

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
17th CONGRESS
First Regular Session

House Bill No. **3963**




Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

The ability and desire to organize and associate is not only a constitutional right, it is also at the core of being a human. It is perhaps for these accepted postulates that fraternities and sororities have thrived for centuries. They have been near the centers of a number of social movements and they have well and truly brought a lot of positive changes through their collective actions. These are all conceded. All these notwithstanding, it is submitted in this proposal that the good that these organizations bring do not in any way shape of form justify the barbaric act of hazing. If indeed these organizations are driven by a collective desire to do good, they should be able to do so even without hazing.

RA 8049, "The Anti-Hazing Law", was enacted in 1995, yet a score year later the situation is still just as bad as it was when that law was enacted. Well-documented are still the deaths, or the irreversible physical damage to a person, that are occasioned in the process of hazing. It is therefore proposed that a more comprehensive solution is required and demanded by the situation. This act provides an encompassing definition of hazing, regulates admission processes, requires the registration of all fraternities and sororities, and provides for penalties. If enacted into law, the hope is that no more life will be lost and sacrificed at the altar of senseless violence.



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SECTION 1. Short Title. - This Act shall be known as the "ANTI-HAZING ACT OF 2016"

SEC. 2. Prohibition on Hazing. - Any physical or psychological suffering, harm or injury inflicted on a recruit, member, neophyte or applicant as a form of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority or organization shall be considered as hazing and is hereby prohibited. Hazing shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse or endanger, by requiring a recruit, member, neophyte or applicant to do menial, silly, or foolish tasks. All forms of hazing shall be prohibited at whatever stage of the initiation rites or practice.

Fraternities, sororities, and organizations not based in schools such as those which are community based are likewise covered by the prohibition under this Section.

As used in this Act, the term "school" shall include colleges, universities, and all other educational institutions, while the term "organization" shall include but is not limited to any club, association or group as well as the officer and cadet corps of the Citizens' Military Training and Citizens' Army Training.

SEC. 3. Regulation of Initiation Rites. - Only initiation rites or practices which do not inflict direct or indirect physical or psychological suffering, harm or injury to the recruit, neophyte, or applicant of a fraternity, sorority or organization shall be allowed: Provided;

That a written application to conduct the same shall be made to the

proper authorities of the school not later than seven (7) days prior to the scheduled initiation date;

That the written application shall indicate the place and date of the initiation rites and the names of the recruit, neophyte or applicant to be initiated;

That the initiation rites shall not last more than three (3) days;

The application shall contain the names of the incumbent officers of the fraternity, sorority or organization and any person or persons that will take charge in the conduct of the initiation rites;

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

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

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

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

School officials shall have the authority to impose, after due notice and summary hearing, disciplinary sanctions to the head and all other officers of the fraternity, sorority, or organization which conducts an initiation without first securing the necessary approval of the school as required under this Section. All members of the fraternity, sorority or organization, who participated in the unauthorized initiation rites, even if no hazing was conducted, shall also be punished accordingly.

In case the written application for the conduct of initiation rites contains false or inaccurate information, appropriate disciplinary sanctions shall be imposed, after due notice and summary hearing, against the person who prepared the application or supplied the false and inaccurate information and to the head and other officers of the

fraternity, sorority, or organization concerned.

SEC. 4. Monitoring of Initiation Rites. – The head of the school or an authorized representative must assign at least two (2) representatives of the school to be present during the initiation. It is the duty of the school representatives to see to it that no hazing is conducted during the initiation rites. The representatives of the school who were present during the initiation shall make a report to the appropriate officials of the school regarding the conduct of the initiation.

SEC. 5. Registration of Fraternities, Sororities, and Other Organizations. – All existing fraternities, sororities, and other organizations otherwise not created or organized by the school but has existing members who are students or plans to recruit students to be its members shall be required to register with the proper authorities of the school before it conducts activities whether on or off-campus including recruitment of members.

A newly established fraternity, sorority, or organization in a school shall immediately register with the proper authorities of the school during the semester or trimester in which it was established or organized: Provided, That the new fraternity, sorority, or organization has complied with the requirements prescribed by the school in establishing a fraternity, sorority, or organization: Provided, further, That schools shall promulgate their guidelines in the registration of fraternities, sororities, and organizations within their jurisdiction not later than sixty (60) days from the approval of this Act.

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

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

SEC. 6. Faculty Adviser. – All fraternities, sororities, and organizations must be assigned a faculty adviser responsible for monitoring the activities of the fraternity, sorority, or organization. The faculty adviser must be a duly recognized active member, in

good standing, of the faculty at the school in which the fraternity, sorority, or organization is registered.

SEC. 7. Role of Educational Institutions. – Schools shall implement an information dissemination campaign at the start of every semester or trimester to provide adequate information to students regarding the consequences of conducting and participating in hazing.

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

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

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

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

Sec. 9. Regulation of initiation rights for community based fraternities, sororities, or organizations. – Only initiation rites or practices which do not inflict direct or indirect physical or psychological suffering, harm, or injury to the recruit, neophyte, or applicant of a fraternity, sorority, or organization shall be allowed. Provided;

That a written application to conduct the same shall be made to the barangay captain in the barangay or the municipal or city mayor in the city or municipality where the community based fraternity, sorority, or organization is based not later than seven (7) days prior to the scheduled initiation date;

That the written application shall indicate the place and date of the initiation rites and the names of the recruit, neophyte or applicant to be initiated;

That the initiation rites shall not last more than three (3) days;

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

The application shall be under oath with a declaration that it has been posted in the official bulletin board of the barangay hall or the municipal or city hall where the community based fraternity, sorority, or organization is based and the bulletin board of the office of the community based fraternity, sorority, or organization,

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

SEC. 10. Monitoring of initiation rites of community based fraternities, sororities, or organizations. – The barangay captain of the barangay or the municipal or city mayor of the municipality or city where the community based fraternity, sorority, or organization is based must assign at least two (2) barangay or municipal or city officials to be present during the initiation. It shall be their duty to see to it that no hazing is conducted during the initiation rites. The representatives who were present during the initiation shall make a report to the barangay captain, or the municipal or city mayor regarding the conduct of the initiation.

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

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

SEC. 12. The Inter Agency Committee Against Hazing. – The Commission on Higher Education (CHED), Department of Education (DepEd), Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), National Youth Commission (NYC) and an organization representing educational institutions, schools, colleges and universities shall create an inter-agency committee that shall promulgate guidelines and implementing rules and regulations in order to carry out the provisions of this act.

SEC. 13. Administrative Sanctions. – The responsible officials of the school or of the police or military may impose the appropriate administrative sanctions, after due notice and summary hearing, on the person or the persons charged under this Act even before their conviction.

SEC. 14. Penalties and Liability of Those Involved in Hazing. –

The following penalties shall be imposed:

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

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

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

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

4) A fine of one million pesos (P1,000,000.00) shall be imposed on the school if the fraternity, sorority or organization filed a written application to conduct an initiation which was subsequently approved by the school and hazing occurred during the initiation rites or when no representatives from the school were present during the initiation as provided under Section 4 of this Act.

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

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

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

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

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

f) The incumbent officers of the fraternity, sorority or organization concerned shall be jointly liable with those members who actually participated in the hazing. The prima facie presumption that arises herein shall be rebutted only by the individual defense of desistance and renunciation by the accused.

g) Any person charged under this Act shall not be entitled to the mitigating circumstance that there was no intention to commit so

grave a wrong.

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

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

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

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

SEC. 14. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,