutionally-guaranteed rights to free speech and expression. Yet, it is, even more, enraging that the existing law governing the existence and operations of campus publications in the country is at fault for these assaults to campus press freedom.

Republic Act No. 7079, otherwise known as the Campus Journalism Act of 1991, was enacted on July 5, 1991, to supposedly uphold and protect the freedom of the press at the campus level and to promote the development and growth of campus journalism, as stated in its declaration of policies. While it has some strong provisions, the seriously-flawed Campus Journalism Act has been found to be insufficient and lacking in material aspects to fully maintain

the existence of the campus press, and protect the rights and welfare of student journalists. Some of the weaknesses of the law are:

- (1) It legalizes the non-mandatory collection of the publication fee, which is considered as the lifeblood of most student publications. The law does not contain any provision that would mandate school administrations to collect student publication funds. Instead, it only enumerates the sources where the student publication funds may be taken.
- (2) Section 7 of the law supposedly gives freedom and space for student journalists to write without fear of any threat of suspension or expulsion, the qualification made by the Supreme Court on the said provision by providing exemptions has rendered the security of tenure provision practically useless. One notable exemption is "material disruption of class work or involving substantial disorder or invasion of the rights of others," which is too broad that even a simple factual article may fall within its application.
- (3) The law 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 reopened for the benefit of students.
- (4) The law does not contain a penalty clause, leaving erring administrations unscathed. School administrations are able to commit offense after offense yet suffer no retribution due to the absence of a penalty provision.
- (5) The Department of Education, Culture, and Sports Order No. 94, Series of 1992, the implementing rules and regulations of the law, contains simply guidelines on the implementation of its provisions with the additional rules on jurisdiction over cases that may arise from violations of the said law. As the implementing rules and regulations cannot lawfully narrow or restrict and expand, broaden, or enlarge the provisions of the law, DECS Order No. 94 naturally carries the weaknesses of Campus Journalism Act of 1991.

Given these inherent flaws of the law, it is no surprise that the enactment of Campus Journalism Act of 1991 resulted in even more campus press freedom violations that are even more clever and devious in form.

According to the College Editors Guild of the Philippines (CEGP), the oldest and broadest intercollegiate alliance of student publications in the country, several student publications were suddenly closed after the passage of the said law, including three major student publications in the country, namely, *The Quezonian* of the Manuel L. Quezon University, *Ang Pamantasan* of the Pamantasan ng Lungsod ng Maynila, *The White and Blue* of the St. Louis University, *The Pedon* of the Mindanao State University-Marawi, *EARIST Technozette* of the Eulogio "Amang" Rodriguez Institute of Science and Technology, *The Dawn* of the University of the East, *Monthly Quest* of the Quezon City Polytechnic University, and the *La Sallian* of the De La Salle University-Manila.

Based on the cases documented by the CEGP since 1992, student publications nationwide faced systemic assaults including the following: (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.

From 2010-2015, the CEGP has reported that more than 800 cases of campus press freedom violations. Of the more than 800 cases consolidated, 322 are related to inconsistencies and suppression of funds. Meanwhile, censorship, administration intervention, and harassment are also of the glaring number.

One current example of such is the case of the Philippine Collegian, the official student publication of the University of the Philippines (UP) Diliman, which was not able to print its first issue for the academic year 2016-2017 due to the UP administration's insistence on labyrinthine procurement processes.

Student publications at the Polytechnic University of the Philippines (PUP) are also currently facing problems. College student publications at the PUP currently face the threat of closure as the PUP administration aims to establish a "centralized publication" which will be university-wide in nature. Meanwhile, the publication fee of The Catalyst, the official university student publication, is planned to be cut by half from P40 to P20.

Despite the supposed fiscal autonomy granted to publications, the PUP administration has control over the funds of several campus publications (e.g. The Business Torch, the official student publication of the PUP College of Business Administration; The Engineering Spectrum, the official student publication of the PUP College of Engineering; and The Paradigm, the official student publication of the PUP College of Accountancy and Finance, among others). Because of this, The Business Torch and The Engineering Spectrum cannot print and release issues since the PUP administration refuses to release their funds.

Conflicts of interest between school administrators and students inevitably result in repression of the students' democratic rights. On the one hand, you have school administrations willing to violate students' rights in order to preserve their reputation and protect their vested interests. On the other, you have student publications that are at the forefront of forwarding the interests of the students and the people.

These violations happen under the guise of unnecessarily tedious bureaucratic processes, which upon closer scrutiny are exposed as schemes aimed at silencing student publications that publish incisive stories and articles linked with the struggle of the student body.

In the case of the Philippine Collegian, it has run in-depth and investigative reports critical of the UP administration's commercialization and privatization policies such as the privatized student housing scheme, the Socialized Tuition System (STS), and the e-UP project. Such articles have been instrumental in intensifying the campaign against anti-student policies, spurring mass actions not just in UP Diliman but in other UP units as well.

Several bills have been filed in the previous Congresses seeking to amend the Campus Journalism Act. Although the House of Representatives has recognized the flaws of the law, the

proposed amendments by several legislators focused only on the financial aspect of the Campus Journalism Act and still fail to address the roots of campus press freedom violations.

This bill, thus, seeks to repeal the Campus Journalism Act of 1991 that has been hanging over the campus press for several decades now and replace it with a law that genuinely upholds campus press freedom.

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



**HON. SARAH JANE I. ELAGO**  
Representative, Kabataan Party-list



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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 VIOLATIONS AGAINST CAMPUS PRESS FREEDOM AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.** – This Act shall be known as the "Campus Press Freedom Act"

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

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

The State thus resolves to undertake various programs and projects aimed at improving the journalistic skills of students concerned, promote responsible and free journalism, reopen all closed student publications, establish student publications in schools where there are none, and protect and uphold freedom of the press at the campus level and the rights of campus journalists at all times.

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

- (a) "*School*" – an institution for learning in the elementary, secondary, or tertiary level composed of the studentry, administration, faculty, and non-faculty personnel;
- (b) "*Student*" – any person enrolled in elementary, secondary, post-secondary, tertiary, graduate, and post-graduate levels, including those enrolled in vocational and technical education;
- (c) "*Student publication*" – the issue of any printed and/or online material such as, but not limited to, newspapers, wall news, literary folios, newsletters, and other similar forms, independently published by, and which meets the needs and interests of, the students;
- (d) "*Student journalist*" – any bona fide student enrolled for the current semester or term, who has passed or met the qualification and standards of the editorial board;
- (e) "*Editorial board*" – shall be composed of student journalists who have qualified in placement examinations and shall be primarily in charge of setting the tone of the paper in accordance to the thrust of the publication. The editorial board may include a publication adviser at the option of its members;
- (f) "*Editorial policies*" – a set of guidelines by which a student publication is operated and managed, taking into account pertinent laws as well as the school administration's reasonable policies. The said guidelines, which shall be created and determined by the editorial board, shall determine the frequency of the publication, the manner of selecting articles and features and other similar matters;
- (g) "*Editor-in-chief*" – shall be the publication's primary editor chosen through a competitive but fair selection process. The process of selecting the editor-in-chief shall be determined by the student body;

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

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

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

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

**SECTION 6. *Independence.*** – The student publication shall be autonomous from any form of administrative intervention with regard to the handling of its funds, the content of the articles the editorial board chooses to publish, the selection of its publication staff and members of the editorial board.

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

4 **SECTION 7. *Funding of Student Publications.*** – Funding for the student publication shall  
5 be sourced primarily from student publication fees collected by the school administration. It shall  
6 be mandatory for the school administration to collect student publication/subscription fees during  
7 the enrollment period. The members of the student publication can opt to collect the publication  
8 funds themselves upon their initiative and under their full discretion and without administrative  
9 intervention. Secondary sources of publication funds shall also include the savings of the  
10 respective school's appropriations.

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

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

19 In no instance shall the Commission on Higher Education, Technical Education and Skills  
20 Development Authority, and the Department of Education, as the case may be, or the school  
21 administration concerned withhold the release of funds intended for the student publication.

22 **SECTION 9. *Publication Adviser.*** – The editorial board shall have the discretion whether  
23 or not they would appoint a faculty adviser. In case the student publication decides to appoint a  
24 faculty adviser, the editorial board shall have the power to choose its faculty adviser, whose  
25 functions shall be limited merely to technical assistance. The technical assistance of the faculty  
26 adviser shall mean any concern related to the grammatical concerns, proofreading and the like.

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

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

34 **SECTION 11. *Press Conferences and Training Seminars.*** – The Commission on Higher  
35 Education, the Technical Education and Skills Development Authority, and the Department of  
36 Education, in partnership with media and campus press organizations and alliances, shall sponsor  
37 periodic competitions, press conferences, and training seminars in which student editors/writers  
38 and teacher-adviser of student publications in the elementary, secondary, and tertiary levels shall  
39 participate. Such competitions, conferences, and seminars shall be held at the institutional,



divisional, and regional levels, culminating with the holding of the annual national elementary, secondary, or tertiary School Press Conference in place of historical and/or cultural interest in the country.

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

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

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

**SECTION 14. *Power to Investigate.*** – The Commission on Higher Education, the Technical Education and Skills Development Authority, and the Department of Education, as the case may be, shall be granted the power to investigate any violation of this Act and its implementing rules and regulations.

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

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

1       **SECTION 17. *Reportorial Requirements.*** – The Commission on Higher Education, the  
2       Technical Education and Skills Development Authority, and the Department of Education shall  
3       submit an annual report to both houses of Congress on the status of the implementation of the  
4       law including violations thereof and the disposition of pertinent cases.

5       **SECTION 18. *Penalties.*** – Any person who shall willfully interfere with, restrain or coerce  
6       any student publication/student journalist in the exercise of its/his/her functions and rights  
7       guaranteed by this Act or who shall in any other manner commit any act to defeat any provision  
8       of this Act shall, upon conviction, be punished by a fine of not less than P100,000 but not more  
9       than P200,000 or imprisonment of not less than one (1) year but not more than five (5) years, or  
10      both at the discretion of the court or both upon conviction.

11       If the offender is an education institution or a juridical person, the penalty shall be imposed  
12      upon the president, treasurer or secretary, or any officer responsible for the violation.

13      **SECTION 19. *Implementing Rules and Regulations.*** – The Commission on Higher  
14      Education, the Technical Education and Skills Development Authority, and the Department of  
15      Education, and in close consultation and coordination with student and campus press  
16      organizations and all other concerned sectors, shall promulgate within sixty (60) days upon its  
17      approval, the rules and regulations for the implementation of this Act.

18      **SECTION 20. *Separability Clause.*** – If any section or provision of this Act shall be declared  
19      unconstitutional, the remaining sections or provisions shall not be affected thereby.

20      **SECTION 21. *Repeal.*** – Republic Act No. 7079, entitled “AN ACT PROVIDING FOR THE  
21      DEVELOPMENT AND PROMOTION OF CAMPUS JOURNALISM” is hereby repealed.

22      All laws, presidential decrees, executive orders, letters of instruction, rules and regulations  
23      which are inconsistent with any of the provisions of this Act are hereby repealed.

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

*Approved,*