



iACADEMY
2002

DISCOVER GAME CHANGING

STUDENT'S HANDBOOK

AUGUST 2021

DARE TO BE DIFFERENT

STUDENT COMMITMENT

I have received and understood the provisions of the iACADEMY Student Handbook (“the Handbook”), and commit myself to observe the same as a member of the iACADEMY community.

I will faithfully conduct myself as a student of iACADEMY according to the rules, regulations, policies and standards outlined in this Handbook. I hereby impose upon myself this voluntary obligation without mental reservation or purpose of evasion.

Ultimately, I will be solely accountable for any negligent and willful infraction of the provisions of this Handbook.

Signature of Student over Printed Name

Acknowledged by

Year and Program/Specialization

Date

2021 Edition

Table of Contents

Section 1:	Admissions
Section 2:	Student Loading
Section 3:	Fees and Scholarships
Section 4:	Class Attendance Policy
Section 5:	Suspension of Classes
Section 6:	Makeup and Advance Classes
Section 7:	Examinations
Section 8:	Grading System
Section 9:	Scholastic Deficiency
Section 10:	Graduation
Section 11:	Honors and Awards
Section 12:	Internship and Placement Program
Section 13:	Student Development Programs
Section 14:	Guidance and Counseling
Section 15:	Student Activities
Section 16:	Honor Student Privileges
Section 17:	Code of Conduct
Section 18:	Dress Code and Declaration of Banned Items
Section 19:	Student Discipline
Section 20:	Sexual Harassment
Section 21:	Policy on Ownership of Student Works
Section 22:	Data Privacy and CCTV Policy
Section 23:	Lost and Found Policy
Section 24:	Guided Online Autonomous Learning Policies
Section 25:	Guidelines on Creative Freedom
Section 26:	Online Procedures for School Transactions
Section 27:	Appendices
A.	Anti-Sexual Harassment Act of 1995
B.	Comprehensive Dangerous Drugs Act of 2002
C.	An Act Providing for the Development and Promotion of Campus Journalism
D.	CHED Statement on Fraternities
E.	An Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities, and Organizations
F.	An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office, Providing for its Powers and Functions
G.	Philippine AIDS Prevention and Control Act of 1998
H.	Data Privacy Act of 2012
I.	CHED MEMO CHED MEMORANDUM ORDER NO. 19, Series of 2005 Revised Guidelines on the Suspension of Classes
J.	Informed Refusal of Treatment and/or Transport Form
K.	Internship Forms

FOREWORD

The iACADEMY UG Student Handbook contains the governing policies which every student must read and understand. iACADEMY expects all students to conform to the policies stipulated herein to maintain the order in the community, uphold the core values, and preserve the fair name of the School.

The rules, regulations, policies, directives, and norms as set forth herein are based on the set standards of iACADEMY, the directives of the Commission on Higher Education (CHED), and other duly recognized governing bodies.

iACADEMY Administration

iACADEMY VISION

iACADEMY develops game changers to lead the advancement of society.

iACADEMY MISSION

We reinvent education to address the ever changing needs of the industry.

CORE VALUES

We are Game Changers

We dare to be different.

We are not afraid to push boundaries to unleash the best version of ourselves and make a difference.

We are family

We embrace everyone with love, care, and understanding.

We value respect and integrity, and encourage everyone to be a person of character.

We support each other in achieving our dreams.

We are agents of happiness

We see the goodness in everything and everyone, and believe in the power of positivity.

We live to spread love and kindness.

Creativity is our foundation

Design thinking is our way of life.

We use our skills and imagination to bring about relevant and innovative solutions that address real world challenges.

Learning is our passion

We are lifelong learners aiming to help improve quality of life.

We are constantly pursuing knowledge and growth to adapt to our dynamic and fast-paced society.

iACADEMY HYMN

With pride I state I am from iACADEMY. My torch and my guide,
She lights my future brightly I believe in iACADEMY's ideals
with visions set to mold me, To the best that I can be
You give me strength and wealth of your knowledge.
Oh my second home, I pay thee homage.
And with pride, I to the world proclaim my iACADEMY
as I move along to change with the seasons,
One thing will remain, I will bear your wisdom and with pride,
I to the world proclaim
With pride, I to the world proclaim
And with pride, I to the world proclaim my iACADEMY

THE SEAL

RATIONALE

In this rapidly changing global society, progress begins with learning. More than just giving an education, iACADEMY equips its students to build higher, dream bigger, and aspire greater.

The iACADEMY Academic Seal is composed of several elements that are significant to the institution:

TORCH

The torch is a universally recognized symbol for light. iACADEMY, being an educational institution, brings light to the world by ensuring that our students carry the iACADEMY brand of a focused education that aims to provide all the skills they would need to succeed in their career of choice.

CHANGING THE WORLD

Instead of a flame, the torch holds in its center an illustration of the changing world. iACADEMY is a progressive institution that takes the fast changing global society into the equation and updates educational curricula according to the current demands and standards of the different fields that students would enter upon completion of their respective programs.

CITY SKYLINE

iACADEMY is located in the heart of the Central Business District. Our students are not only given the very best possible training and education but are also immediately immersed in an area where the future is in the present.

SHIELD

iACADEMY is committed to arm our students with the knowledge and skill sets that they would need in their fields of choice. Every program is designed and updated with full consideration to the current progress and significant developments of the global market.

CIRCLES

The inner circle represents the circles of support and influence that surround us: family and friends, teachers and advocates.

RAYS

The outer rays reflect our place within the greater society to which we dedicate our learnings to contribute to continuing progress.

iACADEMY – THEN AND NOW

Founded in 2002, iACADEMY's specialized programs in Computing, Business and Liberal Arts, and Design were developed to address the mismatch between graduates of academic institutions and the actual needs of the industry.

Today, iACADEMY has a total of nine (9) Senior High School programs, and fourteen (14) specialized undergraduate degree programs, which are all geared towards preparing students for a highly competitive professional world.

Our campus is strategically located in Makati City's Central Business District in order to place students within reach of industry practitioners, and over two hundred internship partner organizations. This prestigious network of companies gives students the perfect platform to immerse themselves in their chosen fields during their 960-hour college internship program. This balance of theory and experience-based learning ensures that they become industry-ready as well as industry-relevant upon graduating. iACADEMY has proven to be one of the best training grounds for future professionals because of its drive and commitment to developing Game Changers who are not only driven to pursue their passions but also inspired to develop real-world solutions to be of service to society.

Now in its 19th year, iACADEMY continues to push the boundaries of innovative education and non-traditional learning by creating an inclusive environment and progressive culture that encourages students to be daring in their pursuit of excellence so they can become the Game Changers that they are meant to be.

HIGHLIGHTS AND MILESTONES

- First WACOM Authorized Training Partner in the Philippines
- Designated as the first IBM Center of Excellence in the ASEAN region
- Selected as a partner school of Project Runway Philippines for seasons 3 and 4
- Teamed up with Weather Philippines to develop their website and mobile application for faster real-time weather updates
- UNITY Certified Training and Certification Partner
- First educational partner of Amazon Web Services for Cloud Computing program
- First educational partner of PricewaterhouseCoopers for the Bachelor of Science Accountancy program
- First educational partner of the Department of Tourism for film and Augmented Reality content
- First and only Toon Boom Center of Excellence in Asia
- Global Brands Awards UK 2020: Most Innovative Education Provider Award in the Philippines

- Global Brand Awards 2021 (UK)
 - Most Innovative Education Provider (PH)
 - Most Innovative Design School (PH)
 - Best New School for Music Production and Technology (PH)

- Global Brand Review Magazine (UAE)
 - Most Innovative Education Provider (PH)
 - Best School for Music Production, Design, and Technology (PH)

- International Business Magazine Awards 2021 (Asia Edition)
 - Best New School for Music Production and Technology Philippines 2021
 - Most Innovative Design School Philippines 2021
 - International Business Magazine: Most Innovative Education Provider Philippines 2021
- First educational institution in the Philippines to implement Alibaba Business School's Global Digital Talent (GDT) program

Undergraduate Degree Programs

School of Computing

- Bachelor of Science in Computer Science major in Software Engineering
- Bachelor of Science in Computer Science major in Data Science
- Bachelor of Science in Computer Science major in Cloud Computing
- Bachelor of Information Technology major in Web Development
- Bachelor of Science in Entertainment and Multimedia Computing with specialization in Game Development

School of Business and Liberal Arts

- Bachelor of Science in Accountancy
- Bachelor of Arts in Psychology
- Bachelor of Science in Business Administration major in Marketing Management
- Bachelor of Science in Real Estate Management
- Bachelor of Science in Real Estate Management (Fast Track - Business)
- Bachelor of Science in Real Estate Management (Fast Track - Non-Business)

School of Design

- Bachelor of Arts in Fashion Design and Technology
- Bachelor of Science in Animation
- Bachelor of Arts in Multimedia Arts and Design
- Bachelor of Arts in Film and Visual Effects
- Bachelor of Arts in Music Production and Sound Design

Section 1: Admissions

A student must submit the following requirements to the Admission's Office before admission to any academic program:

For Freshmen

- Original copy of Form 138 (Grade 12 Report Card or its equivalent);
- NSO/PSA copy of Certificate of Live Birth
- Original copy of Recommendation Letter from Class Adviser, Guidance Counselor or School Principal;
- Certificate of Transfer Credential
- Three (3) pieces of 2" x 2" identification pictures; and
- Medical Certificate

For Transferees

- Original or certified true copy of Transcript of Records (TOR);
- NSO/PSA copy of Certificate of Live Birth
- Original copy of Certificate of Transfer Eligibility or Certificate of Transfer Credential
- Original copy of Recommendation Letter from previous school;
- Three (3) pieces of 2" x 2" identification pictures; and
- Medical Certificate

For International / Foreign Students (Residing in the Philippines):

- Original copy of the school's Acceptance Letter containing a clear impression of the school's dry seal – (c/o iACADEMY's Admissions Office)
- Proof of adequate financial support to cover expenses for the student's accommodation and subsistence, as well as school dues and other incidental expenses. (to be notarized by a lawyer in your country of residence) and to be authenticated by the Philippine Embassy;
- Scholastic records (College – Copy of Grades/TOR or SHS – Form 138/Form 137);
- Copy of the student's Personal History Statement (PHS) signed by the student with a 2x2 inch photograph recently taken;
- Photocopy of the data page on the student's passport (i.e. photo, date and place of birth, stamp of the latest arrival in the Philippines);
- Quarantine Medical Examination by the National Quarantine Office (if the student left Philippines);
- Copy of Birth Certificate;
- Recommendation Letter from Principal/Guidance Counselor/Class Adviser;
- Certificate of Good Moral Character;
- Copy of Alien Certificate of Registration (I-Card);
- Special Study Permit (SSP); and
- Medical Certificate
- Certificate of Transfer Credential

For International / Foreign Students (First Time to Study in the Philippines):

- Five (5) copies of the Student's Personal History Statement (PHS) from the accepting school duly signed by him/her, both English and in his/her national alphabet accompanied by his/her personal seal if any, containing among others, his/her left and right thumb prints and 2x2 inch photograph on plain white background taken not more than six months prior its submission;
- Transcript of Records/Scholastic Records duly authenticated by the Philippine Embassy/Consulate located in the student-applicant's country of origin or place of legal residence;
- A notarized Affidavit of Support including bank statements or notarized grant for institutional scholars, to cover expenses for the student's accommodation and subsistence, as well as school dues and other incidental expenses;
- Photocopy of the student's passport showing date and place of birth and birth certificate or its equivalent duly authenticated by the Philippine Embassy;
- Recommendation Letter from Principal/Guidance Counselor/Class Adviser;
- Copy of Birth Certificate;
- Photocopy of the data page on the student's passport (i.e. photo, date and place of birth, stamp of the latest arrival in the Philippines). The passport itself shall be presented to the Bureau of Immigration for verification;
- Quarantine Medical Examination by the National Quarantine Office;
- Original copy of the school's Acceptance Letter containing a clear impression of the school's dry seal – (c/o iACADEMY's Admissions Office);
- Three (3) pcs. 2" x 2" ID Picture; and
- Medical Certificate

For international/foreign students, all requirements must be submitted to the Admissions Office/Registrar's Office on/before the second week of classes of the term that they are enrolled in as they need to be applied for a valid student visa with the Bureau of Immigration.

Online Procedure

Examination

1. Student Applicant may visit our website (www.iacademy.edu.ph) for the Online Application.
2. The applicant may click on the "apply now" pop-up button or the "Admissions" tab on our website and will be redirected to this link: <https://isims.iacademy.edu.ph/iacademy/applicants/> for iSIMS registration
3. The applicant will now fill out and accomplish the online application form in iSIMS.
4. After the iSIMS registration, the applicant will receive an applicant ID and password once he/she is done accomplishing the online application form generated by iSIMS.
5. The applicant shall settle the 500 Php examination fee through the bank.

iACADEMY BANK DETAILS

Account Name: Information and Communications Technology Academy Inc.

SECURITY BANK

Account No: 0514-043205-001

Swift Code: SETCPHMM

CHINABANK

Account No: 1003-0000-5963

Swift Code: CHBKPHMM

METROBANK

Account No: 291-7-29181232-1

Swift Code: MBTCPHMM

BDO

Account No: 0089-5800-5430

Swift Code: BNORPHMM

6. Student Applicant will scan the deposit slip as a proof of payment for the online exam and will send it through email along with the other requirements such as: (Scanned copy of School ID, Scanned copy of Birth Certificate, Scanned copy of 2x2 ID photo, Scanned copy of Passport if foreign or dual citizen, Scanned copy of Transcript of Records for Transferees/2D applicants)

- a. to: inquire@iacademy.edu.ph
 - b. cc: admissions@iacademy.edu.ph
 - c. Subject: Last Name, First Name - Online Examination Payment and
 - d. Requirements SY (they are applying to ex: SY21-22)
 - e. Email body:
 - f. Attach deposit slip and requirements. (*for online transfer, attach screenshot*)
2. Once we receive your online application form, our Admissions Officer will send an email to the Student Applicant regarding instructions and will verify the requirements submitted.
 3. After verification of requirements, the Student Applicant will receive an email confirmation from our Admissions Officer including the link to the website and EXAMINATION CODE as an access to the online exam.
 4. After taking the online exam, our Admissions Officer will show a virtual tour and notify the student applicant regarding his/her Final Interview online (via Google Hangouts) through email.
 5. Student Applicant will receive an email with a link to the Google Form to choose his/her desired Interview schedule via Google Hangouts.
 6. After accomplishing the Google Form, the applicant will receive an email confirmation and a call from our Admissions Officer for his/her final interview schedule.
 7. For School of Design applicants, prepare for a talent test which will be conducted at the start of your interview. Have your pencil and an A4 bond paper ready.
 8. During the Final Interview via Google Hangouts, the interviewer will release the online examination results. Should the student pass the entrance exam, he/she may proceed with the reservation and enrolment.

Reservation

1. Student Applicants may settle the 10,000 PhP reservation through the bank.

iACADEMY BANK DETAILS

Account Name: Information and Communications Technology Academy Inc.

SECURITY BANK

Account No: 0514-043205-001

Swift Code: SETCPHMM

CHINABANK

Account No: 1003-0000-5963

Swift Code: CHBKPHMM

METROBANK

Account No: 291-7-29181232-1

Swift Code: MBTCPHMM

BDO

Account No: 0089-5800-5430

Swift Code: BNORPHMM

2. Student Applicant will email a scanned copy of the deposit slip to:

to: inquire@iacademy.edu.ph

cc: admissions@iacademy.edu.ph

subject: (choose from the ff)

COLLEGE NEW: Last Name, First Name SY21-22

COLLEGE ORGANIC: Last Name, First Name SY21-22

2D NEW: Last Name, First Name SY21-22

COLLEGE TRANSFEREE: Last Name, First Name SY21-22

Email body:

Attach deposit slip.

3. Our Admissions Officer will send an email confirmation with an acknowledgement receipt once the payment is received.
4. The applicant may claim the original copy of the receipt and welcome kit once he/she visits the iACADEMY Admissions office.
5. Our Admissions Officer will send an email regarding Enrollment requirements and waiver to be submitted through email.

Enrollment

1. Student applicants will submit the requirements and waiver for verification and processing through email.

to: admissions@iacademy.edu.ph

Subject: Last Name, First Name - Enrollment Requirements SY (they are applying to ex: SY21-22)

Email body:

Attach requirements.

(Scanned copy of the reservation receipt, Scanned copy of waiver, Scanned copy of Good Moral, Scanned copy of Grades, Scanned copy of Transcript of Records for Transferees/2D applicants)

Note: Original copy of the said requirements must be submitted to the iACADEMY Admissions Office.

2. Our Admissions Officer will confirm receipt of the requirements from the applicant through email and will send available sections to choose from. *(subject to change due to the availability of slots)*
3. Our Admissions Officer will send an email confirmation with an acknowledgement receipt once the payment is received.
4. The Applicant may claim the original copy of the receipt and welcome kit once he/she visits the iACADEMY Admissions office.
5. Our Admissions Officer will send an email regarding Enrollment requirements and waiver to be submitted through email.

Section 2: Student Loading

For Freshmen

One (1) academic year has three (3) terms. The duration of each term is approximately fourteen (14) weeks.

A. For Transferees

A student taking a regular load is enrolled in not less than twelve (12) units and not more than twenty-one (21) units per term (not including NSTP and Euthenics).

B. For International / Foreign Students (Residing in the Philippines):

A student may take less than twelve (12) units only under the following conditions:

- He/She is experiencing health issues;
- He/She is on academic probation;
- He/She is graduating and the remaining units is less than twelve (12) or
- He/She cannot enroll in a needed subject because it is unavailable.

C. Overload

Only graduating students in a particular term may take an additional six (6) units in excess of the maximum load of twenty-one (21) units.

Changes in Subjects Enrolled

A student may change (add, drop, or replace) his/her enrolled subject(s) within two (2) weeks after the start of the term.

To avail of changes in subjects, a student must:

- a. Secure a Subject Change Form from the Registrar's Office.
- b. Secure the approval of the Program Chair.
- c. Submit the fully-accomplished form to the Registrar's Office.
- d. Get a new Registration Form from the Registrar's Office.
- e. Pay additional fees (if any) to the Cashier.

Online Process

- a. The student will email their respective Program Chair. Student must attach a scanned copy or photo of any of their ID.
- b. The Program Chair shall respond to the student and cc: enrollment@iacademy.edu.ph
- c. The Registrar will process the changes in iSIMS and shall reply on the same thread copying the Finance Department.

**Should there be additional payment; Finance shall inform the student via email.*

Special Classes

A graduating student may avail of special classes when necessary. Special classes are classes that are not regularly offered in a given term based on the curriculum. They can be offered only to graduating students who need a subject that is not offered during his/her last term in school. A special class fee on top of the tuition is charged to the student if the class has less than twenty (20) enrollees. This threshold is subject to change when necessary without prior notice.

The special class is subject to the approval of the Program Chair and the School Dean, and is noted by the Registrar.

Class List

A student may attend only those classes in which his/her name appears on the official class list. Should the student find that his/her name is not on the official class list, s/he must immediately inform the instructor and verify his/her enrollment at the Registrar's Office.

Program Shifting

A student may be allowed to change his/her program or field of concentration. S/he must apply for a program shift before the start of enrollment.

To shift to a different program, a student must:

- a. Secure a Program Shifting Form at the Registrar's Office.
- b. Consult with the Guidance Counselor. The Counselor will help the student arrive at a sound decision on the basis of the student's abilities and interest.
- c. Fill out the Program Shifting Form and obtain endorsement from the current Program Chair and the approval of the new Program Chair and the Dean.
- d. Return the accomplished Program Shifting Form to the Registrar's Office before the enrollment period.
- e. A student may attend only those classes in which his/her name appears on the official class list. Should the student find that his/her name is not on the official class list, s/he must immediately inform the instructor and verify his/her enrollment at the Registrar's Office.

Online Procedure

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph before the enrollment period for the term in which he/she plans to shift.
- b. Fill out the Program Shifting Form and send it back to the Registrar email.
- c. The Registrar will obtain endorsement via email from the current Program Chair and the approval of the new Program Chair and the Dean.

- d. Once approved, the Registrar will inform the student if the request has been approved. He/She will be then endorsed to the new Program Chairperson for the advising.

Leave of Absence

An iACADEMY student is expected to be enrolled each term until he/she has completed his/her course. In some meritorious cases, he/she may apply for an official Leave of Absence (LOA) at the Registrar's Office subject to the approval of the Dean. This should be done before the last day of enrollment of the term for which the LOA will be applied.

The student should neither enroll nor study in another school during the LOA period. The duration of LOA is only effective for one term.

To file for LOA, the student must:

- a. Accomplish the LOA Form which can be obtained from the Registrar's Office.
- b. Go to the different departments for clearance and get the approval of his/her Program Chair and Dean.
- c. Return the accomplished LOA form and surrender your ID to the Registrar's Office for processing.

Online Procedure

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph
- b. The student will need to submit the following:
 1. Letter from the parents stating the reason for the request, with signatures
 2. Parent's valid ID.
- c. The Registrar will email the link for online clearance that the student needs to fill out.
- d. The student will receive an email notification each time a department signs his/her clearance or if he/she has a deficiency with any of the departments.
- e. The student will receive an email notification once the clearance is complete.

A student who does not file for LOA before the last day of enrollment will be considered Absent Without Leave (AWOL), while a student who did not file for LOA while the term is on-going will automatically receive a grade of FA (Failure Due to Absences) and will also be considered as AWOL. iACADEMY reserves the right to reject a student's request for re- admission.

A student who wishes to extend his/her LOA may apply in person for an extension or send a representative to do so before the end of the term.

Re-Admission

A student returning from an official LOA must apply for re-admission through the Registrar's Office.

To apply for re-admission, he/she must:

- a. Secure a Re-Admission Form at the Registrar's Office before the enrollment period for the term in which he/she plans to re-enroll.
- b. Go to the different departments for clearance and get the approval of his/her Program Chair and the Dean. The student will return the accomplished Re-Admission Form to the Registrar's Office for processing.

Online Procedure

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph before the enrollment period for the term in which the student plans to re-enroll.
- b. Fill out the Re-Admission Form and send it back to the Registrar email.
- c. The Registrar will obtain approval via email from the Program Chair and the Dean.
- d. Once approved, the Registrar will inform the student if the request has been approved. He/She will be then endorsed to the Program Chairperson for the advising.

Discontinuance of Studies

A student who wishes to discontinue his/her studies at iACADEMY and transfer to another school must accomplish a Withdrawal Form from the Registrar's Office. The student will go to the different departments for clearance and get the approval of his/her Program Chair and the Dean. Penalties and charges will be imposed as applicable in the amount mentioned in the succeeding paragraph (Section 2) hereof.

Withdrawal of Enrollment

Upon enrollment, a student will pay part or all of the required tuition and other fees for the term. When a student enrolls, it is understood that he/she is enrolling for the entire term. A student is considered officially enrolled if he/she has paid the required minimum tuition and fees, whether in full or in installments.

Officially Enrolled Students who withdraw their enrollment before the official start of classes shall be charged a Withdrawal Fee of two thousand five hundred pesos (PhP 2,500.00).

Officially Enrolled Students who withdraw their enrollment after the official start of classes, and have already paid the pertinent tuition and other school fees in full or for any length longer than one month (regardless of whether or not he has actually attended classes) shall be charged the appropriate retention fee as stipulated in CHED Manual of Regulations for Private Higher Education (MORPHE) of 2009, as follows:

- Within the first week of classes – twenty-five percent (25%) of the total school fees.
- Within the second week of classes – fifty percent (50%) of the total school fees.
- Beyond the second week of classes – one hundred percent (100%) of the total school fees.

One-time penalty for the late enrollment (PhP 500.00) shall be charged after the first day of official start of classes per term.

Procedure for Withdrawal

A student who wishes to withdraw from iACADEMY must undergo the procedure for withdrawal

He/She must:

- a. Accomplish the Withdrawal Form which can be obtained from the Registrar's Office.
- b. Go to the different departments for clearance and get the approval of his/her Program Chair and the Dean.
- c. Submit the duly accomplished form to the Registrar's Office for processing. School credentials will not be released to students who have outstanding accounts and pending school requirements.

Online Procedure

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph
- b. The student will need to submit the following:
 1. Letter from the parents stating the reason for the request, with signatures
 2. Parent's valid ID.
- c. The Registrar will email the link for online clearance that the student needs to fill out.
- d. The student will receive an email notification each time a department signs his/her clearance or if he/she has a deficiency with any of the departments.
- e. The student will receive an email notification once the clearance is complete.

School credentials will not be released to students who have outstanding accounts and pending school requirements.

Note: Penalties and charges will be imposed as applicable in the amount mentioned in Section 2 hereof.

Issuance of Identification (ID) Card

In the event of an online learning set-up, the IT department will issue a digital ID for enrolled students.

iACADEMY strictly implements the "No ID, No Entry" policy.

For security and safety purposes, iACADEMY will issue every student an official Identification (ID) Card with a corresponding student number. This is valid for the entire term and must be worn conspicuously while inside the School Premises.

A student who fails to bring his/her ID card must present any of the following documents for identification:

- Registration form
- Official receipt
- Any other cards with the complete name and photo of the student.

In some cases, a student may lose or damage his/her ID card.

For a lost ID card, the student must present an Affidavit of Loss together with the above mentioned documents and must pay the corresponding fee for the replacement of the ID Card.

For a damaged ID card, the student will be endorsed to the IT department and must pay the corresponding fee for the replacement of the ID Card.

Section 3: Fees and Scholarships

The schedule of fees and due dates are posted on the bulletin boards of iACADEMY before and during the enrollment period.

The Finance Office is responsible for the proper assessment and collection of fees. The tuition per unit rate is multiplied by the number of units enrolled. The total payment is based on the total tuition and other miscellaneous fees.

Payment of the required fees is done on the regular days specified in the enrollment materials and bulletin board announcements. They are payable on a per term basis by the chosen mode of payment.

Students with outstanding balance from previous school years will be subject to a 12% penalty per annum. A returning student's tuition fee rate will be based on the current Academic Year's rate.

Scholarships

A. Academic Scholarship

Academic scholarships are given to students who excelled academically in a given term. The scholarship is in the form of tuition fee discounts given on the current or succeeding term.

An academic scholar is granted the privilege of a fifty percent (50%) discount on tuition only.

He/She must:

- Be enrolled in at least twelve (12) units for the current term (not including NSTP, Euthenics, and subjects with non-numeric grades);
- Have a General Weighted Average (GWA) of 1.25 for the current term;
- Not incur any failing grades in any of his/her subjects for the current term;
- Not be charged with any violation of school rules and regulations for the current term;
- Be an active member of an accredited student organization of iACADEMY.

Note: This is subject to availability of scholarship slots. If there are more recipients than scholarship slots, then students will be ranked according to their GWA. This scholarship is not automatic; it must be applied for by the student during the enrollment period of the succeeding term.

B. iACADEMY Financial Assistance Program

This scholarship is bursary in nature. It is given to students who are affected by calamities such as natural disasters, fire, war, and other events which affect the student's paying capacity for a particular term.

A student who avails of the Financial Assistance program is granted the privilege of a twenty percent (20%) discount on tuition only.

He/She must:

- Have a residency of at least two terms with a cumulative GWA of 2.0;

- Submit the following for committee evaluation:
 1. Parents' certified Income Tax Return (ITR);
 2. Copy of parents' certificate of employment specifying the salary received monthly;
 3. An application letter stating what transpired in the previous term that warrants the request for financial assistance for the succeeding term.
 4. Other documents that can validate the circumstances surrounding the application.
- Not incur any failing grade in any of his/her subjects for the current term;
- Not be charged with any violation of school rules and regulations for the current term;
- Be an active member of an accredited student organization of iACADEMY.

Note: This scholarship is subject to availability of scholarship slots. It is not automatic and must be applied for by the student during the enrollment period of the succeeding term.

A student may not enjoy both types of scholarships at the same time. If a student is qualified for both academic and financial assistance, only the one with the higher value will be awarded.

Section 4: Class Attendance Policy

A student is expected to attend his/her classes punctually and regularly. It is the responsibility of the student to catch up on the lessons missed during any absence.

Tardiness/Lateness

A student is considered tardy or late if he/she arrives after a class has started. A student is considered absent if he/she comes in after:

- The first twenty (20) minutes of a sixty (60) minute class
- The first forty (40) minutes of a one hundred and twenty (120) minute class
- The first seventy (70) minutes of a two hundred ten (210) minute class. One instance of tardiness will be considered a half-absence.

A student who leaves the class before the end of the class period will be considered as absent for that meeting.

Absences

A. Maximum Allowable Absences

As stipulated in the CHED MORPHE of 2009, a student is allowed to be absent for no more than twenty percent (20%) of the total class time. This includes absences due to late enrollment. A student will therefore be given a grade of FA (failure due to absences) for a subject if he/she is absent for more than three (3) times (for classes that meet once a week).

B. Excused or Approved Absences

Excused or approved absences are limited to the following cases:

- Absences because the student represented iACADEMY in an official function or activity as authorized by the School Dean.
- Absences due to severe illness or accident as certified by an attending physician.
- Absences because of the death of next of kin (grandparent, parent, brother or sister, spouse, or child) certified by a copy of the death certificate.

Waiting Period

Students are required to wait for the instructor to arrive within the first third fraction of the class duration. A student may leave the class if the instructor fails to come after:

- The first twenty (20) minutes of a sixty (60) minute class
- The first forty (40) minutes of a one hundred and twenty (120) minute class
- The first seventy (70) minutes of two hundred ten (210) minute class

An exception is made if an alternate activity is given by the subject instructor. A student who is not on the official class list cannot attend that class.

Section 5: Suspension of Classes

iACADEMY will follow the declaration of class suspension from CHED and/or the Local Government of Makati.

All academic and social activities in the College will be suspended automatically when typhoon signal number three (3) is raised.

iACADEMY administration can suspend academic and social school activities if the students' safety is threatened. This can be done even if there is no typhoon signal.

If the government allows iACADEMY the discretion to suspend classes, official announcements shall be posted within the college premises and on the iACADEMY website, Facebook page, and Twitter.:

Official iACADEMY Website: www.iacademy.edu.ph

Official iACADEMY Facebook page: www.facebook.com/iACADEMY

Official iACADEMY Twitter account: www.twitter.com/iACADEMY_EDU

iACADEMY reserves the right to extend the school calendar to make up for class days missed due to class suspension.

Section 6: Makeup and Advance Classes

iACADEMY gives priority to academic classes. If classes are cancelled due to unavoidable circumstances, make-up classes will be scheduled. Students will be informed of the date and time of the make-up class.

Section 7: Examinations

Final Examinations

Students will be informed of the final examination dates at least two (2) weeks before the schedule. Students are advised to settle all financial obligations before taking the final examinations. Students who fail to fully settle their unpaid accounts will not receive their clearance. Furthermore, they will not be able to view their grades on iSIMS, or enroll for the next term.

Special Examinations

Aside from the major examinations, such as mid-term and final examinations, a student may be given long examinations. In case the student fails to take any of the examinations due to a sickness or an approved absence, his/her instructor will schedule special examinations. If such is the case, the student is expected to communicate the circumstance of his/her absence to the instructor.

Conduct During Examinations

During any kind of examination, students are expected to:

- Remain in their seats once the examination has commenced. Should there be a need to leave the room or to transfer seats, they should first inform their instructor/ proctor.
- Have only the required materials on their desks and to keep unnecessary devices such as cellular phones and/or other electronic devices.
- Remain silent during the entire duration of the examination. Any indication of communication with other students will be considered an act of cheating.

Anyone caught cheating is subjected to a disciplinary action and automatically receives a grade of 5.0 in the subject.

Section 8: Grading System

iACADEMY adopts the following grading system with the corresponding equivalences in most classes. In some classes, the faculty can use an adjusted grading equivalence scale. At the start of the term, the students are informed of the grading scale to be used by the faculty in charge of the class.

Grade	Equivalent	Description
1.00	98-100%	Excellent
1.25	95-97%	
1.50	92-94%	
1.75	89-91%	Very Good
2.00	86-88%	
2.25	83-85%	

2.5	80-82%	Satisfactory
2.75	77-79%	
3.00	75-76%	Fair
5.00	Below 75%	Failed due to poor academic performance
UD	Unofficially Dropped	Enrolled but never attended classes and did not file for withdrawal or dropping of subject
FA	Failure Due to Absences	Student exceeded the maximum allowable number of absences

IP	In Progress	Applicable for students doing their internship if they have not yet completed the required number of hours before the submission of the final grade
OW	Officially Withdrawn	Officially withdrawn from the program
P	Passed	For specific subjects having non-numeric grades
F	Failed	

Grades for all subjects prescribed in the curriculum, except for NSTP, Euthenics, and subjects with non-numeric grades are included in the computation of the General Weighted Average (GWA).

Any dispute to a grade given for a particular term must be settled with the concerned faculty member before the end of the succeeding term, otherwise, the grade will be considered final.

GWA Sample Computation

- Multiply the number of units of each subject prescribed in the curriculum by the final grade points to get the honor points per subject.
- Add the credit points of all the subjects to get the total credit points.
- Divide the total honor points by the total credit points.

Subjects	Units	Grades	Honor Points
FUNDPROG	3	1.50	4.50
ETHIPROF	3	1.25	3.75
FILIPIN1	3	1.00	3.00
PURPCOMM	3	1.25	3.75
UNDESELF	3	1.75	5.25
MATHMODE	3	2.25	6.75
TOTAL	18		27.00
		GWA	1.50

Section 9: Scholastic Deficiency

Enrollment Ineligibility

If a student accumulates thirty (30) units of failing marks at the end of any school year, his/her succeeding enrollment shall be subject to academic evaluation by the program chairperson and the school dean. The academic evaluation will determine the student's eligibility or ineligibility to enroll in succeeding terms.

If a student exceeds thirty (30) units of failing marks and his/her remaining units is sixty-six (66) or less, he/she will be suspended for one (1) trimester. A suspension of one (1) trimester will be meted out for any failure in any of the previous trimesters.

If a student fails a subject, but upon retaking the same gets a grade of 2.0 or higher, said subject will no longer be counted in the number of accumulated failing marks. However, the failure will still be reflected in the transcript of records and is still included in the computation of the cumulated GWA.

Academic Probation

If a student fails in more than 50% of the enrolled subjects, he/she will be placed on Academic Probation for the succeeding trimester. The Program Chair/ School Dean can limit the number of subjects enrolled for students under Academic Probation.

Maximum Residency

iACADEMY implements a maximum residency period for all students.

The maximum allowable period of residency is equivalent to an additional fifty percent (50%) of the total number of terms of the program. For a 10-term program, the maximum residency is fifteen (15) terms (including terms in which the student went on LOAs).

A student who goes beyond the maximum residency is subject to an evaluation before being allowed to enroll. iACADEMY reserves the right to refuse re-admission.

In addition, a student who goes beyond the maximum residency may be required to take refresher courses to ensure that they are up-to-date with the requirements of the program. They may also be required to migrate to the most recent curriculum version.

Section 10: Graduation

I. Conferring a Degree

A student is conferred his/her degree upon passing and completing the required number of units and subjects in the curriculum. It is the responsibility of the student to keep track of the subjects/units he/she has completed during his/ her entire stay at iACADEMY.

II. Application for Graduation

Candidates for degrees should apply to graduate by submitting an Application for Graduation to the Registrar's Office. Students should apply for graduation on the seventh (7th) week of their second to the last term of study.

To apply for graduation, a student must:

- a. Secure an Application for Graduation Form from the Registrar's Office during the specific dates that are set by the Office.
- b. Accomplish the Form and submit it to the Registrar's Office.
- c. Proceed to the Registrar's Office on a specified date to be advised of the status of their application.

Online Procedure

- a. Send an email expressing intent together with school ID at registrar@iacademy.edu.ph during the specific dates that will be set by the Office.
- b. Accomplish the Application Form and send it back to the Registrar's Office.
- c. Email the Registrar on a specified date to be advised of the status of your application.

Only those students who have completed the curriculum and other requirements of the school by the second week before the end of the third term will take part in the commencement exercises.

Section 11: Honors and Awards

I. Dean's List

iACADEMY recognizes exemplary performance in academics. The Dean's List is posted at the end of each term on the school's bulletin board.

A student qualifies for the Dean's List if he/she has:

- A GWA of 1.25 or higher for First Honors
- A GWA of 1.50 or higher for Second Honors
- Not committed any major offense during that particular term
- No grade lower than 2.50 in any subject
- Enrolled in not less than twelve (12) units (not including NSTP and Euthenics)

II. Graduation Merits

A student receives Graduation Merits of Summa Cum Laude, Magna Cum Laude, or Cum Laude if he/she has:

- Maintained academic excellence all throughout his/her stay at iACADEMY
- Completed at least:

- a 7-term residency for a 10-term program
- an 8-term residency for an 11-term program
- a 9-term residency for a 12-term program
- Should have completed his/her program without exceeding the prescribed maximum residency rule of the program (including terms in which the student went on LOAs)
- Taken at least eighty percent (80%) of the total curriculum credits at iACADEMY

Graduation Merits follow this GWA scale:

- Summa Cum Laude 1.10
- Magna Cum Laude 1.30
- Cum Laude 1.50

The following are causes for disqualification from graduation merits:

- Failure in any subject
- Two grades of 2.75 in any academic course
- One grade of 3.0 in any academic course
- A major disciplinary case during a student's stay in iACADEMY

III. Outstanding Leadership Award

This award is given to a student who, in his/her residency in iACADEMY, has exemplified inspiring leadership through genuine service and involvement, and has made a positive school- or community-wide impact.

1. A shortlist of candidates for the leadership award will be determined by the Office of Student Affairs and Services from the list of graduating students.
2. Candidates should satisfy the following qualifications:
 - received no failed marks in any academic subject during his/her residency in iACADEMY;
 - received no strong unfavorable evaluation from the faculty and/or administrators as regards his/her conduct in the final deliberation;
 - received no penalties on discipline in during his/her residency in iACADEMY; and
 - rendered continuous residency of three (3) years.
3. The Graduation Committee, together with OSAS, shall conduct a deliberation on the short-listed candidates. Professor of the candidates may be invited to determine a candidates' qualification to the award.
4. The Leadership Awardee will be chosen after a final interview with each of the top 3 candidates.
5. Decisions on the recipient/s of the Excellence in Leadership award are final and unappealable.
6. There may be no recipients for this award.

Section 12: Internship and Placement Program

I. Introduction

This section of the handbook is for the undergraduate student Interns of iACADEMY. It also covers the school's placement services for graduates.

Aligned with the school's institutional philosophy and the degree program outcomes, this section describes the list of policies and procedures related to the internship and placement program. This includes responsibilities of the Intern, guidelines for approval of internships, deadlines, and official forms.

To be able to successfully implement the program, the Internship and Placement Office comes up with activity proposals with corresponding budgetary requirements that are being recognized, supported, and given time for implementation by the administration.

II. Purpose of the Internship and Placement Program

Aligned with the vision of iACADEMY to create Game Changers that will lead the advancement of society, students are provided with opportunities to apply, evaluate, test and integrate the technical skills and theoretical concepts they have acquired in school in a professional setting. The internship and placement program facilitated by the Internship and Placement Office of the External Linkages Department, aims to achieve the following objectives:

- To develop and expand students' knowledge about themselves and their abilities, goals, and career interests in a work setting.
- To expand students' awareness of the world beyond the campus by exposure to a variety of careers, disciplines, cultures and environments.
- To encourage students to take a greater responsibility for their education and life, and develop self-reliance, personal brand, values, and beliefs in a manner consistent with becoming a responsible and productive individual.
- To provide students with experience in making decisions and solving problems in a work setting.
- To create a better understanding of theory by its actual application in practice.
- To help students gain professional experience which can significantly improve their marketability to employers.
- To provide services for their well-rounded development as they progress towards their desired competencies.
- To provide useful contacts, job-related information, and extend opportunities on professional training, jobs and openings from industry partners that may lead to future employment of students and graduates.

III. General Information

Internship During the Pandemic

Due to the pandemic, internships are conducted virtually from the students' home or remote location of choice of the students' parents or guardian. iACADEMY's Industry Partners have made it possible to transition their internship programs online and be able to provide hands-on, real-world experiences through a virtual work set-up.

Program Announcements and Communications

Formal communications and announcements related to the program's services, policies and procedures are disseminated through email, bulletin postings, and the school's learning management system (LMS) so that the various services and activities will be made known; social media may also be utilized.

Registration/Enrollment

Students can avail the program's services and activities by enrolling in the Internship subject. Students registering for iACADEMY Internship Program must have a minimum GPA of 3.0, and have completed all major coursework prior to internship. Students must also be of Junior or Senior standing and have consulted with their academic adviser to ensure that all prerequisites are successfully complied with.

School of Computing: Internship Schedule

Program	Term 1 August to December	Term 2 December to April	Term 3 April to July
Bachelor of Science in Computer Science with Specialization in Software Engineering	Internship 1	Internship 2	
BS Computer Science with Specialization in Cloud Computing	Internship 1	Internship 2	
Bachelor of Science in IT with Specialization in Web Development	Internship 1	Internship 2	
Bachelor of Science in Entertainment and Multimedia Computing with Specialization in Game Development	Internship 1	Internship 2	

School of Business and Liberal Arts: Internship Schedule

Program	Term 1 August to December	Term 2 December to April	Term 3 April to July
Bachelor of Science in	Internship 2		Internship 1

Business Administration with Specialization in Marketing Management			
Bachelor of Science in Business Administration with Specialization in Financial Management	Internship 2		Internship 1
Bachelor of Science in Accountancy	Internship 1	Internship 2	
Bachelor of Science in Real Estate Management	Internship 2		Internship 1
Bachelor of Arts in Psychology	Internship 2		Internship 1

School of Design and the Arts: Internship Schedule

Program	Term 1 August to December	Term 2 December to April	Term 3 April to July
Bachelor of Science in Animation		Internship 2	Internship 1
Bachelor of Arts in Multimedia Arts and Design	Internship 2		Internship 1
Bachelor of Arts in Fashion Design and Technology		Internship 2	
Bachelor of Arts in Film and Visual Effects		Internship 1	Internship 2

Orientation

The Internship and Placement Office will provide an orientation session for prospective Interns, usually held during their junior year. The orientation allows the students to learn about the internship program and the steps they must take before starting their internship. This orientation also helps students further understand the available services and activities for interns.

Application Process

The internship application form must be submitted by the students registering for the internship program. Students must also send a copy of their resume (formal and creative), cover letter and portfolio/demo reel link to the Internship Program Coordinator via email.

Placement Requirements

Interns who are accepted in a company are required to submit the following to the Internship Program Coordinator:

- Signed Copy of the Endorsement Letter
- Internship Contract
- Acceptance Form filled out by the Supervisor / HR
- Parent's Clearance and Waiver Form
- Confidentiality Agreement
- Code of Professional Agreement
- Soft Copy of the Registration Form

Final Requirements

The Intern Supervisor will evaluate the Interns at the end of every Internship Program using the forms provided by the Internship Program Coordinator and issue a certificate of completion with the total number of hours rendered. These documents should be given/issued to the student within 10 working days after the completion of the internship program. The student will also complete and submit feedback and accomplishment reports at the end of every Internship Program.

Grading

The revised grading system below is used by the Internship and Placement Office:

MIDTERM (40%)

Application and Placement Requirements	-	20%
Attendance	-	20%
Timesheets (10%)		
Accomplishment Reports (10%)		
Initial Evaluation from the Supervisor	-	60%
TOTAL	-	100%

FINALS (60%)

Student Output/Reports	-	20%
Reflection Essays compiled into Narrative Report (10%)		
Feedback Report (5%)		
Certificate of Completion (5%)		
Attendance	-	20%
Timesheets (10%)		
Accomplishment Reports (10%)		
Final Evaluation from the Supervisor	-	60%
TOTAL	-	100%

NOTE: Students are required to submit a compiled Internship 1 and 2 documents.

Final grades will be the same as that being used by all other subjects and is included in the computation of the GWA: 1.00 being the highest and 5.00 for Failed.

Students who are not able to finish the required number of internship hours and/or fail to submit the Student Output/Report together with all other requirements prior to the deadline set by the Internship and Placement Office will get an IP (In Progress). Students will only be allowed to complete their internship hours and submit requirements until the following term.

Failure to accept a placement offer within the first 3 weeks of the term or on or before the Midterm period will receive a grade of 5.00.

Intern Monitoring

The Internship Program Coordinator will check out with the Intern Supervisor to verify an Intern's progress. Appropriate action will be taken depending on the status of the intern.

Termination

An industry partner/host company has the right to decline applications sent by the students or endorsed by the Internship and Placement Office if they do not meet the industry partner's requirement.

An ongoing internship may also be terminated should the student file for an official withdrawal or leave of absence. In this case, the student must re-enroll the internship subject at a time deemed fit for him/her to continue to do so.

IV. Student Responsibilities

Prior to Internship

A. Attend Orientation

Students must attend the orientation set by the Internship and Placement Office which is usually held during their junior year.

B. Consultation with the Academic Adviser/Chairperson/Dean

Students then continue the internship process by meeting with their academic adviser to ensure that all academic requirements are met prior to the expected internship date.

C. Attend the Activities

Students who are registering for the Internship Program are required to attend the following activities set by the Internship and Placement Office under the External Linkages and Partnerships Department:

- Internship Readiness Program
- Mock Interviews
- Career Fair

D. Submit Application Documents

The students must submit an Internship Application Form together with their resume, cover letter and portfolio/demo reel link at least a month or two prior to the internship start date.

E. Select an Internship Site/Host Company

Students are expected to actively identify and apply for internship opportunities in companies where they feel they can put into practice and further hone their skills.

Application to a partner company.

Students are expected to actively identify and apply for internship opportunities in companies where they feel they can apply and further hone their skills. iACADEMY has a substantial number of Industry Partners that accept interns. The Internship and Placement Office regularly posts and suggests internship opportunities for students. All students applying for a slot in any of the industry partners shall follow the recruitment protocol set by the company. An industry partner/host company has the right to decline applications sent by the students or endorsed by the Internship and Placement Office if they do not meet the industry partner's requirement.

Application to a non-partner company.

Students are not limited to the industry partners of iACADEMY. Other companies are welcome to the program as long as they are able to provide our non-partner requirements. In order to intern at a company not affiliated with iACADEMY, the following requirements must be submitted:

1. Company Profile
 - Name, Industry, Location(s)/Address, Subsidiaries (if any)
 - History (Milestones) and Background of the Company
 - Length of Service of the Company (in the Philippines and abroad) / Founding Date(s)
 - Company Management Details (Name of Top Official and Position, Name of HR Point Person and Position) and Organizational Structure
2. Copy of SEC Registration (or Business Registration)

We need to know their company profile and we need to request for a copy of their SEC registration to validate the company on our end.

Students should understand that an industry partner/host company has the right to decline applicants that do not meet their requirements.

During Internship

A. Submit Acceptance Documents

An Intern who has secured placement in a host company should submit the following to the Internship Program Coordinator within 5 days after the start date:

- Signed Copy of the Endorsement Letter
- Internship Contract
- Acceptance Form filled out by the Supervisor / HR
- Parent's Clearance and Waiver Form
- Confidentiality Agreement
- Code of Professional Agreement
- Soft Copy of the Registration Form

B. Log work hours

An Intern must keep a log that records the dates and number of hours of work rendered using the timesheet template provided by the Internship Program Coordinator. The Intern

Supervisor must regularly verify the log either on a daily or weekly basis. The timesheet must be submitted to the Internship Program Coordinator as part of the midterms and finals requirements.

Internship Proper

An Intern should follow the company policies, including dress code (if there's any), overtime work, etc., including the policies on confidentiality regarding any information or materials on assigned tasks and responsibilities. An Intern should understand that violation of these rules/policies may result from termination. It is also the Intern's responsibility to work out a comfortable schedule with their Intern Supervisor.

During the whole duration of the Internship Program, the Intern should give their best in coordinating and communicating with colleagues and complete work assignments as requested by the Intern Supervisor.

Online Intern Monitoring (Progress Check)

Online Intern Monitoring is conducted by the Internship and Placement Office to allow Interns to discuss learning experiences during the internship period. All Interns are asked to answer assessments as part of this activity. These written assessments are then compiled into the Internship Feedback and Narrative Report at the end of the Internship Period.

Weekly Check-In and Accomplishment

Interns are required to check-in online via the Learning Management System (LMS) so that the Internship Coordinator can easily track the progress of the interns. Here, students can report the update on their rendered hours from their timesheet and daily accomplishment report.

After Completing the Internship Program

After completing the required number of hours for an internship program, Interns are required to submit the following:

- Narrative Report
- Internship Feedback Report
- Daily Accomplishment Report
- Performance Internship Evaluation
- Certificate of Completion
- Timesheet
- Photo documentation during the internship

Students are also required to submit a compilation of the Internship 1 and 2 documents, soft bind, after their Internship 2. For virtual internship, digital copies of documents are acceptable.

In an event that the Intern fails to submit requirements prior to the deadline set by the Internship Program Coordinator, he/she will receive an IP (In Progress) grade. The IP grade will only be changed once all requirements are submitted. Interns are only allowed to complete their internship hours and submit the final requirements until the following term. If the student is graded as IP for Internship 1, then

he or she needs to accomplish Form 2.15 Internship Extension Waiver in order to be able to enroll for Internship 2 the following term.

An Intern is expected to inform the Internship Program Coordinator if he/she will continue her Internship2 in the same company where he/she rendered Internship1 or planning to look for a different host company. If the Intern chooses to look for a different host company for his/her Internship2, the Intern must ensure that his/her application is sent at least 4 weeks before the end of the term. Interns who opt to continue their Internship2 in the same company are required to submit another set of placement documents.

Internship Program Evaluation

To evaluate the effectiveness of the internship program, students are given the opportunity to rate their internship employers. A comprehensive set of criteria for the evaluation has been provided by the office through the Internship Feedback Report. Another source of information for the evaluation of the program is the Performance Evaluation provided by the supervisor to the interns.

V. Outstanding Intern of the Year Award

This award is given to a student who has successfully completed his/her internship and is deemed outstanding in all of the following criteria:

Criteria	Description	Weighted Percentage
Overall Job Performance	Was offered a job in the company after internship	25%
	Garnered an average score of at least 90 in his or her evaluation	20%
	Has been given a commendation by his/her supervisor	25%
Character	Submitted all documents on time	15%
	Has demonstrated good attitude towards peers, supervisors and colleagues	15%

VI. Placement upon Graduation

There are different ways in which a graduating student or a graduate may be placed.

1. The intern may be provided with a job offer upon graduation by its host company or through iACADEMY's College Career Fair.
2. Jobs, openings, career fairs, and training opportunities from industry partners may be shared by the Internship and Placement Office, with the assistance of the Alumni Relations Officer, to iACADEMY's Alumni Community.

In coordination with the Alumni Relations Officer, the office may endorse an alumni to an Industry Partner per approved request.

VII. List of Internship Requirements

Internship Application Documents

1. Internship Application Form
2. Resume (Formal and Creative)
3. Cover Letter
4. Portfolio/Demo Reel Link

Internship Placement Documents

1. Signed Copy of the Endorsement Letter
2. Internship Contract
3. Acceptance Form filled out by the Supervisor / HR
4. Parent's Clearance and Waiver Form
5. Confidentiality Agreement
6. Code of Professional Agreement
7. Soft Copy of the Registration Form

Internship Final Documents

1. Narrative Report
2. Internship Feedback Report
3. Daily Accomplishment Report
4. Performance Internship Evaluation
5. Certificate of Completion
6. Timesheet
7. Photo documentation during the internship

VIII. Internship Forms

Please check out the Appendix K for reference on the Internship Forms.

Section 13: Student Development Programs

I. Information and Orientation Services

This program provides students with basic information about the school and its officials, academic and curricular activities, and materials that will help them adjust to college life.

II. School Health and Wellness

The Health and Wellness Team (School Clinic) of iACADEMY is committed to providing a healthy school environment for our academic community. This Handbook lists guidelines on procedures in addressing the health related needs and concerns of all students of iACADEMY.

The school clinic is staffed by two full time nurses, one full time doctor and one part time dentist. The clinic is open Monday to Saturday from 7:30 AM to 9:30 PM without meal breaks.

A. Annual Physical Examination

1. First year college students, Grade 11 SHS students, and Transferees

All first year college students, Grade 11 SHS students, and transferees are required to undergo a medical check-up conducted by an accredited health provider of the school. The clinic nurse sets the appointment with the provider. Notices for the scheduled appointments are posted on student bulletin boards and the Student Life (OSAS) Facebook page. The students are also given notice via email or SMS.

Students and parents/ guardians of minors will be asked to sign a consent form. Signed consent forms should be submitted on or before the scheduled date of examination; otherwise, the student will not be allowed to proceed with the physical examination.

The Medical Check-up consists of the following:

- Chest X-ray
- Complete Blood Count
- Urinalysis
- Visual Acuity
- Physical Examination
- Fecalalysis (optional)

The results of the medical check-up are forwarded to the school clinic and are reviewed by the school physician and school nurse. All records are kept in the school clinic and are considered strictly confidential.

Students who are not able to have their scheduled check up with the school's accredited provider are required to have it done on their own with their laboratory of choice. All results must be submitted to the school clinic within a period of one month from the start of the term; otherwise the student will not be issued a clearance.

In some cases, the school physician requires additional laboratory procedures and diagnostic tests. The students can have these tests done with their preferred laboratories. Students are also expected to shoulder the payment for the added tests.

Students may also submit previously done X-Ray or laboratory tests stated above provided that these were done no later than six (6) months prior to the date of enrollment.

In addition, a depression screening is also given as part of the APE. This allows us to identify students who may need monitoring or intervention due to some mental health concerns.

2. Second year to Fourth Year College students

All second to fourth college students are required to have a physical check up at the school clinic during a designated period once a year.

3. Others

All student athletes prior to participation/acceptance to the varsity may be required to undergo physical examination by the school physician.

Physical examinations are also done on a per request basis for officers or recognized student organizations, students who will undergo on-the-job training/internship programs as part of their college curriculum, athletes prior to the competition in school-sanctioned sports activities, and other activities that may require such.

Medical certificates will only be endorsed by the School Physician and shall not bind him/her as to the authenticity of the certificate or to the illness stated therein.

NO MEDICAL CERTIFICATE SHALL BE ISSUED TO ANY STUDENT FOR USE OUTSIDE iACADEMY OR FOR EMPLOYMENT PURPOSES.

B. Primary Health Care

Emergency Care Due to Serious Illness or Injury and Emergency Service

Students who need immediate emergency care because of injury or other serious illness as assessed by either the school physician or school nurse will be brought to the nearest hospital's Emergency Room. The school nurse will arrange for the transport to the hospital and will accompany the patient. The school nurse will inform the parents or guardian of the students' health status as well as update the school physician, the Head of Student Affairs, and the VP of Academics of the students' condition.

Parents may refuse the school clinic's recommended care and may prefer transport and treatment at their preferred hospital. In this case, they will be asked to sign the "Informed Refusal of Treatment or Transport" (see Appendix) and make their own arrangements/ambulance service for transport to their hospital of choice.

If needed, the nurse will also email the professors of the subjects that the student shall miss.

Non-Emergency Care Due to Minor Illness or Injury

Students with common illnesses and minor cases are treated in the school clinic under the care of either the school physician or the school nurse. They will receive first aid measures and medication as needed.

Students may be sent home at the discretion of the school physician or nurse after assessing the severity of the illness. This is not just for the welfare of the student to aid in the recovery process, but also to prevent the spread of infection to others.

Some conditions that may be present for the student to be sent home include but are not limited to:

- A.** Fever with temperature more than 38 degrees Celsius
- B.** Diarrhea with more than 3 watery stools
- C.** Vomiting with more than 2 episodes
- D.** Generalized rashes assessed as non-allergic
- E.** Eye redness with eye pain and/or discharge
- F.** All communicable diseases such as chicken pox, measles, mumps and others

The Parent or guardian of students who need to be sent home will be informed by the school nurse.

A sent home slip is given by the school to the student and is shown to the adviser. Students are allowed to leave the school premises on their own after the school clinic notifies their parents or guardians.

Telehealth Consultations

Students may avail of medical consultation with the School Clinic through a telehealth platform for non-emergency situations from Monday to Friday, 8:00 AM to 5:00 PM.

Procedure to avail this service:

- A. A student may send a health-related question or consultation request through any of the following channels: chatbox, Viber, NEO or email clinic@iacademy.edu.ph
- B. A reply is sent with a link to the iACADEMY Clinic and Consent Form to be filled out by the student or his guardian.
- C. Once the form is completed and submitted, the access link and appointment schedule will be given by email.

Emergency Care for Mental Health Issues

Mental Health Protocol for Students Who Need to be Fetched in School

1. Incomplete Suicidal Attempt In School

Cases that fall under this category follow the protocol for transport on life-threatening cases.

2. Communication of Suicidal Ideation/ Incomplete Suicide Done Outside School

The parent/guardian will be called to fetch the student and have a parent conference with the Guidance Counselor.

The counselor will endorse the student to the parent/ guardian and have them sign the MH agreement form.

If the parent cannot be reached, the office will call the next of kin registered in the iSIMS.

If the parents, guardians, next of kin cannot be reached, the school has the authority to decide on how to respond.

C. Clinic Confinement

The school doctor or the school nurse may recommend confinement/stay in the clinic after evaluation of the student. Clinic confinement is limited to one to two (1-2) hours only.

- The nurse will provide an excuse slip to be presented to the teacher after he/she is released from the clinic.
- Those who need to stay longer may be sent home upon the discretion of the clinic staff.
- Guidelines for staying inside the clinic:

- Students are only allowed to stay and rest in the clinic if they are sick and may stay in the clinic until their condition is stable and vital signs are normal.
- Students who are sick are not allowed to bring friends to stay with them.
- Only one person is allowed on each bed.
- Eating, while on bed, is strictly not allowed.
- Visitors are not allowed to stay inside the clinic. They can visit for only 5 minutes.
- Students are not allowed to standby inside the clinic.

D. Returning to School after an Absence

Upon returning to school after an absence of 1 – 2 days, the student must bring a note signed by the parent or guardian that describes the reason for the said absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is eighteen (18) or older. Notes must be received in the clinic within one (1) day of the student's return to school. The school clinic will then issue an excuse slip that will be presented by the student to the concerned faculty. The original excuse letter is kept in the school clinic together with all of the student's medical records.

Doctor's Note after an Absence for Illness

Upon return to school, a student absent for more than three (3) consecutive days because of a personal illness must bring a medical certificate from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school.

Medical certificates must be received in the clinic within three (3) days of the student's return to school. The school physician will then evaluate the student and will issue a clearance attesting to the fitness of the student to return to class. This will be presented by the student to the concerned faculty. The original medical certificate is kept in the school clinic together with all of the student's medical records.

Questionable Pattern of Illness

If the student has established a questionable pattern of illness, the school physician may also require a Doctor's Certificate even after a single day's absence.

Excuse slip and medical clearances are issued for the purpose of excusing the student from their missed attendance. Excusing them from their missed activity, quiz, major exams is the discretion of the faculty concerned.

E. Prevention and Control of Communicable Diseases

The school clinic should be notified immediately of any student or staff who develops any illness characterized by rashes or red eye (conjunctivitis). Upon the assessment of the physician or nurse of a probable infectious disease, the student is kept in the isolation room until such time he or she can be sent home.

Upon his or her return to school, he or she must present a medical certificate or clearance from his or her attending physician to the school clinic.

If symptoms of flu-like illness, other infectious diseases or any of the symptoms listed above are observed in the students even before they come to school, we highly recommend that students stay home to recuperate and to prevent further spread of infection.

F. Administering Medicines

The school clinic is equipped with medicines for general and/or minor illnesses such as headache, stomach ache, dizziness, allergies, colds, dysmenorrhea, and mild asthma attacks. These are available for the students' immediate needs and not for maintenance purposes. When the physician is present, the students may also be seen prior to dispensation of the medicines.

Students Bringing Own Medicines

Students are allowed to bring their own medicines such as inhalers for asthma provided these are labeled and in their original packaging.

Inventory of All Medicines and Supplies

The school nurse is responsible for maintenance of the inventory of all medicines and supplies. Issued over the counter medications and supplies are logged via the CDRS: the Clinic Drug Dispensing System, a capstone project designed by our students. With the new version of the CDRS, the stocks of all medicines and supplies are closely monitored and alerts are sent when stocks reach critical levels. This ensures that all supplies are restocked regularly so that we can provide medicines to those who need it.

G. Medical Records

Each student has his or her medical record that will ensure optimal, individualized continuing care. This would include the initial medical check-up done by the accredited health provider on admission to iACADEMY, records of consultations done in the school clinic, excuse slips, medical certificates presented upon return to school and a Student Health Information Form. All records are kept strictly confidential. Aside from the hard copy of the individual health record, a soft copy of all the students' medical status is also maintained by the school nurse through the ISMS and Clinic Drug-dispense Reporting System (CDRS).

Required Yearly Update of Student Health Information

The Student's Health Information Form is updated yearly and includes information about the student's medical history, immunization updates and current medications. It includes a consent signed by the parent or guardian for medical and/or dental treatment that may be necessary as part of first aid treatment especially for emergency cases.

H. Dental Care

The school clinic provides the following dental services for all students:

1. Dental examination/ consultation. After oral examination, students found to have cavities or needs further treatment are given referral slips to their family dentist.
2. Free oral prophylaxis or cleaning once every academic year to be scheduled with the school dentist.
3. Treatment of dental ailments or conditions such as:
 - a. Dental pain- Prescribes and dispenses medicines to control pain
 - b. Minor oral sores
 - c. Traumatic injuries within the school premises
4. Oral hygiene instruction

I. Health Education

The School Clinic is committed to fostering health education and promotion through our contacts with students, by making educational materials available within the clinic and online, and in cooperation with other departments of iACADEMY.

HIV and other STIs

1. The clinic provides educational materials (posters and leaflets) that give information about HIV/AIDS/STI and correct myths and false information about it.
2. The clinic schedules lectures and fora with invited speakers and specialists to effectively discuss said topics with young people and help our students develop knowledge, skills, behaviors and attitudes to promote health and reduce risks of STIs, including HIV.
3. The clinic is accessible for counseling and provides referrals to laboratory testing centers and specialists as needed.
4. The clinic will facilitate continuing health education for all teachers and staff about HIV/AIDS/STDs to reinforce and update their knowledge of STD/HIV infection and provide them the skills to discuss these topics with our students.

Guidelines on HIV / AIDS

These guidelines apply to the entire iACADEMY community, including faculty, staff, and students.

- iACADEMY is committed to adhering to the standards established by the Republic Act 8504 of 1988. Under this Act, applicants for admission or employment will not be subject to handicap discrimination.
- So long as an individual is capable, with reasonable accommodations, of performing her/his job duties or responsibilities as a student, and HIV/AIDS-positive individual will not be precluded from advancement or promotion.
- iACADEMY will not require random, mandatory HIV/AIDS screening or testing. Applicants will not be subjected to HIV/AIDS screening tests.
- Individuals who make it known that they are infected with the HIV/AIDS virus will not be prevented from attending classes, working, using any campus facilities, or participating in any aspect of school life as long as doing so will not pose a health risk to themselves or others.
- Confidentiality regarding HIV/AIDS, as well as all other health concerns, is protected by law. Information in the student's medical record will not be shared without a written consent

Preventive Strategies

1. Conduct of HIV-AIDS Education.
 - a. Who will conduct?
 - i. The Health and Wellness Clinic shall conduct HIV-AIDS education to all students and personnel.
2. How will it be conducted?
 - i. The HIV-AIDS education will be conducted through distribution and posting of materials, lectures, and information on adherence to standard precautions in the campus.

Mental Health

1. The clinic provides accessible information and resources for school teachers, staff, and parents that can help them to support the mental health of their students.
2. The clinic provides print and non-print materials which will help increase the students' understanding of mental health issues.
3. The clinic conducts screening tests for depression (PHQ-9) for our students since the students themselves may not be aware their mental health is deteriorating or feel embarrassed when seeking help.
4. The clinic works closely with our guidance counselors in helping our students who have identified mental health concerns.
5. The clinic provides referrals to specialists as the need arises.

A Guidance Counselor and/ or Health and Wellness personnel assesses the seriousness of a reported mental health threat. In the case of life-threatening situations, the student and personnel must understand that the issue of confidentiality shall no longer apply.

For medium to high risk suicidal tendencies, parents or guardians are notified immediately by either the Guidance Counselor or Health and Wellness personnel. Referral to a specialist is also done.

Before the student returns to school, he/she must present a medical clearance that consists of (1) results and findings, and (2) recommendations including whether the student is not a danger to themselves or others and is safe to return to school.

Basic Life Support and First Aid

The clinic schedules and coordinates basic life support and first aid training for our staff and select student officers. In addition, the school physician also lectures our first responders on the common illnesses encountered by our students.

Section 14: Guidance and Counseling

The Student Guidance and Counseling Program focuses on prevention and promotion in mental wellness.

The program aims to support and help students become well- rounded individuals, equipped with enough tools to become leaders in their chosen fields of expertise, develop real-world solutions, and be significant contributors to society through the following services:

1. Orientation and Information
2. Academic, Personal-Social Counseling and Consultation
3. Preventive and Intervention for special cases
4. Training and development of peer facilitators
5. Career counseling and skills development

Mental Health and Wellness

“Mental health is a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.” (World Health Organization)

Mental health and wellbeing are not just the absence of mental health problems. It is a state where people feel confident with themselves, are able to make and maintain positive relationships with others, can cope with the stresses of everyday life, and are able to deal with change.

In iACADEMY, we aim to promote mental health for every member of our student body and staff. We pursue this aim using universal, whole school and specialized, and targeted approaches to vulnerable students.

In addition to promoting mental health, we aim to recognize and respond to mental ill health. By developing and implementing practical, relevant and effective mental health policies and procedures, we can promote a safe and stable environment for students affected both directly and indirectly by mental ill health.

It aims to:

- Promote mental health of the students;
- Increase understanding and awareness of common mental health issues;
- Provide support to students suffering mental ill health.

Psychoeducation

We believe that the school has a key role in promoting mental health. As such, our school aims to promote a range of strategies and approaches such as:

Guidance Activities

1. Campaigns to raise awareness of mental health.
2. Peer mediation and mentoring.
3. Stress Buster activities per semester
4. Mental Health Week or Wellbeing Week.
5. Seminar and Training Workshops.
6. Informational posters about sources of support for students.

Intervention Protocol

A crisis is “a perception or experience of an event or situation as an intolerable difficulty that exceeds the person's current resources and coping mechanisms” (James & Gilliland, 2001).

If a student is showing signs and symptoms that are due to extreme stress, (e.g., panic attack, uncontrollable surge of emotions, anxiety symptoms, and others), this requires professional help. Professional help includes guidance counselors, school physician, psychologists, psychiatrists, or other mental health professionals. Likewise, the role of friends, family members, teachers, or other school personnel is very much helpful.

The primary goal of this protocol is to establish a strong mental health safety net for students who are in crisis by educating them about the situation, providing social protection and support, and inviting them and professionals to collaborative decision-making.

If a student shows signs and symptoms of distress:

1. Refer the student to the guidance and counseling office.
2. The guidance counselor and/or the school physician will assess the seriousness of the situation.
3. The guidance counselor meets the student for psychological intervention.
4. Parent/ guardian will be notified immediately. Family plays an important role for their well-being. When medical documents are required from students, parents should support.
5. In cases when students are required to consult a psychiatrist or psychologist, the student must present a medical clearance upon return which consist of the following:
 - Results and findings of assessment
 - Recommendations
6. The Parent Agreement Form will be signed by the parent/ guardian which will be submitted to the guidance counselor. The importance of having proper documentation, having a safety plan, and making the environment safe will be discussed with the parent/ guardian.

Section 15: Student Activities

As part of the thrust of iACADEMY to develop students holistically, students who will assume the baton of leadership in various fields of work are given opportunities to develop their creative and leadership skills. The formation of student groups, as well as activities and programs directed toward the social, cultural, physical, and recreational growth are iACADEMY's response to the need for future leaders and innovators.

I. Student Activities

The Office of Student Affairs and Services (OSAS) conducts the general supervision of all school-sanctioned student activities. These student activities must support and promote the goals and principles of iACADEMY.

The sponsoring organization (club officers and advisers or instructors-in-charge) has the direct responsibility of ensuring the success of the activity.

Student activities are classified into two (2) categories:

A. Co-curricular Activities

Co-curricular activities supplement the regular curriculum. These are planned, organized, and executed by the academic departments/areas or classes under the supervision of an Instructor- In-Charge/Program Chair. These activities must be noted and endorsed by the Program Chair for approval of the Head of the Office of Student Affairs and Services.

Co-curricular activities shall include (but are not limited to) field trips/academic exposure trips, seminars, conferences, workshops, contests, review classes, etc.

The School Dean and VP for Academics must approve invitations from outside entities before a faculty member can extend the mentioned invitation to his/her students.

- For activities that require students to pay certain fees, a proposal must be submitted at least two (2) weeks before the intended activity to the Head of OSAS. The collection of fees should be coordinated with the Accounting Office.
- If the attendance in an off-campus activity takes the place of a regular class meeting, this will only be equivalent to one (1) class meeting, regardless of the course units involved.
- A faculty member who wishes to credit the off-campus activity in lieu of a regular class must first secure approval from the School Dean and the VP for Academics. The faculty member must use the make- up class form.

B. Extra-curricular Activities

Extra-curricular activities are planned and organized by iACADEMY-recognized student organizations, their officers, organization advisers, and members. The Head of OSAS must approve these activities.

All activities are subject to the rules, regulations, policies and approval of iACADEMY. Approval to hold activities, whether on or off-campus, must be secured at least one (1) week prior to the actual execution. For activities with financial requirements, approval must be secured at least two (2) weeks prior to the actual execution.

Activities must be held with minimal disruption of classes. No activity shall be held during class hours or during non-school days unless cleared by the Head of the Office of OSAS.

Practices/rehearsals and/or preparations for an activity must be held after the class hours of the student participants.

iACADEMY reserves the right to limit, exclude, or suspend participation of a student who is serving a sanction or is in need of academic supervision.

II. Student Organizations

Cognizant of its responsibility to develop the full potential of its students, iACADEMY encourages the formation of student organizations as effective vehicles for managerial and leadership training. These organizations must seek to achieve work excellence and be committed in exemplifying the core values of iACADEMY as well as fulfilling the school's mission and vision. Student organizations in iACADEMY are also expected to spearhead extracurricular activities that support the Institutional Learning Outcomes (ILO) that the school advocates.

Only officially approved and recognized student organizations shall be allowed to operate at iACADEMY. In no circumstances shall initiation rites or hazing be allowed in any iACADEMY organization. The organization must promote the vision and mission of iACADEMY as well as values of excellence, competence, integrity, discipline, service, and commitment.

- Renewal of organization and recognition shall be held every year subject to the evaluation of the Head of OSAS.
- An organization shall be placed on probationary status on its initial year of operations. If it is unable to realize its objectives or has committed violations of iACADEMY's rules and regulations, it may be placed on temporary or permanent suspension status. Recognition of organizations is granted every academic year.

Kinds of Student Organizations

- **Curricular Organizations** - organized according to academic departments, subjects, or fields of specialization
- **Co-curricular Organizations** - organized according to specific interests and inclinations like athletics, arts, culture, and community service, among others.

Any group of students may form or join an organization on campus and participate in its activities provided that such formation or affiliation is in accordance with the rules and regulations of CHED and the rules, regulations, and policies promulgated by iACADEMY through the OSAS. Also, such organizations will only be allowed to exist and operate upon the recommendation of the OSAS.

III. Formation of Organizations

A group of no less than fifteen (15) members may apply to organize and operate a school-recognized organization, provided that all students are able to join regardless of one's background, social identity, age, gender, race, religion, ethnicity, culture, and/or physical, economic, and social advantages. Every student organization must consider and respect all human rights and must promote diversity, pluralism, equality, and non-discrimination. Applications must be filed with the OSAS within thirty (30) days after the start of the first term of the current academic year.

Prior to any student organization accreditation, the checklist below must be well-considered:

- Will all students be allowed to join and be engaged in all activities and social networks of the organization?
- Do all students have the resources to fully participate in all aspects of the organization?
- Does the organization recognize human rights and allow all students to fully participate in its activities and not get discriminated against?
- Are all members of the iACADEMY community considered in the organization's processes and engagements, i.e. persons with disabilities, etc.?
- Will all members be recognized to provide insights on the decisions that the organization will be making?

The following guidelines should also be followed:

- Members of the group must be bona fide students of iACADEMY.
- The following documents must be submitted to the Head of OSAS
 - Formal letter of application addressed to the Head of Student Affairs;
 - Proposed name of the organization;
 - Proposed logo and logo rationale;
 - Nature and description of the organization;
 - Vision/Mission/Objectives;
 - Constitution and by-laws;
 - List of at least fifteen (15) founding members including all officers, their year levels, majors, and signatures, as well as their contact details;

- A proposal for one (1) major and two (2) minor activities for the entire academic year. The activities must include tentative dates of implementation and a brief description of each activity; and
- Name of the proposed faculty adviser.

OSAS reserves the right to recommend the approval/ disapproval of the organization.

At no time in the organization's existence shall there be no less than fifteen (15) members in the said organization, and membership shall be limited to bona fide students of iACADEMY. Violation of this rule will be grounds for revocation by the OSAS.

IV. Student Organization Performance Evaluation (iSOPE)

All student organizations (probationary or fully-accredited) should undergo the evaluation at the end of every academic year.

The Office of Student Engagement and Advancement is responsible for the Annual Performance Appraisal of these organizations. There shall be a Student Organization Accreditation Committee, consisting of the Student Activities Coordinator, the Head of OSAS, the Moderator, and the Discipline Officer.

1. This organizational evaluation will be done every May of the current academic year. Student Organization will be given the month of February until April as ample time to accomplish the Student Organization Performance Evaluation given by the SAC and submit all the necessary documents needed for the completion of it.
2. It is the responsibility of the organization officers to accomplish the form, comply and submit the needed documents to OSAS.
3. As part of the Performance Appraisal, a standard Student Organization Evaluation Form from OSAS will be accomplished by the following:
 - a. Organization's Officers
 - b. At least three fourths ($\frac{3}{4}$) of the active members
 - c. Organization's Moderator
 - d. Student Activities Coordinators
4. The result of the iSOPE will be presented on the 3rd week of May by the SAC through a memorandum or circular to the organization's officers and moderator for feedback and acknowledgement and will also be posted publicly.
5. An organization should receive a grade of 85% to be accredited or maintain its accreditation.
6. Organizations that got a grade average of 84.99 or below will be given a probationary status.
7. Academic organizations will be given a probation period after the release of evaluation results (May) until the whole semester/trimester before the start of the next academic year to be accredited again.

8. For reaccreditation, the organization shall appeal for re-evaluation to OSAS to be evaluated during the re-accreditation period. If the organization fails to pass the re-evaluation, OSAS will recommend the organization's dissolution to the Management Committee.
9. Organizations may appeal for reconsideration through a formal letter addressed to the Senior Manager of OSAS with an endorsement from their organization moderator.
10. Accredited Student Organizations will be given accreditation level from 1-3 as indicated by their performance results:

85% - 90.9%	Level I Accreditation
91% - 96.9%	Level II Accreditation
97% and above	Level III Accreditation
11. The result of the iSOPE will be the basis for awards and recognition given to all accredited organizations coined as *The Game Changer Awards* which will be held at the end of the school year during the Year End Party.

Three Major Areas of Evaluation

The Student Organization Performance Evaluation consists of three major areas of evaluation to assess and evaluate a given student organization.

1. **Organizational Performance** (75%) – this measures the organization's internal operating systems and interventions to increase its efficacy and viability. This appraisal criterion consists of five components: (1) the members' evaluation, (2) officers' evaluation, (3) moderator's evaluation, (4) quality of documentation submitted and (5) organizational meetings and assemblies.
2. **Member Development** (15%) – involves strategic and comprehensible programs and activities which directly benefited the members of the organization. This would include services & initiatives that have something to do with the formation, development and growth of the members in the organization, from team building activities, to attendance of seminars or forums whether initiated or invitational, professional trainings, linkages, to programs or projects that that would strengthen the identity and camaraderie of the group, improves skills of individual members or creative wits that would reinforce collaboration and unity among the members or competitions participated awards and recognitions received.
3. **Service & Community Involvement** (10%) –This would measure how the organization embodies iACADEMY Core Values in their organizational program. These include establishing outreach programs with partner communities or special interest groups, and having an active involvement in institutional/college activities.

Evaluation Matrix

Taking into consideration the three areas of evaluation, below is the complete matrix which explains the different components being considered in this evaluation system.

AREAS/COMPONENT	POINTS	COMPONENT DESCRIPTION
1. ORGANIZATIONAL PERFORMANCE	75 points	This component pertains to the internal operating system of the organizations. It will include the evaluation of the officers, members and moderator on the performance of the organization, the quality of the documents they presented as well as the records of the meetings and assemblies they have done.
1.1. Members Evaluation	15 pts.	Individual members of the organization will give their evaluation using the Student Organization Evaluation Form (Form A) which is a 4-point evaluation instrument created by OSAS for this purpose. There should be at least $\frac{3}{4}$ of the active members who will take part in the evaluation to have a statistically valid result.
1.2. Officer's Evaluation	10 pts.	The same Student Organization Evaluation Form from OSAS will be given to the officers for the evaluation of the organization.
1.3. Moderator's Evaluation	10 pts.	The Organization's Moderator shall also evaluate the organization using the same OSAS form A.
1.4. Quality of Required Documents	30 pts.	Each Organization will submit documents as part of the internal performance regulation and quality management system. Pertinent documents referred here are the following: updated Constitution and Bylaws, Post-event/activity report, Board Resolutions, Calendar of Activities, Attendance Sheets of Assemblies, Narrative Report of Activities, Financial Reports and Approved Project Proposal. The submitted documents will be evaluated for their quality with the following ratings: 4 – superior, 3 average, 2 fair and 1 poor.
1.5. Meetings and Assemblies	10 pts.	This component pertains to the meetings made by the officers during the whole course of the academic year/midyear whether

		regular, special or emergency, maximum of five meetings. Also, the organization should have at least three (3) general assemblies for the whole academic year.
2. MEMBERS' DEVELOPMENT	15 points	This major area of evaluation pertains to all the activities that were joined, initiated, developed and implemented by the organization. This includes their Team Building activity, seminars and workshops programmed for the members or participation of the officers or members to outside seminars, training and workshop, as well as membership to larger organizations by the organizations or linkages/partnership done.
2.1. Team Building	2 pts.	All accredited organizations are obliged to plan at least a half a day team building activity for all their members once per school year.
2.2. Initiated Programs and Activities	5 pts.	This component concerns itself to all the programs and activities planned by the organization by submitting a project proposal. Each activity will have one (1) point and the organization needs to have a maximum of five (5) activities (depending on accreditation level) to get a perfect score in this component.
2.3. Officers' or Members' professional growth	3 pts.	These components pertain to the officers or members' attendance to seminars whether planned by the organization in the school or those activities outside via an invitation.
2.4. Membership/Linkages/Awards and Recognition	5 pts.	Organizations are encouraged to link or become members of a larger network of organizations. This will ensure that they are not confined only to themselves but are becoming relevant to the issues that may benefit their organization. This component also considers the competitions or contests that organizations join and the awards and recognition they received. The organization will receive one (1) point for every membership or linkages that their organization made. A maximum of five (5) membership or linkages is needed for this component or they will receive perfect scores if they won a contest or got an award or recognition in competitions.

3. SERVICE AND COMMUNITY INVOLVEMENT	10 points	As true Game Changers, each organization is encouraged to uphold the core values of being a game changer by promoting and organizing activities and events that would manifest their traits as game changers.
3.1. Initiating a sustainable eco-friendly program.	3 pts.	In support of the existing programs in preserving our Earth through sustainable ways and eco-friendly initiative, each organization is required to organize initiatives that will encourage environmental preservation and protection (examples: tree planting activity, awareness campaigns, collection drives)
3.2. Initiated Outreach Program	2 pts.	We are what we give and through this component, the organizations will be exercising their being Game Changers in service for others. The organization will be given points for any outreach programs they organize during the whole school year. A maximum of two (2) outreach programs is needed for this component.
3.3. Involvement in Institutional Activities	5 pts.	Each and every student organization must always remain relevant in the academic community. It is in this component that they will be evaluated in their involvement in the different programs and activities of iACADEMY. They are expected to be engaged in the following activities: iACADEMY SOAR, iLEAD, Halloween Party, Christmas Party, Foundation Week, Earth Week Celebration. The different organizations may create other activities within the general activities of the school.
TOTAL POINTS	100	

Feedback Mechanism

The Student Activities Coordinator will prepare a report on the results of the evaluation. This will be composed of the strengths and weaknesses of the organization including some recommendations. The recommendations have to be acted upon by the officers of the organization and will be checked by SAC through iSOPE each school year. Moreover, OSAS shall release a list of accredited organizations based on the level (rating) earned by the organizations. The accreditation level given to the organization will be effective for one school year.

V. The Organization Adviser

The organization adviser must be:

- A. A full-time Faculty or Manager of iACADEMY, except for special interest clubs (i.e. chorale, dance troupe, cheerleaders, etc.), which may require the hiring of a professional trainer or coach.
- B. Connected with the particular academic field for co- curricular organizations, or is knowledgeable and/or has relevant experience in the particular field for extracurricular organizations.
- C. An adviser of not more than one (1) organization.

The organization adviser must always be available for consultations with all officers and members of the organization. He/she must: (a) attend organization meetings whenever his/her presence is needed; (b) assist in the planning and conducting of activities; (c) see to it the organization adheres to the policies and regulations of iACADEMY; and (d) accompany the members of the organization during off-campus activities to ensure their safety and well-being.

VI. Activity Budget and Report

All proposals should support student activities. The proposal forms for co-curricular activities and extracurricular activities are available at the OSAS.

All proposals should be signed by the officers or organizers, endorsed by the adviser or instructor-in-charge and submitted for approval at least two (2) weeks prior to the scheduled activity, project, or program.

Activities without proposal forms shall not be considered school-approved activities and these shall not be credited to the sponsoring organization.

Activities done in the name of the school that are not duly approved will be subject to an investigation by the OSAS and may warrant the imposition of a corresponding sanction on the organization and its officers.

Approval of the proposals is subject to the following conditions:

- A. The proposals should be submitted on time.
- B. The proposed activity should be in line with the overall thrust of iACADEMY, the OSAS. and the objectives of the organization.
- C. The proposed activity should not violate any of the rules and regulations of iACADEMY.
- D. The proposed activity of an organization should not coincide with any project, program, or activity of another organization that had been earlier approved by the OSAS especially if the same group of students is involved, unless allowed by the OSAS

If a project, program, or activity has been disapproved by the OSAS, the officers of the organization or the organizers can write a formal letter of appeal addressed to the VP Academics. The decision of the VP Academics shall be final.

The officers of the organization shall submit to the OSAS a detailed report of the disbursements/expenses within five (5) days from the holding of the project, program, or activity. Failure to submit the detailed report within the said period shall subject the organization and its officers to sanctions.

VII. Fundraising Projects/Activities

All Fund-Raising projects or activities initiated by students must be approved by iACADEMY through the OSAS.

The purpose or rationale of the fund-raising activity must be justified in a project proposal submitted to the OSAS for proper action. The proponents will follow the procedure for holding student activities.

All transactions must be documented properly to allow easy verification of every phase of financial activities. A financial report shall be submitted to the OSAS not later than two (2) weeks after carrying out the project.

If the approved fund-raiser requires the sale of tickets, the organizers must submit all tickets to the OSAS for physical inventory and official stamping and return all unsold tickets to the OSAS within five (5) days from the holding of the event.

No financial contracts or arrangements made by students in the name or on behalf of iACADEMY will be honored unless there is proper authorization from the OSAS.

For recognized student organizations that collect membership dues, the organization should ensure that collections and disbursements are properly documented.

VIII. Central Student Organization (CSO)

Unless otherwise amended through a plebiscite by a student majority voting affirmatively, the student governing board of iACADEMY shall be known as the Central Student Organization (CSO). The Head of OSAS shall be the moderator of the organization.

The CSO shall act as the unifying and motivating force of student activities. Its main focus is to promote the welfare of the students in line with the mission and vision of iACADEMY. Among others, it shall:

- A. Be the umbrella organization of all recognized student organizations, except student publications which shall be autonomous from the CSO.
- B. Protect and uphold the democratic rights and welfare of the students.
- C. Serve as official representative of all iACADEMY students and the partner of iACADEMY administrators in promoting a value-centered institution.

IX. Student Publications

iACADEMY believes in press freedom as a constructive means of development. Hence, every student publication should subscribe to the highest standards of responsible campus journalism.

In addition to the provisions of the Campus Journalism Act, the following rules shall regulate the operation of student publications:

- All printed publications (newsletters, magazines, leaflets, mimeographed/risographed sheets, yearbooks, open letters, position papers, and the like) are produced by students.

- The OSAS exercises overall supervision of the major student publications and may appoint a faculty moderator/technical consultant to assist the editorial board of a major student publication.

X. Off-Campus Activities

Any approved off-campus activity organized by either the school or a school-accredited student organization which uses the name of iACADEMY is expected to abide by the following guidelines:

- Off-campus activities include those that are Curricular (educational tours/field trips, culture and arts related, plant industry and establishment visits, degree program-relevant events, field study/experiential learning experience) or Non-Curricular (mission-based activities, conventions, seminars, conferences, trainings, team building, volunteer work and community outreach, advocacy competitions/tournaments, and culture and arts performances).
- Curricular off-campus activities must be coursed through and approved by the VP for Academics and the School President and is noted by the Head of OSAS. Non-Curricular off-campus activities, on the other hand, is coursed through and approved by the Head of OSAS and the School President and is noted by the VP for Academics.
- Off-campus activities are optional. A parallel activity for Curricular and alternative activity for Non-curricular shall be provided to acquire similar acquisition of knowledge and/or competencies to achieve the learning objectives for those who cannot participate in a certain off-campus activity.
- Proper planning needs to be done and documented to ensure that the well-being of the participants will not be compromised at any time during the off-campus activity.
- The organizers must ensure that all participants are made aware of the potential hazards of the off-campus activity, their personal responsibilities with regard to those hazards, and the procedures to be followed in the event of an emergency.
- Students are expected to submit a waiver form signed by their parent or guardian at least two (2) days before the off-campus activity.
- All activities that will be held off-campus must be accompanied by a respective personnel-in-charge. The recommended ratio between the school personnel-in-charge to the number of expected participants is 1:35:50. Activities that will have more than fifty (50) expected participants should look for additional personnel-in-charge.
- Faculty, staff and students participating in an off-campus activity must be responsible for themselves and should observe proper conduct following the activity procedures which shall be communicated by the personnel-in-charge.
- iACADEMY may postpone or cancel any off-campus activity if it poses a high level of risk which can compromise the safety and/or well-being of the participants.

- j. An appropriately resourced first aid kit must be carried during an off-campus activity. At least one adult with relevant training on first aid medical emergencies is required to be present during the activity.
- k. Activity organizers must ensure safety and welfare of mobility of students through the following transportation vehicles:
 - l. If owned by iACADEMY – updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of road worthiness, among other shall be ensured, and
 - m. If via third party or sub-contracting – updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of road worthiness, updated/valid franchise with LTFRB or Travel and Tour operator duly accredited by the Department of Tourism shall be ensured.
- n. If a student needs to go home during an off-campus activity for any valid reason, the student's parent or guardian must make the necessary transportation arrangement to ensure that the student is able to go home safely.

Section 16: Honor Student Privileges

An undergraduate student on the Dean's Honors List of the preceding semester is considered an Honor Student.

Honor students are allowed unlimited absences in all academic subjects for the current semester, except for practicum courses. Honor students who will be enrolling only in a practicum course may carry over their unlimited absences privilege upon their return to the College, provided that they pass the course. Unlimited absences mean that the student cannot be given a failing grade solely due to excess absences. Honor students will be responsible for all lessons and assignments missed during their absence. Honor students have extended library privileges. An honor student may borrow up to five (5) books for a 1-month period, with the exception of books that may not be taken out of the Library.

Honor students are eligible to apply for scholarships. Please visit OSAS for more details.

Honor students who qualified for the Dean's List for the entire academic year are recognized during the Annual Recognition Day.

Section 17: Code of Conduct

A student is expected to:

- Observe the values of politeness, etiquette, and courtesy in dealing with all the members of the iACADEMY community and its visitors. Statements and actions which are indicative of respect for differences in gender, sexual orientation, race, and religious and political beliefs are highly valued. Faculty members, administrators, or staff members, in their obligation to exercise

judgment as special parents, may call the attention of students whose behavior and actions are considered offenses as stipulated in this Handbook.

- Be committed to the observance of the norms and regulations written in the Handbook.
- Conduct himself/herself in a manner that does not violate the rights and freedom of others. As such, they show honesty, integrity, and respect for persons, property, policies, practices, and authority.
- Respect people regardless of their sex, creed, race, status, condition, and political affiliations.
- Recognize the hazards of smoking to people's health. As such, designated "No Smoking" areas must be strictly complied with.
- Dress according to his/her individual taste, yet consider the educational character of iACADEMY and the sensibilities of other members of the academic community.
- Dressing appropriately is a virtue which iACADEMY would like to cultivate among students, thus, iACADEMY reserves the right to call the attention of students who dress inappropriately or to prevent them from entering the school premises or from attending school functions/ activities.
- Stay only in areas for specific genders/groups and avoid staying in "off limits" areas.
- Consult and ask permission from school officials for the appropriateness of proposed activities and invited guests' presence.
- Comply with the rules and regulations set by other offices within the building.
- Use campus facilities/equipment for business meetings, social, cultural, and recreational activities subject to regulations governing their use. Regular student activities on campus must end not later than 9:00 PM. The presence of faculty and/or department head organizers is required during the entire duration of the activity.
- Use the school facilities and equipment only for the intended purpose and handle them with reasonable care.
- Observe at all times proper decorum in order not to disturb classes, school functions, or programs.
- Switch off or put on silent mode all electronic gadgets during class hours and other school functions or gatherings. These gadgets must not be used during class hours without authorization from the instructor or school staff present.
- Observe decency in public. Public displays of physical intimacy are not tolerated in school.
- Seek endorsement from the OSAS and the approval of the Facilities Office before posting any material. This material should not damage the walls of the school.

- Take responsibility for the proper care and safeguarding of all personal belongings. The school reserves the right to check regularly bags and all personal belongings brought in and out of school to avoid any untoward incidents that might compromise the safety and security of iACADEMY's students, faculty and staff.
- Turn over found items to the Stock Room and make sure that they are properly acknowledged, recorded, and accounted for.
- Avoid engaging in any action that threatens to endanger health or life, including all forms of bullying directed against any person. Bullying, initiation rites and hazing are serious offenses under the Philippine law. iACADEMY reserves the right to mete out the highest sanction possible to the students found responsible of committing said acts.
- Develop his/her potential, skills, and talents by joining accredited organizations. Affiliation with fraternities or sororities is strictly prohibited.
- Advocate, preserve, and propagate values and virtues pertaining to the conservation of environmental and natural resources.

Section 18: Dress Code and Declaration of Banned Items

Campus attire should be decent and modest. Some extremes are not acceptable, including:

- Sando/Undershirt
- Tube blouse (including spaghetti-strap) worn without vest/bolero
- Backless blouse/shirt (below the bust line)
- Blouse with plunging neckline
- See-through tops and/or bottoms where the undergarment can be seen
- Blouse/skirt showing midsection while standing/walking.
- Graphic top with inappropriate messages
- Slippers or flip flops, sandals without back straps

Shorts may be worn on campus; however, the hemline of shorts and skirts should not be higher than three (3) inches above the knee-cap.

As a sign of respect, caps should not be worn inside classrooms/seminar rooms.

The following are the acceptable footwear for students:

- Closed shoes
- Leather shoes
- Rubber shoes
- Rubber-soled shoes
- Open-toe shoes
- Sandals with straps

- Shoes with sling back or back strap

Banned items

In line with iACADEMY's efforts to promote a healthy and secure learning environment, the following items are banned in the school premises and will be confiscated from the students following the school-approved security search procedures:

- Alcoholic drinks;
- Pornographic materials;
- cigarettes, e-cigarettes and/or vaporizers, lighter, and other smoking paraphernalia;
- Deadly weapons (including but not limited to all kinds of explosives, firearms, brass knuckles, sharp tools such as pocket knives, Swiss knives or blades of any length with the exception of cutters and laboratory instruments that are used for academic purposes);
- Drugs and illegal substances; and
- Other similar items/paraphernalia that may cause harm, danger, and/or discomfort to any of the iACADEMY community stakeholders.

Pepper sprays and other self-defense paraphernalia shall be surrendered to the school security officer prior to entering the campus.

Possession of banned items is subject to sanctions as stipulated in the lists of minor and major offenses.

Total Ban on Smoking

In compliance with Republic Act 9211 otherwise known as “Tobacco Regulation Act of 2003” (Appendix L), iACADEMY imposes total ban on smoking within the campus and its perimeter. This shall include all tobacco and non-tobacco cigarettes such as e-cigarettes and vape among others. This prohibition applies to all students and employees alike. Likewise, visitors, suppliers, and other third parties are required to abide to this policy.

Appropriate disciplinary action in accordance with Section 15 of this Handbook will be meted out to violators of this policy.

Total Hazing Ban

iACADEMY recognizes the right of students to form organizations and societies for purposes not contrary to law. Student organizations are allowed to operate within the school subject to the accreditation process set under Section 11 of this Handbook.

In compliance with Republic Act 8049 also known as “Anti-Hazing Law of 1995” (Appendix J), the School strictly prohibits hazing and other initiation rites in any iACADEMY organization whether recognized or not.

Any student who knowingly and overtly becomes a member, or remains a member of, or recruits prospective member/s for any organizations or society, whether open or secret, which requires tolerance for acts of violence or affronts to personal dignity in any form on any person as part of initiation rites or of other organization or society activities, or maintains a tradition which requires or tolerates such acts or affronts as part of initiation rites or of other organization or society activities, shall be subjected to appropriate disciplinary action.

Every faculty or staff member of iACADEMY is expected, as part of his or her responsibility, to respect this regulation and assist in its faithful implementation.

Policy on Drug Abuse

In compliance with Republic Act 9165 or the “Comprehensive Dangerous Drug Act” (Appendix C), the School prohibits the usage, possession, sale or transfer dangerous drugs as defined in RA 9165, by any student or employee in the campus and its vicinity or conducted during off campus school-led activities. Violators shall be subjected to appropriate disciplinary action. The School may, by virtue of law, conduct random drug testing subject to the guidelines set by law and other regulations.

Section 19: Student Discipline

iACADEMY believes that students should become “excellent in academics and in values” as movers of society in the 21st century. For these, they should be equipped with appropriate values and self-discipline.

There are, however, instances when students need to be subjected to a formation program when certain offenses, detrimental to their growth as individuals, need to be meted out with corrective actions.

Compliance with School Policies and Philippine Law

By admission to iACADEMY, the student shoulders the accountability to know the contents of this Student Handbook and comply with its stated rules and regulations. The student must at all times follow the laws of the land and the institution in and off campus.

Ignorance to the provisions stated herein cannot be used by an erring student as a defense in the violation of any Student Handbook provisions.

Principle of Loco Parentis

Student discipline is a shared responsibility by the administrators, teachers, and associates. While in the school premises and official off-campus activities, the students are subject to the special parental authority of school officials who must in return, ensure the safety and security of their well-being during the conduct of classes and/or official off-campus events. The school officials, standing as a secondary parent, may call the attention of the student/s who are caught in flagrante delicto (in the act) violating school policies and request for student information / confiscate IDs for endorsement to the Discipline Office.

Jurisdiction of iACADEMY over its Students

The institution have jurisdiction over its students during the following circumstances:

- While the student is within the campus premises or during official off-campus activities
- When the misconduct involves the student’s status as a student of the institution

Office of Student Affairs and Services

Part of the OSAS’ mandate is to handle student disciplinary concerns in accordance to iACADEMY’s philosophy of discipline. Through the Discipline Office, campus discipline is operationalized by ensuring that the school is a safe space for students to learn and engage with curricular and extracurricular activities.

19.1. Minor Offense

Summary table of minor offense frequency and corresponding actions

Frequency	1	2	3	4	5
Action	VW	WW	WP	4 th Minor Offense Notice	Major

VW – Verbal Warning

WW – Written Warning

WP – Written Notice to Parents

*Per Student Handbook ruling, minor offenses are recorded on a per term basis only and is not carried over with the student's entire stay in the institution unless recorded with a major offense:

Section 19.2.20 of IACADEMY Student Handbook

19.1.1	Entering and staying in the campus without wearing an ID card
19.1.2	Wearing inappropriate attire inside the campus premises and during official school sanctioned events
19.1.3	Loitering around the campus during class hours
19.1.4	Using foul and abusive language/gestures towards any members of the institution in any medium
19.1.5	Disrespect to National Symbols (not standing during the play of national anthem, mockery, etc.)
19.1.6	Conduct unbecoming of an iACADEMY student
19.1.7	Inappropriate display of intimacy that is found offensive to the sensibilities of the academic community. The acts done are perceived as vulgar and repulsive
19.1.8	Interruption of classes and activities through rowdy behavior
19.1.9	Unauthorized and/or inappropriate use of electronic gadgets during class hours
19.1.10	Bringing in playing cards and other related paraphernalia that may be used in gambling. Item/s will be subject to confiscation.
19.1.11	Eating and drinking in school facilities wherein such act is prohibited (computer laboratories, library, case room, conference rooms, etc.)
19.1.12	Littering around the campus premises and failure to abide by CLAYGO policy of Cafeteria. Students are encouraged to pick litter they may find within their proximity regardless if it is theirs or not.
19.1.13	Unauthorized and/or inappropriate use of electronic gadgets during class hours
19.1.14	Violation of parking regulations
19.1.15	Vandalism and inappropriate use of school property

19.2 Major Offense

Summary table of major offense frequency and corresponding actions

Frequency	1	2	3	4	5
Action	3 Days Suspension with Community Service	1 Week Suspension with Community Service	2 Weeks Suspension with Community Service	1Term Suspension with Community Service	Dismissal/ Expulsion

19.2 Major Offense (Threats against School Health and Security)

19.2.1	Entering the campus premises while in the state of intoxication or found to be positive of alcohol intake; found in possession and/or drinking alcoholic beverages within campus premises or during school sanctioned activities.
19.2.2	Being under the influence of prohibited drugs and chemicals, possessing and distributing of such and other related paraphernalia as prohibited under RA No. 9165 “An act instituting the comprehensive dangerous drugs act of 2002, repealing RA No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended”.
19.2.3	Establishment, membership, joining, and promulgating the activities of non-recognized organizations in the institution
19.2.4	Membership to any fraternities and/or sororities. Making oneself as an agent for recruitment in these non-recognized groups on and off campus.
19.2.5	Participation in hazing/initiation whether as a principal, participant, or witness. Hazing means to subject a person to physical and psychological harm as means of official acceptance in an organization whether there is a product of demise, physical, and psychological trauma or not.
19.2.6	Engaging in physical fights, infliction of injury, and instigating/participating in any trouble-causing activities
19.2.7	Smoking/vaping within campus premises, non-smoking areas, and official school sanctioned activities
19.2.8	Lending and borrowing of ID cards. Both parties will be held accountable
19.2.9	Carrying and/or concealing of items that are deemed destructive and can inflict physical harm to others. Refer to the banned items in Section 16 for the list of materials considered destructive
19.2.10	Instigating or leading illegal strikes or similar activities resulting in stoppage or disruption of classes
19.2.11	Irresponsible use of the institution’s emergency equipment and alarm system
19.2.12	Selling of illegal merchandise and services

19.2 Major Offense (Offense Good Morals and Democracy)

19.2.13	Possessing, viewing, downloading, and accessing pornographic materials/sites in campus whether through personal means or the institution’s internet service and computers
19.2.14	<p>Any acts of cheating such as but not limited to:</p> <ul style="list-style-type: none"> a. Cheating during examination or submission of written reports b. Possessing unauthorized notes or any materials relative to an examination c. Copying or allowing another to copy one’s own work d. Glancing at someone else’s paper during examination e. Communicating with another without expressed permission from teacher/proctor during examination in any forms or medium f. Leaking examination answers and contents g. Allowing someone else to take an examination or report to class for oneself. Both parties will be held accountable. h. Plagiarism, or knowingly presenting someone else’s work without doing proper acknowledgement to principal author <p>The School Disciplinary Committee may impose a grade of 5.0 in the subject taken once</p>

	the student is found accountable.
19.2.15	Tampering or forging of official records or school forms/documents including but not limited to: <ul style="list-style-type: none"> a. Admission Requirements b. Medical Certificate c. Time sheet (internship) d. Endorsement Slips e. Excuse letters f. Documents requiring parent's signature g. Examination Scripts h. Grades i. Class work and records
19.2.16	Any forms of gambling conducted within the premises of the school and official school sanctioned activities
19.2.17	Immoral conduct, indecency, lewdness, and any scandalous behavior in any forms or medium
19.2.18	Making sexual advances to students and members of the community

Policy on Plagiarism

In reference to Section 19.2.15 on acts considered cheating, students should take great care to cite their sources to distinguish their knowledge and ideas from others. These should be for all submitted work including but not limited to homework assignments, projects, papers, theses, lab work/reports, examinations, videos, creative output that include but are not limited to stills (pictures, drawings, and paintings), moving images (films and animation) and software (programs and games) and any work submitted for academic credit must be the student's own.

For whatever reason a student has failed to cite work (whether accidental or intentional plagiarism), this will be subject to disciplinary action and will incur a failing mark on the said submission.

19.2 Major Offense (Offense against Authority and Good Reputation of the School)

19.2.19	Willful non-compliance to the disciplinary actions meted out by the Office of Student Affairs and Services in connection with one's discipline case
19.2.20	Habitual commission of any minor offense (habitual commission is defined as having committed any minor offense or combination thereof five (5) times or more per term)
19.2.21	Blatant disregard of approved school policies
19.2.22	A Gross acts of disrespect in words, gestures, and deeds towards any member of the iACADEMY community in any forms or medium
19.2.23	Direct assault to school authorities (administration, teachers, and staff) or any Associates vested with authority while such person is in official performance of duty.
19.2.24	Blatant misuse of school properties that may cause loss or damages to the institution. Deficiency will have to be settled.
19.2.25	Writing, publishing, circulating, or posting any forms of unauthorized materials that affects the status of the student and the good name of the school
19.2.26	Any acts that may cause dishonor to the reputation of the school and persons in authority
19.2.27	Making false representation and announcement on behalf of the institution that tends to put damage to the community and persons in authority

19.2.28	Making false representation of student organizations. Malversation of school/organization funds and any illegal/unethical acts affecting the student organization and institution.
19.2.29	Hacking, trafficking of illegal trade, creating virus, or any programs designed to sabotage the institution's computer system

19.2 Major Offense (Offense against Persons)

19.2.30	Engaging in offensive cyber activities such as: <ul style="list-style-type: none"> a. Harassing, insulting, attacking, discrediting, bullying or vexing others electronically or via social media platforms b. Sending, posting, and sharing pictures or messages that is deemed offensive by the community c. Unauthorized access of one's portal; alteration, deletion of folders, data, account and password
19.2.31	Bullying is defined as the unwarranted use/receipt of repeated coercion, force, and physical/emotional intimidation over time that leads to fear and possible destruction of properties and physical injuries. The following cases can be considered: <ul style="list-style-type: none"> a. Unwarranted physical contact like shoving, punching, pinching, teasing, slapping, tickling and use of materials as weapons to inflict harm b. Verbal statements that cause undue emotional harm – body shaming, slut shaming, etc. c. Use of social media and other electronic platforms or “cyber bullying” – intimidation is being done through technological means that may cause humiliation to the victim
19.2.32	Blatant disregard of approved school policies
19.2.33	A Gross acts of disrespect in words, gestures, and deeds towards any member of the iACADEMY community in any forms or medium

Student Disciplinary Committee

The Student Disciplinary Committee (SDC), composed of the Dean, Program Chairs, Discipline Officer, and Student Council Representative, will carry out the deliberation of cases that fall under the category of major offenses.

Conditions and restrictions that may be imposed by the SDC include, but are not limited to, ineligibility to participate in student programs, activities, athletics, or events, depriving of student employment or leadership positions, and/or referral to applicable support services. Failure to comply with the terms of the conditions of the probation set by the SDC will constitute grounds for more serious disciplinary action.

The school, through the Student Disciplinary Committee or Administration, reserves the right to determine the appropriate sanction/s depending on the degree or gravity of the major offense.

Student Disciplinary Procedure

The disciplinary procedure ensures that the school observes due process and acts fairly in investigating and dealing with allegations of unacceptable conduct. All cases of disciplinary actions under these procedures will be filed and placed in the school records.

Any member of the iACADEMY community may file an incident report against any student for acts constituting major and/ or minor offenses, preferably within twenty-four (24) hours after the incident has taken place. All incident reports must be sent to the Discipline Officer.

Confidentiality of the complaint and anonymity of the complainant are of utmost importance. The student involved in the incident will be given a written notice which shall:

- Contain the allegations against him/her; and
- Give him/her a maximum period of five (5) school days from receipt of the said notice to submit a written explanation (together with evidence to his/ her defense) to the Discipline Office which will thereafter review the written explanation of the student and decide whether there is merit to the case, or whether it is a minor or major offense.
- Failure to submit a response shall constitute a waiver on the part of the concerned student to present evidence to his/her defense beyond the given period.
- A written notice shall likewise be given to the student's parent/ guardian.
- All notices shall be emailed or sent through registered mail, whichever is applicable.

If the case is a major offense, an SDC will be formed.

In case of ambiguity on the facts of the case, a hearing may be conducted within five (5) school days from the initial deliberation of the SDC. The student involved will be notified of the date and time of the hearing and shall have the right to be accompanied by his/her parents/guardian and/or counsel. Failure to attend the hearing or to submit a written explanation in case of valid reason for nonattendance shall result in the final determination of the case based on the records at hand.

Gravity of offenses and sanctions will be determined by the SDC with a final appeal to the Head of Student Affairs, and the Vice President for Academic Affairs within five (5) school days from receipt of the SDC Resolution. The decision of the Head of Student affairs and Principal is final and executory.

All administrative hearings should be held within twenty (20) school days, except in a case of force majeure or emergency cases such as but not limited to pandemic lockdowns, from the time the SDC issues LOC to the concerned student.

Students who are subject to a disciplinary action shall not disclose, in any form and medium, the content and status of his/her, including all official communications with the school, at any stage. Violation of the confidentiality clause will result in a more serious disciplinary action.

Admissibility of Evidence and Quantum of Proof

Subject to the disciplinary procedure found in this handbook and in compliance with the laws of the land, all documentary evidence submitted by any interested party must be carefully scrutinized and verified prior to its admission.

The quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. Nonetheless, the School reserves the right to determine the credibility of the evidence submitted and the sufficiency of such to warrant proper disciplinary action.

Section 20: Anti-Sexual Harassment

The upholding of moral values is a paramount concern of the iACADEMY community. Sexually inclined acts or behaviors that tend to degrade the person, dignity, and honor of an individual are strongly prohibited. For the student's information, The Anti-Sexual Harassment Act of 1995 is included as an Appendix to this Handbook.

Sexual harassment is committed:

- Against one who is under the care, custody, or supervision of the offender
- Against one whose education, training, or tutorship is entrusted to the offender
- When the sexual favor is made as condition to the giving of passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance, or other benefits, privileges, or considerations, or when the sexual advances result in an intimidating, hostile, or offensive environment for the student or trainee.

A sexual harassment complaint must be brought to the attention of the the Discipline Office to determine probable cause. When probable cause is determined, the case is elevated to the SDC for formal inquiry and adjudication.

Section 21: Policy on Ownership of Student Works

A "student work" is defined as a creative output that is developed and produced by the student. In iACADEMY, student works include, but are not limited to, (1) stills (pictures, drawings, and paintings), (2) moving images (films and animation), and (3) software (programs and games).

Ownership

The production of student work is mainly for educational purposes. Works that are created, developed during their stay in iACADEMY shall be co-owned by iACADEMY.

Co-ownership applies in the following instances:

- a. Outputs/projects, created, developed, performed, and completed within the school premises
- b. Outputs/projects done using school facilities/resources;
- c. All other work created during the period of enrollment in the School.

As a co-owner, iACADEMY has the equal rights to edit or modify the work for non-commercial and academic purposes. The school's rights also include, but are not limited to, (1) accessing, developing and

submitting the work to competitions, and (2) making use of the work for marketing, promotions, exhibits, and other school activities. The student's name shall be recognized in any of these usages.

In cases that do not fall in any of the instances mentioned above, a member of iACADEMY academic community may opt to sign an agreement with the student regarding the ownership of the work. Notwithstanding ownership, iACADEMY will always have the right to access, use, and develop the student work for any non-commercial and academic purpose.

Proprietary Rights

Any income from distribution of any Student Creative Work shall be the property of the student(s) who creates such work.

All students who create or participate in the creation of a Student Creative Work are jointly and severally responsible for such Student Work, including without being limited to, for determining and ensuring that such Student Work does not violate or infringe on any copyright, any right of privacy, or any other right of any person, and that such Student Work is not libelous, obscene, or otherwise contrary to law. Such students shall also be jointly and severally responsible for obtaining any necessary permission for the use of any copyrighted materials included in such Student Work.

Storage of Student Creative Work

Student Creative Work selected for school expo shall be placed in a storage system by the school for a maximum period of one (1) month for college students. Selected works are to be stored for this period in order for these works to be accessible should the need for these works to be displayed publicly or sent to art exhibits or competitions. After the above mentioned periods, the selected works will be returned and picked up by the student artists. Student Creative Works that are not selected for display or exhibition will be immediately returned to the students.

Student Creative Works not picked up within the specified period will be disposed of and the school will not be liable for any damage for unclaimed works or for its retrieval.

Displaying Student Creative Work

The school may display works in storage for various purposes. The student(s) who owns each Student Creative Work grants iACADEMY: (a) the right to reproduce, display, or perform such prints or other copies anywhere and for any reason, including, without being limited to, publicizing the iACADEMY, without any royalty or other payment of any kind to the student(s), provided that such prints or copies may not be rented or sold by the school.

Section 22: Data Privacy CCTV Policy

iACADEMY upholds its stakeholder's data privacy rights and ensures that all personal information collected, acquired, or generated from its stakeholders – students, employees, third parties and other affiliates are administered in compliance with Republic Act 10173 otherwise known as "Data Privacy Act of 2012" (Appendix H).

1. iACADEMY will not release or sell personal data it collects and processes to any third party without consent or as required by law.

2. iACADEMY collects, maintains and uses student's personal data to process application, registration, enrollment, and administration and ensures that the student is provided with the needed facilities and services.

3. Student personal data are stored manually and/or electronically and is maintained by iACADEMY. It forms part of the student's official school records. These include, but are not limited to, the following:

- a. Admissions and Academic records maintained by the Admissions Office and Registrar's Office.
- b. Student Activities records maintained by the Office of Student Affairs and Services
- c. Scholarship and Grants records maintained by the OSAS
- d. Guidance records, interventions and assessments maintained by OSAS
- e. Discipline Records maintained by Discipline Office
- f. Health records maintained by the School Clinic
- g. Student accounts record maintained by the Finance Department

iACADEMY posts official correspondence in the school's Learning Management System – NEO LMS, Student Portal (iSIMS), or through the school-issued email address.

Collection

Student personal information shall include the following:

- Name
- Contact Information
- Date and Place of Birth
- Student's and Parent/Guardian's email address
- Student's image, video and audio during online classes
- Grades/ Evaluation Rating
- Health Records
- Behavioral, Deportment and Guidance Counseling Records
- Records from previous educational institution/s attended
- Degrees/Awards/Honors/Scholarships/ Grants received
- Participation and Involvement in co/extracurricular activities
- Recordings from closed-circuit television
- Class schedules
- Photographs/Videos/Images of individual or in groups
- Dates of Attendance
- Grade level classification
- Performance records and participation in competitive events and officially-recognized school activities, sports, and organizations
- Parent/Guardian's name and contact information
- Family Background including personal data of family members

Collected information will only be used for the following purposes:

- Processing of student application and enrollment
- Maintaining student records
- Managing and evaluating student's academic, and behavioral progress

- Providing access to the campus and online access to NEO LMS, iSIMS, and other platforms used by iACADEMY
- Providing personal advice and support
- Processing of student application/ travel requirements when participating in academic programs, and competitions within and outside the country
- Maintaining safety and security
- Marketing and publicity of the school
- Communicating official school announcements
- Maintaining directories and alumni records
- Analyzing historical and statistical data
- Conducting research for the improvement of programs, services and facilities
- Application/Renewal of Scholarships/ Grants
- Posting and/or publishing of academic, co-curricular and extra-curricular achievements in the school's announcement boards, website, social media sites and publications
- Providing ancillary services such as Identification Cards, Learning Management System access and account management, video conferencing platforms, etc.
- Providing medical/health services
- Graduation/Commencement Exercises
- Responding to verifications whether an individual is a bona fide student or a graduate of the School and background checks
- Complying with reportorial and other lawful requirements of government agencies such as Department of Education, Bureau of Immigration, Department of Social Welfare Development, National Youth Commission, and accrediting associations.

Sensitive Personal Information

iACADEMY shall only disclose personal information contained in the student's education records when there is a written consent from the parent/guardian of the student (or the student him/herself, in case the student is 18 years old), except when the disclosure is to school officials who have a legitimate educational interest in the records.

A school official includes:

1. A person employed by the School in an administrative, supervisory, academic or research, security services, or support staff position, including health or medical staff or clerical staff who have access to the education record; or
2. A contractor, consultant, volunteer or other service provider whom the School has contracted as its agent to provide a service that would otherwise be performed by a School employee, such as (but not limited to) an attorney, auditor, program provider such as industry partners, healthcare provider and security agency; or
3. A student or faculty serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his/her tasks; or
4. Administrator or faculty serving in an official committee on special awards or grants such as the scholarship or Financial Assistance Committee.

A school official has a legitimate educational interest if the official is:

1. Performing a task that is specified in his/her position description or contract agreement. And/or
2. Performing a task related to the discipline of a student. And/or
3. Providing a service or benefit relating to the student or student's family, such as health care, data privacy, counseling, job placement, or financial aid. And/or
4. Maintaining the safety and security of the campus.

Data Sharing

Student personal information is shared internally within the School, when appropriate, to meet legitimate purposes. Data will only be shared between iAcademy personnel and partners who have the official need to have access to it.

Personal information is also shared externally with the following:

1. Government agencies like the Department of Education, and Bureau of Immigration for purposes of regulation and compliance with the law; the barangay and city health office of Makati City for health concerns
2. Accrediting agencies such as Philippine Association of Colleges and Universities Commission on Accreditation (PACUCOA)
3. Scholarship/Grants Benefactors for purpose of application/renewal
4. Other schools, colleges, and universities (Transcript of Record, secondary scholastic record, background checks, etc.)
5. Industry Partners, Affiliates, and other third-party agencies as part of our regular business operations

Release or sharing of personal information which do not need student/parent consent:

1. In case of serious security and health emergencies to protect the life and health of the student and others
2. To comply with a judicial order or a lawfully issued subpoena

iACADEMY occasionally will use personal information data for research and may select information from a group of students. Identification of the individual will be kept anonymous.

Data Retention

Academic records of students and graduates shall be retained perpetually. Some personal information may be retained indefinitely for historical and statistical purposes. Data will only be retained until they are still relevant for the School.

In case when a retention period is provided, all records after such period will be securely disposed of. For unsuccessful school entrance application, personal information contained herein will be securely disposed of.

For online learning data, recordings may be retrieved by the students before its expiration of twenty (20) days from the date of the class recording.

Data Access

Parents / Guardians or students (in case student is 18 years old and above) can have access to his/her child's / ward's (or his/her own if student reaches 18 years old) personal information kept by the School and may request a copy from the office personnel where the respective data is stored.

Data Accuracy, Correction, Blocking, and Erasure

It is the duty of the school to ensure that the data it collects is accurate and has been processed fairly and lawfully. iACADEMY will annually post reminders for students to update and verify their personal information to keep them accurate.

Parents/Guardians of students (or the student in case the student is 18 years old) may object to the processing of his/her child's / ward's (or his/her own) personal data, request to access his/her personal information, and/or have it corrected, erased, or blocked based on reasonable grounds. The School will act on the request in accordance with the school's policies and procedures. If a parent/guardian/ student who is 18 years old and above wishes to exercise their rights related to correction, blocking or erasure, he/she may communicate with the office where the respective data is processed.

Data Breach

Data breach refers to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored, or otherwise processed.

In case of breach, iACADEMY will take the necessary steps to mitigate untoward effects of such breach. Any data security breach that comes to the knowledge of the School will be recorded and reported as required by law.

If there is strong suspicion that breach affects student personal information, iACADEMY, through the Data Protection Officer (DPO) will immediately notify parents/students of such breach in an appropriate manner. If a parent/student strongly believes that his/her personal information which is stored and processed by the school has been compromised, he/she shall file a written complaint to the School's DPO for proper and immediate action.

CCTV Policy

CCTV systems are installed in the premises of iACADEMY for the purpose of promoting the safety and well-being of staff, students, and visitors, preventing bullying, supporting the security personnel to detect and prevent crime and antisocial behavior (including theft and vandalism), identifying, apprehending and prosecuting offenders, and ensuring that the school rules are respected and observed.

All information and recordings of the CCTV office will be treated with utmost confidentiality, in order to maintain and preserve the integrity of the data, videos will only be released to the Office of Student Affairs and Services for use in investigations.

Making a Request

Students may request to view CCTV footage by securing a CCTV request form from the Security Office. Supporting documents may be necessary to facilitate the request. Video request is limited to 30 minutes' time frame only.

Requests need to be made as specific as possible and ensure that the description of information required is cleared and detailed.

Videos in the CCTV office are only restrained for 14 days and made available upon request, limited to the following purposes only:

- Assisting in the prevention and detection of illegal/unlawful activity;
- Facilitating the identification of alleged students/staff involved in actions which may result in disciplinary proceedings; and
- Assisting in providing evidence

The School reserves the right to modify the Data Privacy Policy at any time in its sole discretion which will be communicated to the students through the official iACADEMY email accounts.

Section 23: Lost and Found Policy

Found Items

- All found items should be brought to the Stockroom.
- When turning over a found item, the following information shall be provided and logged by the Stockman:
 - Description of the item (example: Umbrella, cellphone, serial number, IMEI no)
 - Date and time found (example: Oct.10, 2017/6:00PM)
 - Location found (example: Room 602/6th floor)
 - Name of the person who found the item
- Found items are to be surrendered to the Stockroom immediately. Should a student fail to turn over the item to the Stockroom within one (1) week, a disciplinary concern may be raised and shall be investigated by the Student Disciplinary Committee.
 - If an item is found when the Stockroom is closed, the item must be surrendered to the Security Office. Security then turns over the item to Stockroom and is logged properly.
- Items found would be kept for one (1) TERM only. If not claimed after a term, the items will be disposed of or donated to a charity.

Lost Items

- Students may check their lost items through the Stockroom only.

- Students looking for their lost items are required to provide their contact information and the description of the item. These details are logged by Stockroom staff.
- If the item is in the Stockroom, the student will be asked to show proof of identity and, if necessary, ownership of the item. The student will also be asked to sign a log sheet to acknowledge that he/she has received his/her item.
- If lost items have not been surrendered to the Stockroom, students can simply log the item that they are looking for and can wait for a call or text from their respective departments within a week. No call from the department means that the item was not surrendered to the Stockroom.

Locker Policy

iACADEMY students may use school lockers to store their personal belongings subject to the rules and regulations provided in this handbook.

All lockers shall be cleared out at the end of the year. Students are responsible for clearing out assigned lockers no later than a week before the beginning of the next school year. Any interested student shall fill up the iACADEMY Waiver of Liability and Assumption of Risk Agreement Form and send it to studentsupport@iacademy.edi.ph.

Items left or abandoned after the prescribed clearing out period will be disposed of.

Section 24: GOAL Policies

The Guided Online Autonomous Learning (G.O.A.L.), is the online learning approach of iACADEMY that is anchored on the principles of outcome-based education, flexible and adaptive learning arrangements, quality learning delivery and focus on student welfare and context.

Responsibilities of Students:

1. Organize your workspace by identifying a conducive learning area and keeping distractions out of the way. Work away from your bed to stay focused on your tasks.
2. Prepare all the devices and materials needed for the classes ahead of time.
3. Attend all online academic classes punctually and regularly.
4. Manage your class and daily schedule by setting targets and maximizing the time available.
5. Log into NEO LMS regularly and keep track of the tasks that need to be completed.
6. Accomplish and submit on time all written, performance, formative and summative tasks.
7. Ask questions to your teachers when there are topics in the lesson that need clarification.
8. Maintain good physical health through exercise, proper nutrition, and adequate sleep.

9. Follow all guidelines and rules of your respective teachers and abide by the policies of the Student Handbook.
10. Communicate to your teacher if there are any difficulties or accommodations that need to be addressed.

Code of Conduct for Online Learning and Safety:

All students are expected to follow the netiquette rules to ensure a positive, engaging, and safe online learning environment.

1. Always use respectful language and tone when sharing ideas, expressing opinions, and asking questions.
2. Uphold academic integrity. Students must not engage in any form or acts of academic dishonesty such as plagiarism, cheating, and collusion.
3. Students must keep the class link and log-in credentials private to uphold safety and security.
4. Recording the class sessions, sharing the recordings, or taking pictures without the consent of the teacher and classmates is prohibited.
5. Video is required when the teacher is checking attendance. The rest of the period will depend on the instructions of the teacher (example: giving a presentation, etc.)
6. Keep your microphone muted unless you are giving a presentation, asking, or answering a question.
7. Dress appropriately at all times. Wear sleeved tops or shirts.
8. All students are provided with a school email address and an account on the learning management system (LMS). Students should use their email addresses and LMS accounts for school-related matters only such as submission of school work, research, and the like.
9. Students must maintain decorum at all times and abide by your school/ class, and teacher's policies.

Section 25: Guidelines on Creative Freedom

iACADEMY is an academic institution that values creativity, as a foundation, and learning, as a continued passion. We take pride in encouraging and nurturing creativity amongst its stakeholders across its diverse programs. The multiple arenas in media and technological arts are the emerging basis for communications, design, and social interaction in our increasingly digitally centered world, and the country's creative economy. The ability to communicate and express in a variety of media forms or combined media, using various tools and processes, for specific purposes, intentions, and audiences, responsibly and ethically, is the ultimate goal for our future game changers.

Students at iACADEMY are empowered in producing their own messages and products albeit in conscientious, civic-minded and socially responsible methods and platforms. It is therefore integral that students practice critical autonomy in discerning the quality and veracity of the various media that they are utilizing on all of our programs.

The following are detailed reminders in keeping with the core values and goal of the institution.

Guidelines for Creative Content:

1. All forms of creative expression, experimentation and creativity are highly encouraged in relation to the various creative outputs of the students at IACADEMY.
2. Students are highly encouraged to prioritize topics or content that promotes Filipino culture and values in any or all forms or media.
3. Creative outputs containing or pertaining to potentially sensitive topics (i.e. psychological, physiological, political, cultural insensitivity etc.) or visually graphic content should be first presented and discussed by the student to the faculty, then faculty to the Program Chair and Dean for adjustments and approval, prior to the development and execution of the final material. Should these creative outputs be student-initiated and student-led, these outputs should be presented and discussed by the student/organization officer/s to their organization adviser/s, then adviser/s to Student Activities Coordinator and OSAS Head for modifications and approval.
4. Creative outputs **MUST NOT** include and promote offensive, pornographic, and explicitly violent (visually and/or verbally) destructive content or themes promoting drug usage, self harm and harm towards others, regardless of media.
5. Creative outputs **MUST NOT** contain or promote any form of discrimination and disrespect (visually and/or verbally) towards other people, or groups of people regardless of sexual orientation, gender, physical disabilities, religious or political beliefs and specific culture or circumstance.
6. Creative outputs **MUST NOT** contain or promote any form that seeks to intentionally, verbally or visually insult, offend, portray or harm the school, its properties, as well as the flag(s) or the nation and other nations, in a negative or destructive manner that could threaten national or international security.

Section 26: Online Procedure for School Transactions

Online procedure for Admission

Examination

1. Student Applicants may visit our website (www.iacademy.edu.ph) for the Online Application.
2. The applicant may click on the "SIGN UP" pop-up button or the "Admissions" tab on our website and will be redirected to this link: <https://isims.iacademy.edu.ph/iacademy/applicants/> for iSIMS registration
3. The applicant will now fill out and accomplish the online application form in iSIMS.
4. After the iSIMS registration, the applicant will receive an applicant ID and password once he/she is done accomplishing the online application form generated by iSIMS.
5. Student Applicant shall settle the 500 PhP examination fee through the bank.

iACADEMY BANK DETAILS

Account Name: Information and Communications Technology Academy Inc.

SECURITY BANK

Account No: 0514-043205-001

Swift Code: SETCPHMM

CHINABANK

Account No: 1003-0000-5963

Swift Code: CHBKPHMM

METROBANK

Account No: 291-7-29181232-1

Swift Code: MBTCPHMM

BDO

Account No: 0089-5800-5430

Swift Code: BNORPHMM

6. Student Applicant will scan the deposit slip as a proof of payment for the online exam and will send it through email along with the other requirements such as: (Scanned copy of School ID, Scanned copy of Birth Certificate, Scanned copy of 2x2 ID photo, Scanned copy of Passport if foreign or dual citizen, Scanned copy of Transcript of Records for Transferees/2D applicants)

to: inquire@iacademy.edu.ph

cc: admissions@iacademy.edu.ph

Subject: Last Name, First Name - Online Examination Payment and Requirements SY20-21

Email body:

Attach deposit slip and requirements. *(for online transfer, attach screenshot)*

7. Once we receive your online application form, our Admissions Officer will send an email to the student applicant regarding instructions and will verify the requirements submitted.
8. After verification of requirements, the student Applicant will receive an email confirmation from our Admissions Officer including the link to the website and EXAMINATION CODE as an access to the online exam.
9. After taking the online exam, our Admissions Officer will show a virtual tour and notify the student applicant regarding his/her Final Interview online (via Google Hangouts) through email.
10. Student Applicant will receive an email with a link to the Google Form to choose his/her desired Interview schedule via Google Hangouts.
11. After accomplishing the Google Form, the applicant will receive an email confirmation and a call from our Admissions Officer for his/her final interview schedule.
12. For School of Design applicants, prepare for a talent test which will be conducted at the start of your interview. Have your pencil and an A4 bond paper ready.
13. During the Final Interview via Google Hangouts, the interviewer will release the online examination results. Should the student pass the entrance exam, he/she may proceed with the reservation and enrolment.

Reservation

1. Student Applicants may settle the 10,000 Php reservation through the bank.

iACADEMY BANK DETAILS

Account Name: Information and Communications Technology Academy Inc.

SECURITY BANK

Account No: 0514-043205-001

Swift Code: SETCPHMM

CHINABANK

Account No: 1003-0000-5963

Swift Code: CHBKPHMM

METROBANK

Account No: 291-7-29181232-1

Swift Code: MBTCPHMM

BDO

Account No: 0089-5800-5430

Swift Code: BNORPHMM

2. Student Applicant will email a scanned copy of the deposit slip to:

To: inquire@iacademy.edu.ph

cc: admissions@iacademy.edu.ph

subject: (choose from the ff)

SHS NEW: Last Name, First Name SY20-21

SHS TRANSFEREE: Last Name, First Name SY20-21

Email body:

Attach deposit slip.

3. Our Admissions Officer will send an email confirmation with an acknowledgement receipt once the payment is received.
4. The applicant may claim the original copy of the receipt and welcome kit once he/she visits the iACADEMY Admissions office.
5. Our Admissions Officer will send an email regarding Enrollment requirements and waiver to be submitted through email.

Enrollment

1. Student applicants will submit the requirements and waiver for verification and processing through email.

To: admissions@iacademy.edu.ph

Subject: Last Name, First Name - Enrollment Requirements SY20-21

Email body:

Attach requirements.

(Scanned copy of the reservation receipt, Scanned copy of waiver, Scanned copy of Good Moral, Scanned copy of Grades, Scanned copy of Transcript of Records for Transferees/2D applicants)

Note: *Original copy of the said requirements must be submitted to the iACADEMY Admissions Office.*

2. Our Admissions Officer will confirm receipt of the requirements from the applicant through email and will send available sections to choose from.
(subject to change due to the availability of slots)
3. Our Admissions Officer will send an email confirmation with an acknowledgement receipt once the payment is received.
4. The applicant may claim the original copy of the receipt and welcome kit once he/she visits the iACADEMY Admissions office.
5. Our Admissions Officer will send an email regarding Enrollment requirements and waiver to be submitted through email.

Online procedure for Registrar's Office transactions

Change of Subjects Enrolled

- a. The student will email their respective Program Chair. Student must attach a scanned copy or photo of any of their ID.
- b. The Program Chair shall respond to the student and cc: enrollment@iacademy.edu.ph
- c. The Registrar will process the changes in iSIMS and shall reply on the same thread copying the Finance Department.

*Should there be additional payment, Finance shall inform the student via email.

Program Shifting

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph before the enrollment period for the term in which he/she plans to shift.
- b. Fill out the Program Shifting Form and send it back to the Registrar email.
- c. The Registrar will obtain endorsement via email from the current Program Chair and the approval of the new Program Chair and the Dean.
- d. Once approved, the Registrar will inform the student if the request has been approved. He/She will be then endorsed to the new Program Chairperson for the advising.

Leave of Absence

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph
- b. The student will need to submit the following:
 1. Letter from the parents stating the reason for the request, with signatures
 2. Parent's valid ID.
- c. The Registrar will email the link for online clearance that the student needs to fill out.
- d. The student will receive an email notification each time a department signs his/her clearance or if he/she has a deficiency with any of the departments.
- e. The student will receive an email notification once the clearance is complete.

Re-Admission

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph before the enrollment period for the term in which the student plans to re-enroll.
- b. Fill out the Re-Admission Form and send it back to the Registrar email.
- c. The Registrar will obtain approval via email from the Program Chair and the Dean.
- d. Once approved, the Registrar will inform the student if the request has been approved. He/She will be then endorsed to the Program Chairperson for the advising.

Withdrawal of Enrollment

- a. Send an email expressing intent together with school ID to registrar@iacademy.edu.ph
- b. The student will need to submit the following:
 1. Letter from the parents stating the reason for the request, with signatures
 2. Parent's valid ID.
- c. The Registrar will email the link for online clearance that the student needs to fill out.

- d. The student will receive an email notification each time a department signs his/her clearance or if he/she has a deficiency with any of the departments.
- e. The student will receive an email notification once the clearance is complete.

School credentials will not be released to students who have outstanding accounts and pending school requirements.

Note: Penalties and charges will be imposed as applicable in the amount mentioned in Section 2 hereof.

Application for Graduation

- a. Send an email expressing intent together with school ID at registrar@iacademy.edu.ph during the specific dates that will be set by the Office.
- b. Accomplish the Application Form and send it back to the Registrar's Office.
- c. Email the Registrar on a specified date to be advised of the status of your application.

Section 25: Appendices

Appendix A: Republic Act 7877: Anti-Sexual Harassment Act of 1995

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

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

SECTION 1. Title. - This Act shall be known as the “Anti-Sexual Harassment Act of 1995.”

SECTION 2. Declaration of Policy. - The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SECTION 3. Work, Education or Training -Related, Sexual Harassment Defined. - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

- (a) In a work-related or employment environment, sexual harassment is committed when:
 - (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 - (2) The above acts would impair the employee’s rights or privileges under existing labor laws; or
 - (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.
- (b) In an education or training environment, sexual harassment is committed:
 - (1) Against one who is under the care, custody or supervision of the offender;
 - (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 - (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
 - (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

SECTION 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment. - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper

decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

SECTION 5. Liability of the Employer, Head of Office, Educational or Training Institution. - The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken.

SECTION 6. Independent Action for Damages. - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

SECTION 7. Penalties. - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

SECTION 8. Separability Clause. - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 9. Repealing Clause. - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. Effectivity Clause.- This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Appendix B: REPUBLIC ACT NO. 9165: Comprehensive Dangerous Drugs Act of 2002

AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Short Title. – This Act shall be known and cited as the “Comprehensive Dangerous Drugs Act of 2002”.

Section 2. Declaration of Policy. – It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today’s more serious social ills.

Toward this end, the government shall pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs.

It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.

ARTICLE I

Definition of terms

Section 3. Definitions. As used in this Act, the following terms shall mean:

- a. Administer. – Any act of introducing any dangerous drug into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means, or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.
- b. Board. - Refers to the Dangerous Drugs Board under Section 77, Article IX of this Act.
- c. Centers. - Any of the treatment and rehabilitation centers for drug dependents referred to in Section 34, Article VIII of this Act.
- d. Chemical Diversion. – The sale, distribution, supply or transport of legitimately imported, in-transit, manufactured or procured controlled precursors and essential chemicals, in diluted, mixtures or in concentrated form, to any person or entity engaged in the manufacture of any dangerous drug, and shall include packaging, repackaging, labeling, relabeling or concealment of such transaction

- through fraud, destruction of documents, fraudulent use of permits, misdeclaration, use of front companies or mail fraud.
- e. Clandestine Laboratory. – Any facility used for the illegal manufacture of any dangerous drug and/or controlled precursor and essential chemical.
 - f. Confirmatory Test. – An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.
 - g. Controlled Delivery. – The investigative technique of allowing an unlawful or suspect consignment of any dangerous drug and/or controlled precursor and essential chemical, equipment or paraphernalia, or property believed to be derived directly or indirectly from any offense, to pass into, through or out of the country under the supervision of an authorized officer, with a view to gathering evidence to identify any person involved in any dangerous drugs related offense, or to facilitate prosecution of that offense.
 - h. Controlled Precursors and Essential Chemicals. – Include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the attached annex, which is an integral part of this Act.
 - i. Cultivate or Culture. – Any act of knowingly planting, growing, raising, or permitting the planting, growing or raising of any plant which is the source of a dangerous drug.
 - j. Dangerous Drugs. – Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of this Act.
 - k. Deliver. – Any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration.
 - l. Den, Dive or Resort. – A place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form.
 - m. Dispense. – Any act of giving away, selling or distributing medicine or any dangerous drug with or without the use of prescription.
 - n. Drug Dependence. – As based on the World Health Organization definition, it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use.
 - o. Drug Syndicate. – Any organized group of two (2) or more persons forming or joining together with the intention of committing any offense prescribed under this Act.
 - p. Employee of Den, Dive or Resort. – The caretaker, helper, watchman, lookout, and other persons working in the den, dive or resort, employed by the maintainer, owner and/or operator where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, distributed, sold or used, with or without compensation, in connection with the operation thereof.
 - q. Financier. – Any person who pays for, raises or supplies money for, or underwrites any of the illegal activities prescribed under this Act.

- r. **Illegal Trafficking.** – The illegal cultivation, culture, delivery, administration, dispensation, manufacture, sale, trading, transportation, distribution, importation, exportation and possession of any dangerous drug and/or controlled precursor and essential chemical.
- s. **Instrument.** – Any thing that is used in or intended to be used in any manner in the commission of illegal drug trafficking or related offenses.
- t. **Laboratory Equipment.** – The paraphernalia, apparatus, materials or appliances when used, intended for use or designed for use in the manufacture of any dangerous drug and/or controlled precursor and essential chemical, such as reaction vessel, preparative/purifying equipment, fermenters, separatory funnel, flask, heating mantle, gas generator, or their substitute.
- u. **Manufacture.** – The production, preparation, compounding or processing of any dangerous drug and/or controlled precursor and essential chemical, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of such substances, design or configuration of its form, or labeling or relabeling of its container; except that such terms do not include the preparation, compounding, packaging or labeling of a drug or other substances by a duly authorized practitioner as an incident to his/her administration or dispensation of such drug or substance in the course of his/her professional practice including research, teaching and chemical analysis of dangerous drugs or such substances that are not intended for sale or for any other purpose.
- v. **Cannabis or commonly known as “Marijuana” or “Indian Hemp” or by its any other name.** – Embraces every kind, class, genus, or specie of the plant *Cannabis sativa* L. including, but not limited to, *Cannabis Americana*, hashish, bhang, guaza, churrus and ganjab, and embraces every kind, class and character of marijuana, whether dried or fresh and flowering, flowering or fruiting tops, or any part or portion of the plant and seeds thereof, and all its geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever.
- w. **Methylenedioxymethamphetamine (MDMA) or commonly known as “Ecstasy”, or by its any other name.** – Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.
- x. **Methamphetamine Hydrochloride or commonly known as “Shabu”, “Ice”, “Meth”, or by its any other name.** – Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.
- y. **Opium.** – Refers to the coagulated juice of the opium poppy (*Papaver somniferum* L.) and embraces every kind, class and character of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not.
- z. **Opium Poppy.** – Refers to any part of the plant of the species *Papaver somniferum* L., *Papaver setigerum* DC, *Papaver orientale*, *Papaver bracteatum* and *Papaver rhoeas*, which includes the seeds, straws, branches, leaves or any part thereof, or substances derived therefrom, even for floral, decorative and culinary purposes.

- aa. PDEA. – Refers to the Philippine Drug Enforcement Agency under Section 82, Article IX of this Act.
- bb. Person. – Any entity, natural or juridical, including among others, a corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture or other unincorporated organization or group capable of acquiring rights or entering into obligations.
- cc. Planting of Evidence. – The willful act by any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person, house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of this Act.
- dd. Practitioner. – Any person who is a licensed physician, dentist, chemist, medical technologist, nurse, midwife, veterinarian or pharmacist in the Philippines
- ee. Protector/Coddler. – Any person who knowingly and willfully consents to the unlawful acts provided for in this Act and uses his/her influence, power or position in shielding, harboring, screening or facilitating the escape of any person he/she knows, or has reasonable grounds to believe on or suspects, has violated the provisions of this Act in order to prevent the arrest, prosecution and conviction of the violator.
- ff. Pusher. – Any person who sells, trades, administers, dispenses, delivers or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports dangerous drugs or who acts as a broker in any of such transactions, in violation of this Act.
- gg. School. – Any educational institution, private or public, undertaking educational operation for pupils/students pursuing certain studies at defined levels, receiving instructions from teachers, usually located in a building or a group of buildings in a particular physical or cyber site.
- hh. Screening Test. – A rapid test performed to establish potential/presumptive positive result.
- ii. Sell. – Any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration.
- jj. Trading. – Transactions involving the illegal trafficking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, email, mobile or landlines, two-way radios, internet, instant messengers and chat rooms or acting as a broker in any of such transactions whether for money or any other consideration in violation of this Act.
- kk. Use. – Any act of injecting, intravenously or intramuscularly, of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body, and of the dangerous drugs.

ARTICLE II

Unlawful Acts and Penalties

Section 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.- The penalty of life imprisonment to death and a ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless

authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import any controlled precursor and essential chemical.

The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and canceled.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

- The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 6. Maintenance of a Den, Dive or Resort. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any dangerous drug is used or sold in any form.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used or sold in any form.

The maximum penalty provided for under this Section shall be imposed in every case where any dangerous drug is administered, delivered or sold to a minor who is allowed to use the same in such a place.

Should any dangerous drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of death and a fine ranging from One million (P1,000,000.00) to Fifteen million pesos (P500,000.00) shall be imposed on the maintainer, owner and/or operator.

If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: Provided, That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: Provided, further, That the prosecution shall prove such intent on the part of the owner to use the property for such purpose: Provided, finally, That the owner shall be included as an accused in the criminal complaint. The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 7. Employees and Visitors of a Den, Dive or Resort. - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon:

- (a) Any employee of a den, dive or resort, who is aware of the nature of the place as such; and
- (b) Any person who, not being included in the provisions of the next preceding, paragraph, is aware of the nature of the place as such and shall knowingly visit the same

Section 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a prima facie proof of manufacture of any dangerous drug. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- (a) Any phase of the manufacturing process was conducted in the presence or with the help of minor/s;
- (b) Any phase or manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;
- (c) Any clandestine laboratory was secured or protected with booby traps;
- (d) Any clandestine laboratory was concealed with legitimate business operations; or
- (e) Any employment of a practitioner, chemical engineer, public official or foreigner.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 9. Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals. -

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall illegally divert any controlled precursor and essential chemical.

Section 10. Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. -

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person who shall deliver,

possess with intent to deliver, or manufacture with intent to deliver equipment, instrument, apparatus and other paraphernalia for dangerous drugs, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal any dangerous drug and/or controlled precursor and essential chemical in violation of this Act.

The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed if it will be used to inject, ingest, inhale or otherwise introduce into the human body a dangerous drug in violation of this Act.

The maximum penalty provided for under this Section shall be imposed upon any person, who uses a minor or a mentally incapacitated individual to deliver such equipment, instrument, apparatus and other paraphernalia for dangerous drugs.

Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or “shabu”;
- (6) 10 grams or more of marijuana resin or marijuana resin oil;
- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or “ecstasy”, paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

- (1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or “shabu” is ten (10) grams or more but less than fifty (50) grams;
- (2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and
- (3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. -The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless

authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: Provided, That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be prima facie evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

Section 13. Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings. – Any person found possessing any dangerous drug during a party, or at a social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties provided for in Section 11 of this Act, regardless of the quantity and purity of such dangerous drugs.

Section 14. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs During Parties, Social Gatherings or Meetings. - The maximum penalty provided for in Section 12 of this Act shall be imposed upon any person, who shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body, during parties, social gatherings or meetings, or in the proximate company of at least two (2) persons.

Section 15. Use of Dangerous Drugs. – A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): Provided, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

Section 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who shall plant, cultivate or culture marijuana, opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived: Provided, That in the case of medical laboratories and medical research centers which cultivate or culture marijuana, opium poppy and other plants, or materials of such dangerous drugs for medical experiments and research purposes, or for the creation of new types of medicine, the Board

shall prescribe the necessary implementing guidelines for the proper cultivation, culture, handling, experimentation and disposal of such plants and materials.

The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 17. Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of imprisonment ranging from one (1) year and one (1) day to six (6) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any practitioner, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the maintenance and keeping of the original records of transactions on any dangerous drug and/or controlled precursor and essential chemical in accordance with Section 40 of this Act.

An additional penalty shall be imposed through the revocation of the license to practice his/her profession, in case of a practitioner, or of the business, in case of a manufacturer, seller, importer, distributor, dealer or retailer.

Section 18. Unnecessary Prescription of Dangerous Drugs. – The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) and the additional penalty of the revocation of his/her license to practice shall be imposed upon the practitioner, who shall prescribe any dangerous drug to any person whose physical or physiological condition does not require the use or in the dosage prescribed therein, as determined by the Board in consultation with recognized competent experts who are authorized representatives of professional organizations of practitioners, particularly those who are involved in the care of persons with severe pain.

Section 19. Unlawful Prescription of Dangerous Drugs. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any dangerous drug.

Section 20. Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals. – Every penalty imposed for the unlawful importation, sale, trading, administration, dispensation, delivery, distribution, transportation or manufacture of any dangerous drug and/or controlled precursor and essential chemical, the cultivation or culture of plants which are sources of dangerous drugs, and the possession of any equipment, instrument, apparatus and other paraphernalia for dangerous drugs including other laboratory equipment, shall carry with it the confiscation and forfeiture, in favor of the government, of all the proceeds and properties

derived from the unlawful act, including, but not limited to, money and other assets obtained thereby, and the instruments or tools with which the particular unlawful act was committed, unless they are the property of a third person not liable for the unlawful act, but those which are not of lawful commerce shall be ordered destroyed without delay pursuant to the provisions of Section 21 of this Act.

After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture of all the proceeds of the offense and all the assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: Provided, however, That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.

During the pendency of the case in the Regional Trial Court, no property, or income derived therefrom, which may be confiscated and forfeited, shall be disposed, alienated or transferred and the same shall be in custodia legis and no bond shall be admitted for the release of the same.

The proceeds of any sale or disposition of any property confiscated or forfeited under this Section shall be used to pay all proper expenses incurred in the proceedings for the confiscation, forfeiture, custody and maintenance of the property pending disposition, as well as expenses for publication and court costs. The proceeds in excess of the above expenses shall accrue to the Board to be used in its campaign against illegal drugs.

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs,

controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: Provided, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: Provided, further, That a representative sample, duly weighed and recorded is retained;

(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;

(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;

(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and

(8) Transitory Provision: a) Within twenty-four (24) hours from the effectivity of this Act, dangerous drugs defined herein which are presently in possession of law enforcement agencies shall, with leave of court, be burned or destroyed, in the presence of representatives of the Court, DOJ, Department of Health (DOH) and the accused/and or his/her counsel, and,

(9) Pending the organization of the PDEA, the custody, disposition, and burning or destruction of seized/surrendered dangerous drugs provided under this Section shall be implemented by the DOH.

Section 22. Grant of Compensation, Reward and Award. – The Board shall recommend to the concerned government agency the grant of compensation, reward and award to any person providing information and to law enforcers participating in the operation, which results in the successful confiscation, seizure or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals.

Section 23. Plea-Bargaining Provision. – Any person charged under any provision of this Act regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining.

Section 24. Non-Applicability of the Probation Law for Drug Traffickers and Pushers. – Any person convicted for drug trafficking or pushing under this Act, regardless of the penalty imposed by the Court, cannot avail of the privilege granted by the Probation Law or Presidential Decree No. 968, as amended.

Section 25. Qualifying Aggravating Circumstances in the Commission of a Crime by an Offender Under the Influence of Dangerous Drugs. – Notwithstanding the provisions of any law to the contrary, a positive finding for the use of dangerous drugs shall be a qualifying aggravating circumstance in the commission of a crime by an offender, and the application of the penalty provided for in the Revised Penal Code shall be applicable.

Section 26. Attempt or Conspiracy. – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

- ii. Importation of any dangerous drug and/or controlled precursor and essential chemical;
- iii. Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;
- iv. Maintenance of a den, dive or resort where any dangerous drug is used in any form;
- v. Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and
- vi. Cultivation or culture of plants which are sources of dangerous drugs.

Section 27. Criminal Liability of a Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this Act.

Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or –controlled corporations.

Section 28. Criminal Liability of Government Officials and Employees. – The maximum penalties of the unlawful acts provided for in this Act shall be imposed, in addition to absolute perpetual disqualification from any public office, if those found guilty of such unlawful acts are government officials and employees.

Section 29. Criminal Liability for Planting of Evidence. – Any person who is found guilty of “planting” any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of death.

Section 30. Criminal Liability of Officers of Partnerships, Corporations, Associations or Other Juridical Entities. – In case any violation of this Act is committed by a partnership, corporation, association or any juridical entity, the partner,

president, director, manager, trustee, estate administrator, or officer who consents to or knowingly tolerates such violation shall be held criminally liable as a co-principal.

The penalty provided for the offense under this Act shall be imposed upon the partner, president, director, manager, trustee, estate administrator, or officer who knowingly authorizes, tolerates or consents to the use of a vehicle, vessel, aircraft, equipment or other facility, as an instrument in the importation, sale, trading, administration, dispensation, delivery, distribution, transportation or manufacture of dangerous drugs, or chemical diversion, if such vehicle, vessel, aircraft, equipment or other instrument is owned by or under the control or supervision of the partnership, corporation, association or juridical entity to which they are affiliated.

Section 31. Additional Penalty if Offender is an Alien. – In addition to the penalties prescribed in the unlawful act committed, any alien who violates such provisions of this Act shall, after service of sentence, be deported immediately without further proceedings, unless the penalty is death.

Section 32. Liability to a Person Violating Any Regulation Issued by the Board. – The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person found violating any regulation duly issued by the Board pursuant to this Act, in addition to the administrative sanctions imposed by the Board.

Section 33. Immunity from Prosecution and Punishment. – Notwithstanding the provisions of Section 17, Rule 119 of the Revised Rules of Criminal Procedure and the provisions of Republic Act No. 6981 or the Witness Protection, Security and Benefit Act of 1991, any person who has violated Sections 7, 11, 12, 14, 15, and 19, Article II of this Act, who voluntarily gives information about any violation of Sections 4, 5, 6, 8, 10, 13, and 16, Article II of this Act as well as any violation of the offenses mentioned if committed by a drug syndicate, or any information leading to the whereabouts, identities and arrest of all or any of the members thereof; and who willingly testifies against such persons as described above, shall be exempted from prosecution or punishment for the offense with reference to which his/her information of testimony were given, and may plead or prove the giving of such information and testimony in bar of such prosecution: Provided, That the following conditions concur:

- (1) The information and testimony are necessary for the conviction of the persons described above;
- (2) Such information and testimony are not yet in the possession of the State;
- (3) Such information and testimony can be corroborated on its material points;
- (4) the informant or witness has not been previously convicted of a crime involving moral turpitude, except when there is no other direct evidence available for the State other than the information and testimony of said informant or witness; and

- (5) The informant or witness shall strictly and faithfully comply without delay, any condition or undertaking, reduced into writing, lawfully imposed by the State as further consideration for the grant of immunity from prosecution and punishment.

Provided, further, That this immunity may be enjoyed by such informant or witness who does not appear to be most guilty for the offense with reference to which his/her information or testimony were given: Provided, finally, That there is no direct evidence available for the State except for the information and testimony of the said informant or witness.

Section 34. Termination of the Grant of Immunity. – The immunity granted to the informant or witness, as prescribed in Section 33 of this Act, shall not attach should it turn out subsequently that the information and/or testimony is false, malicious or made only for the purpose of harassing, molesting or in any way prejudicing the persons described in the preceding Section against whom such information or testimony is directed against. In such a case, the informant or witness shall be subject to prosecution and the enjoyment of all rights and benefits previously accorded him under this Act or any other law, decree or order shall be deemed terminated.

In case an informant or witness under this Act fails or refuses to testify without just cause, and when lawfully obliged to do so, or should he/she violate any condition accompanying such immunity as provided above, his/her immunity shall be removed and he/she shall likewise be subject to contempt and/or criminal prosecution, as the case may be, and the enjoyment of all rights and benefits previously accorded him under this Act or in any other law, decree or order shall be deemed terminated.

In case the informant or witness referred to under this Act falls under the applicability of this Section hereof, such individual cannot avail of the provisions under Article VIII of this Act.

Section 35. Accessory Penalties. – A person convicted under this Act shall be disqualified to exercise his/her civil rights such as but not limited to, the rights of parental authority or guardianship, either as to the person or property of any ward, the rights to dispose of such property by any act or any conveyance inter vivos, and political rights such as but not limited to, the right to vote and be voted for. Such rights shall also be suspended during the pendency of an appeal from such conviction.

ARTICLE III

Dangerous Drugs Test and Record Requirements

Section 36. Authorized Drug Testing. – Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Drug test certificates issued by accredited drug testing centers shall be valid for a one-year period from the date of issue which may be used for other purposes.

The following shall be subjected to undergo drug testing:

- (a) Applicants for driver's license. – No driver's license shall be issued or renewed to any person unless he/she presents a certification that he/she has undergone a mandatory drug test and indicating thereon that he/she is free from the use of dangerous drugs;

- (b) Applicants for firearm's license and for permit to carry firearms outside of residence. – All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: Provided, That all persons who by the nature of their profession carry firearms shall undergo drug testing;
- (c) Students of secondary and tertiary schools. – Students of secondary and tertiary schools shall, pursuant to the related rules and regulations as contained in the school's student handbook and with notice to the parents, undergo a random drug testing: Provided, That all drug testing expenses whether in public or private schools under this Section will be borne by the government;
- (d) Officers and employees of public and private offices. – Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law;
- (e) Officers and members of the military, police and other law enforcement agencies. – Officers and members of the military, police and other law enforcement agencies shall undergo an annual mandatory drug test;
- (f) All persons charged before the prosecutor's office with a criminal offense having an impossible penalty of imprisonment of not less than six (6) years and one (1) day shall have to undergo a mandatory drug test; and
- (g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test.

In addition to the above stated penalties in this Section, those found to be positive for dangerous drugs use shall be subject to the provisions of Section 15 of this Act.

Section 37. Issuance of False or Fraudulent Drug Test Results. – Any person authorized, licensed or accredited under this Act and its implementing rules to conduct drug examination or test, who issues false or fraudulent drug test results knowingly, willfully or through gross negligence, shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00).

An additional penalty shall be imposed through the revocation of the license to practice his/her profession in case of a practitioner, and the closure of the drug testing center.

Section 38. Laboratory Examination or Test on Apprehended/Arrested Offenders. – Subject to Section 15 of this Act, any person apprehended or arrested for violating the provisions of this Act shall be subjected to screening laboratory examination or test within twenty-four (24) hours, if the apprehending or arresting officer has reasonable ground to believe that the person apprehended or arrested, on account of physical signs or symptoms or other visible or outward manifestation, is under the

influence of dangerous drugs. If found to be positive, the results of the screening laboratory examination or test shall be challenged within fifteen (15) days after receipt of the result through a confirmatory test conducted in any accredited analytical laboratory equipment with a gas chromatograph/mass spectrometry equipment or some such modern and accepted method, if confirmed the same shall be prima facie evidence that such person has used dangerous drugs, which is without prejudice for the prosecution for other violations of the provisions of this Act: Provided, That a positive screening laboratory test must be confirmed for it to be valid in a court of law.

Section 39. Accreditation of Drug Testing Centers and Physicians. – The DOH shall be tasked to license and accredit drug testing centers in each province and city in order to assure their capacity, competence, integrity and stability to conduct the laboratory examinations and tests provided in this Article, and appoint such technical and other personnel as may be necessary for the effective implementation of this provision. The DOH shall also accredit physicians who shall conduct the drug dependency examination of a drug dependent as well as the after-care and follow-up program for the said drug dependent. There shall be some control regulations, licensing and accreditation division under the supervision of the DOH for this purpose.

For this purpose, the DOH shall establish, operate and maintain drug testing centers in government hospitals, which must be provided at least with basic technologically advanced equipment and materials, in order to conduct the laboratory examination and tests herein provided, and appoint such qualified and duly trained technical and other personnel as may be necessary for the effective implementation of this provision.

Section 40. Records Required for Transactions on Dangerous Drug and Precursors and Essential Chemicals. –

a) Every pharmacist dealing in dangerous drugs and/or controlled precursors and essential chemicals shall maintain and keep an original record of sales, purchases, acquisitions and deliveries of dangerous drugs, indicating therein the following information:

- (1) License number and address of the pharmacist;
- (2) Name, address and license of the manufacturer, importer or wholesaler from whom the dangerous drugs have been purchased;
- (3) Quantity and name of the dangerous drugs purchased or acquired;
- (4) Date of acquisition or purchase;
- (5) Name, address and community tax certificate number of the buyer;
- (6) Serial number of the prescription and the name of the physician, dentist, veterinarian or practitioner issuing the same;
- (7) Quantity and name of the dangerous drugs sold or delivered; and
- (8) Date of sale or delivery.

A certified true copy of such record covering a period of six (6) months, duly signed by the pharmacist or the owner of the drugstore, pharmacy or chemical establishment, shall be forwarded to the Board within fifteen (15) days following the last day of June and December of each year, with a copy thereof furnished the city or municipal health officer concerned.

(b) A physician, dentist, veterinarian or practitioner authorized to prescribe any dangerous drug shall issue the prescription therefore in one (1) original and two (2) duplicate copies. The original, after the prescription has been filled, shall be retained by the pharmacist for a period of one (1) year from the date of sale or delivery of such drug. One (1) copy shall be retained by the buyer or by the person to whom the

drug is delivered until such drug is consumed, while the second copy shall be retained by the person issuing the prescription.

For purposes of this Act, all prescriptions issued by physicians, dentists, veterinarians or practitioners shall be written on forms exclusively issued by and obtainable from the DOH. Such forms shall be made of a special kind of paper and shall be distributed in such quantities and contain such information and other data as the DOH may, by rules and regulations, require. Such forms shall only be issued by the DOH through its authorized employees to licensed physicians, dentists, veterinarians and practitioners in such quantities as the Board may authorize. In emergency cases, however, as the Board may specify in the public interest, a prescription need not be accomplished on such forms. The prescribing physician, dentist, veterinarian or practitioner shall, within three (3) days after issuing such prescription, inform the DOH of the same in writing. No prescription once served by the drugstore or pharmacy be reused nor any prescription once issued be refilled.

(c) All manufacturers, wholesalers, distributors, importers, dealers and retailers of dangerous drugs and/or controlled precursors and essential chemicals shall keep a record of all inventories, sales, purchases, acquisitions and deliveries of the same as well as the names, addresses and licenses of the persons from whom such items were purchased or acquired or to whom such items were sold or delivered, the name and quantity of the same and the date of the transactions. Such records may be subjected anytime for review by the Board.

ARTICLE IV

Participation of the Family, Students, Teachers and School Authorities in the Enforcement of this Act

Section 41. Involvement of the Family. – The family being the basic unit of the Filipino society shall be primarily responsible for the education and awareness of the members of the family on the ill effects of dangerous drugs and close monitoring of family members who may be susceptible to drug abuse.

Section 42. Student Councils and Campus Organizations. – All elementary, secondary and tertiary schools' student councils and campus organizations shall include in their activities a program for the prevention of and deterrence in the use of dangerous drugs, and referral for treatment and rehabilitation of students for drug dependence.

Section 43. School Curricula. – Instruction on drug abuse prevention and control shall be integrated in the elementary, secondary and tertiary curricula of all public and private schools, whether general, technical, vocational or agro-industrial as well as in non-formal, informal and indigenous learning systems. Such instructions shall include:

- (1) Adverse effects of the abuse and misuse of dangerous drugs on the person, the family, the school and the community;
- (2) Preventive measures against drug abuse;
- (3) Health, socio-cultural, psychological, legal and economic dimensions and implications of the drug problem;
- (4) Steps to take when intervention on behalf of a drug dependent is needed, as well as the services available for the treatment and rehabilitation of drug dependents; and
- (5) Misconceptions about the use of dangerous drugs such as, but not limited to, the importance and safety of dangerous drugs for medical and therapeutic use as well as the differentiation between medical patients and drug dependents in order to avoid confusion and accidental stigmatization in the consciousness of the students.

Section 44. Heads, Supervisors, and Teachers of Schools. – For the purpose of enforcing the provisions of Article II of this Act, all school heads, supervisors and teachers shall be deemed persons in authority and, as such, are hereby empowered to apprehend, arrest or cause the apprehension or arrest of any person who shall violate any of the said provisions, pursuant to Section 5, Rule 113 of the Rules of Court. They shall be deemed persons in authority if they are in the school or within its immediate vicinity, or even beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors, and teachers.

Any teacher or school employee, who discovers or finds that any person in the school or within its immediate vicinity is liable for violating any of said provisions, shall have the duty to report the same to the school head or immediate superior who shall, in turn, report the matter to the proper authorities.

Failure to do so in either case, within a reasonable period from the time of discovery of the violation shall, after due hearing, constitute sufficient cause for disciplinary action by the school authorities.

Section 45. Publication and Distribution of Materials on Dangerous Drugs. – With the assistance of the Board, the Secretary of the Department of Education (DepEd), the Chairman of the Commission on Higher Education (CHED) and the Director-General of the Technical Education and Skills Development Authority (TESDA) shall cause the development, publication and distribution of information and support educational materials on dangerous drugs to the students, the faculty, the parents, and the community.

Section 46. Special Drug Education Center. – With the assistance of the Board, the Department of the Interior and Local Government (DILG), the National Youth Commission (NYC), and the Department of Social Welfare and Development (DSWD) shall establish in each of its provincial office a special education drug center for out-of-school youth and street children. Such Center which shall be headed by the Provincial Social Welfare Development Officer shall sponsor drug prevention programs and activities and information campaigns with the end in view of educating the out-of-school youth and street children regarding the pernicious effects of drug abuse. The programs initiated by the Center shall likewise be adopted in all public and private orphanages and existing special centers for street children.

ARTICLE V

Promotion of a National Drug-Free Workplace Program With the Participation of Private and Labor Sectors and the Department of Labor and Employment

Section 47. Drug-Free Workplace. – It is deemed a policy of the State to promote drug-free workplaces using a tripartite approach. With the assistance of the Board, the Department of Labor and Employment (DOLE) shall develop, promote and implement a national drug abuse prevention program in the workplace to be adopted by private companies with ten (10) or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the workplace in close consultation and coordination with the DOLE, labor and employer organizations, human resource development managers and other such private sector organizations.

Section 48. Guidelines for the National Drug-Free Workplace Program. – The Board and the DOLE shall formulate the necessary guidelines for the implementation of the national drug-free workplace program. The amount necessary for the implementation of which shall be included in the annual General Appropriations Act.

ARTICLE VI

Participation of the Private and Labor Sectors in the Enforcement of this Act

Section 49. Labor Organizations and the Private Sector. – All labor unions, federations, associations, or organizations in cooperation with the respective private sector partners shall include in their collective bargaining or any similar agreements, joint continuing programs and information campaigns for the laborers similar to the programs provided under Section 47 of this Act with the end in view of achieving a drug free workplace.

Section 50. Government Assistance. – The labor sector and the respective partners may, in pursuit of the programs mentioned in the preceding Section, secure the technical assistance, such as but not limited to, seminars and information dissemination campaigns of the appropriate government and law enforcement agencies.

ARTICLE VII

Participation of Local Government Units

Section 51. Local Government Units' Assistance. – Local government units shall appropriate a substantial portion of their respective annual budgets to assist in or enhance the enforcement of this Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents.

Section 52. Abatement of Drug Related Public Nuisances. – Any place or premises which have been used on two or more occasions as the site of the unlawful sale or delivery of dangerous drugs may be declared to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

- (1) Any city or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances;
- (2) any employee, officer, or resident of the city or municipality may bring a complaint before the Board after giving not less than three (3) days written notice of such complaint to the owner of the place or premises at his/her last known address; and
- (3) After hearing in which the Board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his/her defense, the Board may declare the place or premises to be a public nuisance.

Section 53. Effect of Board Declaration. – If the Board declares a place or premises to be a public nuisance, it may declare an order immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

An order entered under this Section shall expire after one (1) year or at such earlier time as stated in the order. The Board may bring a complaint seeking a permanent injunction against any nuisance described under this Section.

This Article does not restrict the right of any person to proceed under the Civil Code against any public nuisance.

ARTICLE VIII

Program for Treatment and Rehabilitation of Drug Dependents

Section 54. Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation. – A drug dependent or any person who violates Section 15 of this Act may, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, apply to the Board or its duly recognized representative, for treatment and rehabilitation of the drug dependency. Upon such application, the Board shall bring forth the matter to the Court which shall order that the applicant be examined for drug dependency. If the examination by a DOH-accredited physician results in the issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: Provided, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to his/her family or the community.

Confinement in a Center for treatment and rehabilitation shall not exceed one (1) year, after which time the Court, as well as the Board, shall be apprised by the head of the treatment and rehabilitation center of the status of said drug dependent and determine whether further confinement will be for the welfare of the drug dependent and his/her family or the community.

Section 55. Exemption from the Criminal Liability Under the Voluntary Submission Program. A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this act subject to the following conditions:

- (1) He/she has complied with the rules and regulations of the center, the applicable rules and regulations of the Board, including the after-care and follow-up program for at least eighteen (18) months following temporary discharge from confinement in the Center or, in the case of a dependent placed under the care of the DOH-accredited physician, the after-care program and follow-up schedule formulated by the DSWD and approved by the Board: Provided, That capability- building of local government social workers shall be undertaken by the DSWD;
- (2) He/she has never been charged or convicted of any offense punishable under this Act, the Dangerous Drugs Act of 1972 or Republic Act No. 6425, as amended; the Revised Penal Code, as amended; or any special penal laws;
- (3) He/she has no record of escape from a Center: Provided, That had he/she escaped, he/she surrendered by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, within one (1) week from the date of the said escape; and
- (4) He/she poses no serious danger to himself/herself, his/her family or the community by his/her exemption from criminal liability.

Section 56. Temporary Release From the Center; After-Care and Follow-Up Treatment Under the Voluntary Submission Program. – Upon certification of the Center that the drug dependent within the voluntary submission program may be temporarily released, the Court shall order his/her release on condition that said drug dependent shall report to the DOH for after-care and follow-up treatment, including urine testing, for a period not exceeding eighteen (18) months under such terms and conditions that the Court may impose.

If during the period of after-care and follow-up, the drug dependent is certified to be rehabilitated, he/she may be discharged by the Court, subject to the provisions of Section 55 of this Act, without prejudice to the outcome of any pending case filed in court.

However, should the DOH find that during the initial after-care and follow-up program of eighteen (18) months, the drug dependent requires further treatment and rehabilitation in the Center, he/she shall be recommitted to the Center for confinement. Thereafter, he/she may again be certified for temporary release and ordered released for another after-care and follow-up program pursuant to this Section.

Section 57. Probation and Community Service Under the Voluntary Submission Program. –

A drug dependent who is discharged as rehabilitated by the DOH-accredited Center through the voluntary submission program, but does not qualify for exemption from criminal liability under Section 55 of this Act, may be charged under the provisions of this Act, but shall be placed on probation and undergo a community service in lieu of imprisonment and/or fine in the discretion of the court, without prejudice to the outcome of any pending case filed in court.

Such drug dependent shall undergo community service as part of his/her after-care and follow-up program, which may be done in coordination with nongovernmental civil organizations accredited by the DSWD, with the recommendation of the Board.

Section 58. Filing of Charges Against a Drug Dependent Who is Not Rehabilitated Under the Voluntary Submission Program. –

A drug dependent, who is not rehabilitated after the second commitment to the Center under the voluntary submission program, shall, upon recommendation of the Board, be charged for violation of Section 15 of this Act and prosecuted like any other offender. If convicted, he/she shall be credited for the period of confinement and rehabilitation in the Center in the service of his/her sentence.

Section 59. Escape and Recommitment for Confinement and Rehabilitation Under the Voluntary Submission Program. –

Should a drug dependent under the voluntary submission program escape from the Center, he/she may submit himself/herself for recommitment within one (1) week therefrom, or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within said period, surrender him for recommitment, in which case the corresponding order shall be issued by the Board.

Should the escapee fail to submit himself/herself or be surrendered after one (1) week, the Board shall apply to the court for a recommitment order upon proof of previous commitment or his/her voluntary submission by the Board, the court may issue an order for recommitment within one (1) week.

If, subsequent to a recommitment, the dependent once again escapes from confinement, he/she shall be charged for violation of Section 15 of this Act and be subjected under section 61 of this Act, either upon order of the Board or upon order of the court, as the case may be.

Section 60. Confidentiality of Records Under the Voluntary Submission Program. –

Judicial and medical records of drug dependents under the voluntary submission program shall be confidential and shall not be used against him for any purpose, except to determine how many times, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, he/she voluntarily submitted himself/herself for confinement, treatment and rehabilitation or has been committed to a Center under this program.

Section 61. Compulsory Confinement of a Drug Dependent Who Refuses to Apply Under the Voluntary Submission Program. –

Notwithstanding any law, rule and regulation to the contrary, any person determined and found to be dependent on dangerous drugs shall, upon petition by the Board

or any of its authorized representative, be confined for treatment and rehabilitation in any Center duly designated or accredited for the purpose.

A petition for the confinement of a person alleged to be dependent on dangerous drugs to a Center may be filed by any person authorized by the Board with the Regional Trial Court of the province or city where such person is found.

After the petition is filed, the court, by an order, shall immediately fix a date for the hearing, and a copy of such order shall be served on the person alleged to be dependent on dangerous drugs, and to the one having charge of him.

If after such hearing and the facts so warrant, the court shall order the drug dependent to be examined by two (2) physicians accredited by the Board. If both physicians conclude that the respondent is not a drug dependent, the court shall order his/her discharge. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court finds him a drug dependent, it shall issue an order for his/her commitment to a treatment and rehabilitation center under the supervision of the DOH. In any event, the order of discharge or order of confinement or commitment shall be issued not later than fifteen (15) days from the filing of the appropriate petition.

Section 62. Compulsory Submission of a Drug Dependent Charged with an Offense to Treatment and Rehabilitation. – If a person charged with an offense where the imposable penalty is imprisonment of less than six (6) years and one (1) day, and is found by the prosecutor or by the court, at any stage of the proceedings, to be a drug dependent, the prosecutor or the court as the case may be, shall suspend all further proceedings and transmit copies of the record of the case to the Board.

In the event he Board determines, after medical examination, that public interest requires that such drug dependent be committed to a center for treatment and rehabilitation, it shall file a petition for his/her commitment with the regional trial court of the province or city where he/she is being investigated or tried: Provided, That where a criminal case is pending in court, such petition shall be filed in the said court. The court shall take judicial notice of the prior proceedings in the case and shall proceed to hear the petition. If the court finds him to be a drug dependent, it shall order his/her commitment to a Center for treatment and rehabilitation. The head of said Center shall submit to the court every four (4) months, or as often as the court may require, a written report on the progress of the treatment. If the dependent is rehabilitated, as certified by the center and the Board, he/she shall be returned to the court, which committed him, for his/her discharge therefrom.

Thereafter, his/her prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case of conviction, the judgment shall, if the accused is certified by the treatment and rehabilitation center to have maintained good behavior, indicate that he/she shall be given full credit for the period he/she was confined in the Center: Provided, however, That when the offense is for violation of Section 15 of this Act and the accused is not a recidivist, the penalty thereof shall be deemed to have been served in the Center upon his/her release therefrom after certification by the Center and the Board that he/she is rehabilitated.

Section 63. Prescription of the Offense Charged Against a Drug Dependent Under the Compulsory Submission Program. – The period of prescription of the offense charged against a drug dependent under the compulsory submission program shall not run during the time that the drug dependent is under confinement in a Center or otherwise under the treatment and rehabilitation program approved by the Board.

Upon certification of the Center that he/she may temporarily be discharged from the said Center, the court shall order his/her release on condition that he/she shall report to the Board through the DOH for after-care and follow-up treatment for a period not exceeding eighteen (18) months under such terms and conditions as may be imposed by the Board.

If at any time during the after-care and follow-up period, the Board certifies to his/her complete rehabilitation, the court shall order his/her final discharge from confinement and order for the immediate resumption of the trial of the case for which he/she is originally charged. Should the Board through the DOH find at any time during the after-care and follow-up period that he/she requires further treatment and rehabilitation, it shall report to the court, which shall order his/her recommitment to the Center.

Should the drug dependent, having been committed to a Center upon petition by the Board escape therefrom, he/she may resubmit himself/herself for confinement within one (1) week from the date of his/her escape; or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within the same period, surrender him for recommitment. If, however, the drug dependent does not resubmit himself/herself for confinement or he/she is not surrendered for recommitment, the Board may apply with the court for the issuance of the recommitment order. Upon proof of previous commitment, the court shall issue an order for recommitment. If, subsequent to such recommitment, he/she should escape again, he/she shall no longer be exempt from criminal liability for use of any dangerous drug.

A drug dependent committed under this particular Section who is finally discharged from confinement shall be exempt from criminal liability under Section 15 of this Act, without prejudice to the outcome of any pending case filed in court. On the other hand, a drug dependent who is not rehabilitated after a second commitment to the Center shall, upon conviction by the appropriate court, suffer the same penalties provided for under Section 15 of this Act again without prejudice to the outcome of any pending case filed in court.

Section 64. Confidentiality of Records Under the Compulsory Submission Program. – The records of a drug dependent who was rehabilitated and discharged from the Center under the compulsory submission program, or who was charged for violation of Section 15 of this Act, shall be covered by Section 60 of this Act. However, the records of a drug dependent who was not rehabilitated, or who escaped but did not surrender himself/herself within the prescribed period, shall be forwarded to the court and their use shall be determined by the court, taking into consideration public interest and the welfare of the drug dependent.

Section 65. Duty of the Prosecutor in the Proceedings. – It shall be the duty of the provincial or the city prosecutor or their assistants or state prosecutors to prepare the appropriate petition in all proceedings arising from this Act.

Section 66. Suspension of Sentence of a First-Time Minor Offender. – An accused who is over fifteen (15) years of age at the time of the commission of the offense mentioned in Section 11 of this Act, but not more than eighteen (18) years of age at the time when judgment should have been promulgated after having been found guilty of said offense, may be given the benefits of a suspended sentence, subject to the following conditions:

- (a) He/she has not been previously convicted of violating any provision of this Act, or of the Dangerous Drugs Act of 1972, as amended; or of the Revised Penal Code; or of any special penal laws;

- (b) He/she has not been previously committed to a Center or to the care of a DOH-accredited physician; and
- (c) The Board favorably recommends that his/her sentence be suspended.

While under a suspended sentence, he/she shall be under the supervision and rehabilitative surveillance of the Board, under such conditions that the court may impose for a period ranging from six (6) months to eighteen (18) months.

Upon recommendation of the Board, the court may commit the accused under suspended sentence to a Center, or to the care of a DOH-accredited physician for at least six (6) months, with after-care and follow-up program for not more than eighteen (18) months.

In the case of minors under fifteen (15) years of age at the time of the commission of any offense penalized under this Act, Article 192 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended by Presidential Decree No. 1179 shall apply, without prejudice to the application of the provisions of this Section.

Section 67. Discharge After Compliance with Conditions of Suspended Sentence of a First-Time Minor Offender. – If the accused first time minor offender under suspended sentence complies with the applicable rules and regulations of the Board, including confinement in a Center, the court, upon a favorable recommendation of the Board for the final discharge of the accused, shall discharge the accused and dismiss all proceedings.

Upon the dismissal of the proceedings against the accused, the court shall enter an order to expunge all official records, other than the confidential record to be retained by the DOJ relating to the case. Such an order, which shall be kept confidential, shall restore the accused to his/her status prior to the case. He/she shall not be held thereafter to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him for any purpose.

Section 68. Privilege of Suspended Sentence to be Availed of Only Once by a First-Time Minor Offender. – The privilege of suspended sentence shall be availed of only once by an accused drug dependent who is a first-time offender over fifteen (15) years of age at the time of the commission of the violation of Section 15 of this Act but not more than eighteen (18) years of age at the time when judgment should have been promulgated.

Section 69. Promulgation of Sentence for First-Time Minor Offender. – If the accused first-time minor offender violates any of the conditions of his/her suspended sentence, the applicable rules and regulations of the Board exercising supervision and rehabilitative surveillance over him, including the rules and regulations of the Center should confinement be required, the court shall pronounce judgment of conviction and he/she shall serve sentence as any other convicted person.

Section 70. Probation or Community Service for a First-Time Minor Offender in Lieu of Imprisonment. – Upon promulgation of the sentence, the court may, in its discretion, place the accused under probation, even if the sentence provided under this Act is higher than that provided under existing law on probation, or impose community service in lieu of imprisonment. In case of probation, the supervision and rehabilitative surveillance shall be undertaken by the Board through the DOH in coordination with the Board of Pardons and Parole and the Probation Administration. Upon compliance with the conditions of the probation, the Board shall submit a written report to the court recommending termination of probation and a final discharge of the probationer, whereupon the court shall issue such an order.

The community service shall be complied with under conditions, time and place as may be determined by the court in its discretion and upon the recommendation of the Board and shall apply only to violators of Section 15 of this Act. The completion of the community service shall be under the supervision and rehabilitative surveillance of the Board during the period required by the court. Thereafter, the Board shall render a report on the manner of compliance of said community service. The court in its discretion may require extension of the community service or order a final discharge.

In both cases, the judicial records shall be covered by the provisions of Sections 60 and 64 of this Act.

If the sentence promulgated by the court requires imprisonment, the period spent in the Center by the accused during the suspended sentence period shall be deducted from the sentence to be served.

Section 71. Records to be kept by the Department of Justice. – The DOJ shall keep a confidential record of the proceedings on suspension of sentence and shall not be used for any purpose other than to determine whether or not a person accused under this Act is a first-time minor offender.

Section 72. Liability of a Person Who Violates the Confidentiality of Records. – The penalty of imprisonment ranging from six (6) months and one (1) day to six (6) years and a fine ranging from One thousand pesos (P1,000.00) to Six thousand pesos (P6,000.00), shall be imposed upon any person who, having official custody of or access to the confidential records of any drug dependent under voluntary submission programs, or anyone who, having gained possession of said records, whether lawfully or not, reveals their content to any person other than those charged with the prosecution of the offenses under this Act and its implementation. The maximum penalty shall be imposed, in addition to absolute perpetual disqualification from any public office, when the offender is a government official or employee. Should the records be used for unlawful purposes, such as blackmail of the drug dependent or the members of his/her family, the penalty imposed for the crime of violation of confidentiality shall be in addition to whatever crime he/she may be convicted of.

Section 73. Liability of a Parent, Spouse or Guardian Who Refuses to Cooperate with the Board or any Concerned Agency. – Any parent, spouse or guardian who, without valid reason, refuses to cooperate with the Board or any concerned agency in the treatment and rehabilitation of a drug dependent who is a minor, or in any manner, prevents or

delays the after-care, follow-up or other programs for the welfare of the accused drug dependent, whether under voluntary submission program or compulsory submission program, may be cited for contempt by the court.

Section 74. Cost-Sharing in the Treatment and Rehabilitation of a Drug Dependent. – The parent, spouse, guardian or any relative within the fourth degree of consanguinity of any person who is confined under the voluntary submission program or compulsory submission program shall be charged a certain percentage of the cost of his/her treatment and rehabilitation, the guidelines of which shall be formulated by the DSWD taking into consideration the economic status of the family of the person confined. The guidelines therein formulated shall be implemented by a social worker of the local government unit.

Section 75. Treatment and Rehabilitation Centers. – The existing treatment and rehabilitation centers for drug dependents operated and maintained by the NBI and the PNP shall be operated, maintained and managed by the DOH in coordination with other concerned agencies. For the purpose of enlarging the network of centers, the Board through the DOH shall encourage, promote or whenever

feasible, assist or support in the establishment, operations and maintenance of private centers which shall be eligible to receive grants, donations or subsidy from either government or private sources. It shall also support the establishment of government-operated regional treatment and rehabilitation centers depending upon the availability of funds. The national government, through its appropriate agencies shall give priority funding for the increase of subsidy to existing government drug rehabilitation centers, and shall establish at least one (1) drug rehabilitation center in each province, depending on the availability of funds.

Section 76. The Duties and Responsibilities of the Department of health (DOH) Under this Act. – The DOH shall:

- (1) Oversee the monitor the integration, coordination and supervision of all drug rehabilitation, intervention, after-care and follow-up programs, projects and activities as well as the establishment, operations, maintenance and management of privately-owned drug treatment rehabilitation centers and drug testing networks and laboratories throughout the country in coordination with the DSWD and other agencies;
- (2) License, accredit, establish and maintain drug test network and laboratory, initiate, conduct and support scientific research on drugs and drug control;
- (3) Encourage, assist and accredit private centers, promulgate rules and regulations setting minimum standards for their accreditation to assure their competence, integrity and stability;
- (4) Prescribe and promulgate rules and regulations governing the establishment of such Centers as it may deem necessary after conducting a feasibility study thereof;
- (5) The DOH shall, without prejudice to the criminal prosecution of those found guilty of violating this Act, order the closure of a Center for treatment and rehabilitation of drug dependency when, after investigation it is found guilty of violating the provisions of this Act or regulations issued by the Board; and
- (6) Charge reasonable fees for drug dependency examinations, other medical and legal services provided to the public, which shall accrue to the Board. All income derived from these sources shall be part of the funds constituted as special funds for the implementation of this Act under Section 87.

ARTICLE IX

Dangerous Drugs Board and Philippine Drug Enforcement Agency

Section 77. The Dangerous Drugs Board. – The Board shall be the policy-making and strategy-formulating body in the planning and formulation of policies and programs on drug prevention and control. It shall develop and adopt a comprehensive, integrated, unified and balanced national drug abuse prevention and control strategy. It shall be under the Office of the President.

Section 78. Composition of the Board. – The Board shall be composed of seventeen (17) members wherein three (3) of which are permanent members, the other twelve (12) members shall be in an ex officio capacity and the two (2) shall be regular members.

The three (3) permanent members, who shall possess at least seven-year training and experience in the field of dangerous drugs and in any of the following fields: in law, medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines. The President shall designate a Chairman, who shall have the rank of a secretary from among the three (3) permanent members who shall serve for six (6) years. Of the two (2) other members, who shall both have the rank of undersecretary, one (1) shall serve for four (4) years and the other for two (2) years. Thereafter, the persons appointed to

succeed such members shall hold office for a term of six (6) years and until their successors shall have been duly appointed and qualified.

The other twelve (12) members who shall be ex officio members of the Board are the following:

- (1) Secretary of the Department of Justice or his/her representative;
- (2) Secretary of the Department of Health or his/her representative;
- (3) Secretary of the Department of National Defense or his/her representative;
- (4) Secretary of the Department of Finance or his/her representative;
- (5) Secretary of the Department of Labor and Employment or his/her representative;
- (6) Secretary of the Department of the Interior and Local Government or his/her representative;
- (7) Secretary of the Department of Social Welfare and Development or his/her representative;
- (8) Secretary of the Department of Foreign Affairs or his/her representative;
- (9) Secretary of the Department of Education or his/her representative;
- (10) Chairman of the Commission on Higher Education or his/her representative;
- (11) Chairman of the National Youth Commission;
- (12) Director General of the Philippine Drug Enforcement Agency.

Cabinet secretaries who are members of the Board may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than undersecretary.

The two (2) regular members shall be as follows:

- (a) The president of the Integrated Bar of the Philippines; and
- (b) The chairman or president of a non-government organization involved in a dangerous drug campaign to be appointed by the President of the Philippines.

The Director of the NBI and the Chief of the PNP shall be the permanent consultants of the Board, and shall attend all the meetings of the Board.

All members of the Board as well as its permanent consultants shall receive a per diem for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and allowances: Provided, That where the representative of an ex officio member or of the permanent consultant of the Board attends a meeting in behalf of the latter, such representative shall be entitled to receive the per diem.

Section 79. Meetings of the Board. – The Board shall meet once a week or as often as necessary at the discretion of the Chairman or at the call of any four (4) other members. The presence of nine (9) members shall constitute a quorum.

Section 80. Secretariat of the Board. – The Board shall recommend to the President of the Philippines the appointment of an Executive Director, with the rank of an undersecretary, who shall be the Secretary of the Board and administrative officer of its secretariat, and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in the field of dangerous drugs, and in any of the following fields: law enforcement, law, medicine, criminology, psychology or social work.

Two deputies' executive director, for administration and operations, with the ranks of assistant secretary, shall be appointed by the President upon recommendation of the Board. They shall possess the same qualifications as those of the executive director. They shall receive a salary corresponding to their position as prescribed by the Salary Standardization Law as a Career Service Officer.

The existing secretariat of the Board shall be under the administrative control and supervision of the Executive Director. It shall be composed of the following divisions, namely: Policy Studies, Research and Statistics; Preventive Education, Training and Information; Legal Affairs; and the Administrative and Financial Management.

Section 81. Powers and Duties of the Board. – The Board shall:

- (a) Formulate, develop and establish a comprehensive, integrated, unified and balanced national drug use prevention and control strategy;
- (b) Promulgate such rules and regulations as may be necessary to carry out the purposes of this Act, including the manner of safekeeping, disposition, burning or condemnation of any dangerous drug and/or controlled precursor and essential chemical under its charge and custody, and prescribe administrative remedies or sanctions for the violations of such rules and regulations;
- (c) Conduct policy studies, program monitoring and evaluations and other researches on drug prevention, control and enforcement;
- (d) Initiate, conduct and support scientific, clinical, social, psychological, physical and biological researches on dangerous drugs and dangerous drugs prevention and control measures;
- (e) Develop an educational program and information drive on the hazards and prevention of illegal use of any dangerous drug and/or controlled precursor and essential chemical based on factual data, and disseminate the same to the general public, for which purpose the Board shall endeavor to make the general public aware of the hazards of any dangerous drugs and/or controlled precursor and essential chemical by providing among others, literature, films, displays or advertisements and by coordinating with all institutions of learning as well as with all national and local enforcement agencies in planning and conducting its educational campaign programs to be implemented by the appropriate government agencies;
- (f) Conduct continuing seminars for, and consultations with, and provide information materials to judges and prosecutors in coordination with the Office of the Court Administrator, in the case of judges, and the DOJ, in the case of prosecutors, which aim to provide them with the current developments and programs of the Board pertinent to its campaign against dangerous drugs and its scientific researches on dangerous drugs, its prevention and control measures;
- (g) Design special trainings in order to provide law enforcement officers, members of the judiciary, and prosecutors, school authorities and personnel of centers with knowledge and know-how in dangerous drugs and/or controlled precursors and essential chemicals control in coordination with the Supreme Court to meet the objectives of the national drug control programs;
- (h) Design and develop, in consultation and coordination with the DOH, DSWD and other agencies involved in drugs control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents;
- (i) Design and develop, jointly with the DOLE and in consultation with labor and employer groups as well as non government organizations a drug abuse prevention program in the workplace that would include a provision for employee assistance programs for emotionally-stressed employees;
- (j) Initiate and authorize closure proceedings against non-accredited and/or substandard rehabilitation centers based on verified reports of human rights violations, subhuman conditions, inadequate medical training and assistance and excessive fees for implementation by the PDEA;

- (k) Prescribe and promulgate rules and regulations governing the establishment of such centers, networks and laboratories as deemed necessary after conducting a feasibility study in coordination with the DOH and other government agencies;
- (l) Receive, gather, collect and evaluate all information on the importation, exportation, production, manufacture, sale, stocks, seizures of and the estimated need for any dangerous drug and/or controlled precursor and essential chemical, for which purpose the Board may require from any official, instrumentality or agency of the government or any private person or enterprise dealing in, or engaged in activities having to do with any dangerous drug and/or controlled precursors and essential chemicals such data or information as it may need to implement this Act;
- (m) Gather and prepare detailed statistics on the importation, exportation, manufacture, stocks, seizures of and estimates need for any dangerous drug and/or controlled precursors and essential chemicals and such other statistical data on said drugs as may be periodically required by the United Nations Narcotics Drug Commission, the World Health Organization and other international organizations in consonance with the country's international commitments;
- (n) Develop and maintain international networking coordination with international drug control agencies and organizations, and implement the provisions of international conventions and agreements thereon which have been adopted and approved by the Congress of the Philippines;
- (o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the PDEA, about all dangerous drugs and/or controlled precursors and essential chemicals-related cases to which they have attended for statistics and research purposes;
- (p) Receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of government and private rehabilitation centers subject to limitations, directions and instructions from the donors, if any;
- (q) Issue guidelines as to the approval or disapproval of applications for voluntary treatment, rehabilitation or confinement, wherein it shall issue the necessary guidelines, rules and regulations pertaining to the application and its enforcement;
- (r) Formulate guidelines, in coordination with other government agencies, the importation, distribution, production, manufacture, compounding, prescription, dispensing and sale of, and other lawful acts in connection with any dangerous drug, controlled precursors and essential chemicals and other similar or analogous substances of such kind and in such quantity as it may deem necessary according to the medical and research needs or requirements of the country including diet pills containing ephedrine and other addictive chemicals and determine the quantity and/or quality of dangerous drugs and controlled precursors and essential chemicals to be imported, manufactured and held in stock at any given time by authorized importer, manufacturer or distributor of such drugs;
- (s) Develop the utilization of a controlled delivery scheme in addressing the transshipment of dangerous drugs into and out of the country to neutralize transnational crime syndicates involved in illegal trafficking of any dangerous drugs and/or controlled precursors and essential chemicals;
- (t) Recommend the revocation of the professional license of any practitioner who is an owner, co-owner, lessee, or in the employ of the drug establishment, or manager of a partnership, corporation, association, or any juridical entity owning and/or controlling such drug establishment, and who knowingly participates in, or consents to, tolerates, or abets the

- commission of the act of violations as indicated in the preceding paragraph, all without prejudice to the criminal prosecution of the person responsible for the said violation;
- (u) Appoint such technical, administrative and other personnel as may be necessary for the effective implementation of this Act, subject to the Civil Service Law and its rules and regulations;
 - (v) Establish a regular and continuing consultation with concerned government agencies and medical professional organizations to determine if balance exists in policies, procedures, rules and regulations on dangerous drugs and to provide recommendations on how the lawful use of dangerous drugs can be improved and facilitated; and
 - (w) Submit an annual and periodic reports to the President, the Congress of the Philippines and the Senate and House of Representatives committees concerned as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

Section 82. Creation of the Philippine Drug Enforcement Agency (PDEA). – To carry out the provisions of this Act, the PDEA, which serves as the implementing arm of the Board, and shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in this Act.

The PDEA shall be headed by a Director General with the rank of Undersecretary, who shall be responsible for the general administration and management of the Agency. The Director General of the PDEA shall be appointed by the President of the Philippines and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in the field of dangerous drugs, and in any of the following fields: law enforcement, law, medicine, criminology, psychology or social work.

The Director General of the PDEA shall be assisted in the performance of his/her duties and responsibilities by two (2) deputies director general with the rank of Assistant Secretary; one for Operations and the other one for Administration. The two (2) deputies director general shall likewise be appointed by the President of the Philippines upon recommendation of the Board. The two (2) deputies director general shall possess the same qualifications as those of the Director General of the PDEA. The Director General and the two (2) deputies director general shall receive the compensation and salaries as prescribed by law.

Section 83. Organization of the PDEA. – The present Secretariat of the National Drug Law Enforcement and Prevention Coordinating Center as created by Executive Order No. 61 shall be accordingly modified and absorbed by the PDEA.

The Director General of the PDEA shall be responsible for the necessary changes in the organizational set-up which shall be submitted to the Board for approval.

For purposes of carrying out its duties and powers as provided for in the succeeding Section of this Act, the PDEA shall have the following Services, namely: Intelligence and Investigation; International Cooperation and Foreign Affairs; Preventive Education and Community Involvement; Plans and Operations; Compliance; Legal and Prosecution; Administrative and Human Resource; Financial Management; Logistics Management; and Internal Affairs.

The PDEA shall establish and maintain regional offices in the different regions of the country which shall be responsible for the implementation of this Act and the policies, programs, and projects of said agency in their respective regions.

Section 84. Powers and Duties of the PDEA. – The PDEA shall:

- (a) Implement or cause the efficient and effective implementation of the national drug control strategy formulated by the Board thereby carrying out a national drug campaign program which shall include drug law enforcement, control and prevention campaign with the assistance of concerned government agencies;
- (b) Undertake the enforcement of the provisions of Article II of this Act relative to the unlawful acts and penalties involving any dangerous drug and/or controlled precursor and essential chemical and investigate all violators and other matters involved in the commission of any crime relative to the use, abuse or trafficking of any dangerous drug and/or controlled precursor and essential chemical as provided for in this Act and the provisions of Presidential Decree No. 1619;
- (c) Administer oath, issue subpoena and subpoena duces tecum relative to the conduct of investigation involving the violations of this Act;
- (d) Arrest and apprehend as well as search all violators and seize or confiscate, the effects or proceeds of the crimes as provided by law and take custody thereof, for this purpose the prosecutors and enforcement agents are authorized to possess firearms, in accordance with existing laws;
- (e) Take charge and have custody of all dangerous drugs and/or controlled precursors and essential chemicals seized, confiscated or surrendered to any national, provincial or local law enforcement agency, if no longer needed for purposes of evidence in court;
- (f) Establish forensic laboratories in each PNP office in every province and city in order to facilitate action on seize or confiscated drugs, thereby hastening its destruction without delay;
- (g) Recommend to the DOJ the forfeiture of properties and other assets of persons and/or corporations found to be violating the provisions of this Act and in accordance with the pertinent provisions of the Anti-Money-Laundering Act of 2001;
- (h) Prepare for prosecution or cause the filing of appropriate criminal and civil cases for violation of all laws on dangerous drugs, controlled precursors and essential chemicals, and other similar controlled substances, and assist, support and coordinate with other government agencies for the proper and effective prosecution of the same;
- (i) Monitor and if warranted by circumstances, in coordination with the Philippine Postal Office and the Bureau of Customs, inspect all air cargo packages, parcels and mails in the central post office, which appear from the package and address itself to be a possible importation of dangerous drugs and/or controlled precursors and essential chemicals, through on-line or cyber shops via the internet or cyberspace;
- (j) Conduct eradication programs to destroy wild or illegal growth of plants from which dangerous drugs may be extracted;
- (k) Initiate and undertake the formation of a nationwide organization which shall coordinate and supervise all activities against drug abuse in every province, city, municipality and barangay with the active and direct participation of all such local government units and nongovernmental organizations, including the citizenry, subject to the provisions of previously formulated programs of action against dangerous drugs;
- (l) Establish and maintain a national drug intelligence system in cooperation with law enforcement agencies, other government agencies/offices and local government units that will assist in its apprehension of big-time drug lords;

- (m) Establish and maintain close coordination, cooperation and linkages with international drug control and administration agencies and organizations, and implement the applicable provisions of international conventions and agreements related to dangerous drugs to which the Philippines is a signatory;
- (n) Create and maintain an efficient special enforcement unit to conduct an investigation, file charges and transmit evidence to the proper court, wherein members of the said unit shall possess suitable and adequate firearms for their protection in connection with the performance of their duties: Provided, That no previous special permit for such possession shall be required;
- (o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the Board, about all dangerous drugs and/or controlled precursors and essential chemicals which they have attended to for data and information purposes;
- (p) Coordinate with the Board for the facilitation of the issuance of necessary guidelines, rules and regulations for the proper implementation of this Act;
- (q) Initiate and undertake a national campaign for drug prevention and drug control programs, where it may enlist the assistance of any department, bureau, office, agency or instrumentality of the government, including government-owned and or –controlled corporations, in the anti-illegal drugs drive, which may include the use of their respective personnel, facilities, and resources for a more resolute detection and investigation of drug-related crimes and prosecution of the drug traffickers; and
- (r) Submit an annual and periodic reports to the Board as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

Section 85. The PDEA Academy. – Upon the approval of the Board, the PDEA Academy shall be established either in Baguio or Tagaytay City, and in such other places as may be necessary. The PDEA Academy shall be responsible for the recruitment and training of all PDEA agents and personnel. The Board shall provide for the qualifications and requirements of its recruits who must be at least twenty-one (21) years old, of proven integrity and honesty and a Baccalaureate degree holder.

The graduates of the Academy shall later comprise the operating units of the PDEA after the termination of the transition period of five (5) years during which all the intelligence network and standard operating procedures of the PDEA has been set up and operationalized.

The Academy shall be headed by a Superintendent, with the rank of Director. He/she shall be appointed by the PDEA Director General.

Section 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions. – The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: Provided, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be

extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of this Act: Provided, That personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: Provided, however, That when the investigation being conducted by the NBI, PNP or any ad hoc anti-drug task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: Provided, further, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.

ARTICLE X

Appropriations, Management of Funds and Annual Report

Section 87. Appropriations. – The amount necessary for the operation of the Board and the PDEA shall be charged against the current year's appropriations of the Board, the National Drug Law Enforcement and Prevention Coordinating Center, the Narcotics Group of the PNP, the Narcotics Division of the NBI and other drug abuse units of the different law enforcement agencies integrated into the PDEA in order to carry out the provisions of this Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

All receipts derived from fines, fees and other income authorized and imposed in this Act, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12,000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: Provided, That no amount shall be disbursed to cover the operating expenses of the Board and other concerned agencies: Provided, further, That at least fifty percent (50%) of all the funds shall be reserved for assistance to government-owned and/or operated rehabilitation centers.

The fines shall be remitted to the Board by the court imposing such fines within thirty (30) days from the finality of its decisions or orders. The unclaimed and forfeited prizes shall be turned over to the Board by the PCSO within thirty (30) days after these are collected and declared forfeited.

A portion of the funds generated by the Philippine Amusement and Gaming Corporation (PAGCOR) in the amount of Five million pesos (P5,000,000.00) a month shall be set aside for the purpose of establishing adequate drug rehabilitation centers in the country and also for the maintenance and operations of such centers: Provided, That the said amount shall be taken from the fifty percent (50%) share of the National Government in the income of PAGCOR: Provided, further, That the said amount shall automatically be remitted by PAGCOR to the Board. The amount shall, in turn, be disbursed by the Dangerous Drugs Board, subject to the rules and regulations of the Commission on Audit (COA).

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing guidelines set by the government.

Section 88. Management of Funds Under this Act; Annual Report by the Board and the PDEA. – The Board shall manage the funds as it may deem proper for the attainment of the objectives of

this Act. In addition to the periodic reports as may be required under this Act, the Chairman of the Board shall submit to the President of the Philippines and to the presiding officers of both houses of Congress, within fifteen (15) days from the opening of the regular session, an annual report on the dangerous drugs situation in the country which shall include detailed account of the programs and projects undertaken, statistics on crimes related to dangerous drugs, expenses incurred pursuant to the provisions of this Act, recommended remedial legislation, if needed, and such other relevant facts as it may deem proper to cite.

Section 89. Auditing the Accounts and Expenses of the Board and the PDEA. – All accounts and expenses of the Board and the PDEA shall be audited by the COA or its duly authorized representative.

ARTICLE XI

Jurisdiction Over Dangerous Drugs Cases

Section 90. Jurisdiction. – The Supreme Court shall designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of this Act. The number of courts designated in each judicial region shall be based on the population and the number of cases pending in their respective jurisdiction.

The DOJ shall designate special prosecutors to exclusively handle cases involving violations of this Act.

The preliminary investigation of cases filed under this Act shall be terminated within a period of thirty (30) days from the date of their filing.

When the preliminary investigation is conducted by a public prosecutor and a probable cause is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation.

If the preliminary investigation is conducted by a judge and a probable cause is found to exist, the corresponding information shall be filed by the proper prosecutor within forty-eight (48) hours from the date of receipt of the records of the case.

Trial of the case under this Section shall be finished by the court not later than sixty (60) days from the date of the filing of the information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case for resolution.

Section 91. Responsibility and Liability of Law Enforcement Agencies and other Government Officials and Employees in Testifying as Prosecution Witnesses in Dangerous Drugs Cases. – Any member of law enforcement agencies or any other government official and employee who, after due notice, fails or refuses intentionally or negligently, to appear as a witness for the prosecution in any proceedings, involving violations of this Act, without any valid reason, shall be punished with imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years and a fine of not less than Five hundred thousand pesos (P500,000.00), in addition to the administrative liability he/she may be meted out by his/her immediate superior and/or appropriate body.

The immediate superior of the member of the law enforcement agency or any other government employee mentioned in the preceding paragraph shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten thousand pesos

(P10,000.00) but not more than Fifty thousand pesos (P50,000.00) and in addition, perpetual absolute disqualification from public office if despite due notice to them and to the witness concerned, the former does not exert reasonable effort to present the latter to the court.

The member of the law enforcement agency or any other government employee mentioned in the preceding paragraphs shall not be transferred or re-assigned to any other government office located in another territorial jurisdiction during the pendency of the case in court. However, the concerned member of the law enforcement agency or government employee may be transferred or re-assigned for compelling reasons: Provided, That his/her immediate superior shall notify the court where the case is pending of the order to transfer or re-assign, within twenty-four (24) hours from its approval; Provided, further, That his/her immediate superior shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00) and in addition, perpetual absolute disqualification from public office, should he/she fail to notify the court of such order to transfer or re-assign.

Prosecution and punishment under this Section shall be without prejudice to any liability for violation of any existing law.

Section 92. Delay and Bungling in the Prosecution of Drug Cases. – Any government officer or employee tasked with the prosecution of drug-related cases under this act, who, through patent laxity, inexcusable neglect, unreasonable delay or deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases, shall suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years without prejudice to his/her prosecution under the pertinent provisions of the Revised Penal Code.

Section 93. Reclassification, Addition or Removal of Any Drug from the List of Dangerous Drugs. – The Board shall have the power to reclassify, add to or remove from the list of dangerous drugs. Proceedings to reclassify, add, or remove a drug or other substance may be initiated by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a national or local government agency, or an individual citizen. When a petition is received by the Board, it shall immediately begin its own investigation of the drug. The PDEA also may begin an investigation of a drug at any time based upon the information received from law enforcement laboratories, national and local law enforcement and regulatory agencies, or other sources of information.

The Board after notice and hearing shall consider the following factors with respect to each substance proposed to be reclassified, added or removed from control:

- (a) Its actual or relative potential for abuse;
- (b) Scientific evidence of its pharmacological effect if known;
- (c) The state of current scientific knowledge regarding the drug or other substance;
- (d) Its history and current pattern of abuse;
- (e) The scope, duration, and significance of abuse;
- (f) Risk to public health; and
- (g) Whether the substance is an immediate precursor of a substance already controlled under this Act.

The Board shall also take into account the obligations and commitments to international treaties, conventions and agreements to which the Philippines is a signatory.

The Dangerous Drugs Board shall give notice to the general public of the public hearing of the reclassification, addition to or removal from the list of any drug by publishing such notice in any newspaper of general circulation once a week for two (2) weeks.

The effect of such reclassification, addition or removal shall be as follows:

- (a) In case a dangerous drug is reclassified as precursors and essential chemicals, the penalties for the violations of this Act involving the two latter categories of drugs shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (b) In case a precursors and essential chemicals is reclassified as dangerous drug, the penalties for violations of the Act involving precursors and essential chemicals shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (c) In case of the addition of a new drug to the list of dangerous drugs and precursors and essential chemicals, no criminal liability involving the same under this Act shall arise until after the lapse of fifteen (15) days from the last publication of such notice;
- (d) In case of removal of a drug from the list of dangerous drugs and precursors and essential chemicals, all persons convicted and/or detained for the use and/or possession of such a drug shall be automatically released and all pending criminal prosecution involving such a drug under this Act shall forthwith be dismissed; and
- (e) The Board shall, within five (5) days from the date of its promulgation submit to Congress a detailed reclassification, addition, or removal of any drug from the list of dangerous drugs.

ARTICLE XII

Implementing Rules and Regulations

Section 94. Implementing Rules and Regulations. – The present Board in consultation with the DOH, DILG, DOJ, DepEd, DSWD, DOLE, PNP, NBI, PAGCOR and the PCSO and all other concerned government agencies shall promulgate within sixty (60) days the Implementing Rules and Regulations that shall be necessary to implement the provisions of this Act.

ARTICLE XIII

Final Provisions

Section 95. Congressional Oversight Committee. – There is hereby created a Congressional Oversight Committee composed of seven (7) Members from the Senate and seven (7) Members from the House of Representatives. The Members from the Senate shall be appointed by the Senate President based on the proportional representation of the parties or coalitions therein with at least two (2) Senators representing the Minority. The Members from the House of Representatives shall be appointed by the Speaker, also based on proportional representation of the parties or coalitions therein with at least two (2) Members representing the Minority.

The Committee shall be headed by the respective Chairpersons of the Senate Committee on Public Order and Illegal Drugs and the House of Representatives Committee on Dangerous Drugs.

Section 96. Powers and Functions of the Oversight Committee. – The Oversight Committee on Dangerous Drugs shall, in aid of legislation, perform the following functions, among others:

- (a) To set the guidelines and overall framework to monitor and ensure the proper implementation of this Act;

- (b) To ensure transparency and require the submission of reports from government agencies concerned on the conduct of programs, projects and policies relating to the implementation of this act;
- (c) To approve the budget for the programs of the Oversight Committee on Dangerous Drugs and all disbursements therefrom, including compensation of all personnel;
- (d) To submit periodic reports to the President of the Philippines and Congress on the implementation of the provisions of this Act;
- (e) To determine inherent weaknesses in the law and recommend the necessary remedial legislation or executive measures; and
- (f) To perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of this Act.

Section 97. Adoption of Committee Rules and Regulations, and Funding. – The Oversight Committee on Dangerous Drugs shall adopt its internal rules of procedure, conduct hearings and receive testimonies, reports, and technical advice, invite or summon by subpoena ad testificandum any public official, private citizen, or any other person to testify before it, or require any person by subpoena duces tecum documents or other materials as it may require consistent with the provisions of this Act.

The Oversight Committee on Dangerous Drugs shall be assisted by a secretariat to be composed by personnel who may be seconded from the Senate and the House of Representatives and may retain consultants.

To carry out the powers and functions of the Oversight Committee on Dangerous Drugs, the initial sum of Twenty-five million pesos (P25,000,000.00) shall be charged against the current appropriations of the Senate. Thereafter, such amount necessary for its continued operations shall be included in the annual General Appropriations Act.

The Oversight Committee on Dangerous Drugs shall exist for a period of ten (10) years from the effectivity of this Act and may be extended by a joint concurrent resolution.

Section 98. Limited Applicability of the Revised Penal Code. – Notwithstanding any law, rule or regulation to the contrary, the provisions of the Revised Penal Code (Act No. 3814), as amended, shall not apply to the provisions of this Act, except in the case of minor offenders. Where the offender is a minor, the penalty for acts punishable by life imprisonment to death provided herein shall be reclusion perpetua to death.

Section 99. Separability Clause. – If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in force and effect.

Section 100. Repealing Clause. – Republic Act No. 6425, as amended, is hereby repealed and all other laws, administrative orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Section 101. Amending Clause. – Republic Act No. 7659 is hereby amended accordingly.

Section 102. Effectivity. – This Act shall take effect fifteen (15) days upon its publication in at least two (2) national newspapers of general circulation.

Appendix C:

Republic Act No. 7079: An Act Providing for the Development and Promotion of Campus Journalism and for the other purposes

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled

SECTION 1. Title – This act shall be known and referred to as the ‘Campus Journalism Act of 1991.’”

SECTION 2. Declaration of Policy- It is the declared policy of the State to uphold and protect the freedom of the press even at the campus level and promote the development and growth of campus journalism as a means of strengthening ethical values, encouraging critical and creative thinking, and developing moral character and personal discipline of the Filipino youth.

In furtherance of this policy, the State shall undertake various programs and projects aimed at improving the journalistic skills of students concerned and promoting responsible and free journalism.

SECTION 3. Definition of terms.

- a) School – An institution for learning in the elementary, secondary or tertiary level comprised of the studentry, administration, faculty and non-faculty personnel.
- b) Student Publication – The issue of any printed material that is independently published by, and which meets the needs and interests of the studentry.
- c) 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. He must likewise maintain a satisfactory academic standing.
- d) Editorial Board – In the tertiary level, the editorial board shall be composed of student journalists who have qualified in placement examinations. In the case of elementary and high school levels, the board shall be composed of a duly appointed faculty adviser, the editor who qualified and a representative of the parents – teachers’ Association, who will determine the editorial policies to be implemented by the editor and staff members of the student publication concerned. At the tertiary level, the editorial board may include a Publication adviser at the option of its members; and
- e) Editorial Policies – A set of guidelines by which a student publication is operated and managed, taking into account pertinent laws as well as school administration’s policies. Said guidelines shall determine the frequency of publication, the manner of selecting articles and features and other similar matters.

SECTION 4. Student Publication – the student body through an editorial board and publication staff composed of students selected by fair and competitive examinations.

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

SECTION 5. Funding of Student Publication - Funding for the student publication may include the savings of the respective school’s appropriations, student subscriptions, donations, and other sources of funds.

In no instance shall the Department of Education, Culture and Sports or the school administration concerned withhold the release of funds sourced from the savings of the appropriations of the respective school and other sources intended for student publication. Subscriptions fees collected by the school administration shall be released automatically to the student publication concerned.

SECTION 6. Publication Adviser – The publication adviser shall be selected by the school administration from a list of recommendations submitted by the publication staff. The function of the adviser shall be limited to one of technical guidance.

SECTION 7. Security of Tenure – A member of the publication staff must maintain his or her status as a student in order to retain membership in the publication staff. A student shall not be expelled or suspended solely on the basis of articles he or she has written, or on the basis of the performance of his or her duties in the student publication.

SECTION 8. Press Conference and Training Seminars – The Department of Education, Culture and Sports shall sponsor periodic competitions, press conferences and training seminars in which student – editors/writers and teacher advisers of student publication in the elementary, secondary and tertiary levels shall be held at the institutional, divisional and regional levels, culminating with the holding of the annual national elementary, secondary or tertiary School Press Conferences in the places of historical and/or cultural interest in the country.

SECTION 9. Rules and Regulations – The Department of Education, Culture and Sports, in coordination with the officers of the national elementary, secondary tertiary organizations or official advisers of student publications, together with student journalist at the tertiary level and existing organizations of student journalists, shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 10. Tax Exemption – Pursuant to paragraph 4, Section 4, Article XIV of the Constitution, all grants, endowments, donations or contributions used actually directly and exclusively for the promotion of campus journalism as provided for in this Act shall be exempt from donor's or gift tax.

SECTION 11. Appropriations – For the initial year of implementation, the sum of Five million pesos (5,000,000.00) is hereby authorized to be charged against the savings from the current appropriations of the Department of Education, Culture and Sports. Thereafter, such amount as may be necessary shall be included in the General Appropriations Act

SECTION 12. Effectivity - This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general publication.

Appendix D:

CHED Statement on Fraternities

The Commission on Higher Education (CHED) strongly condemns any form of violence committed in the name of establishing fraternal bonds. Hazing and all other forms, and/or kinds of violence must be banned.

Fraternities must serve to forge not only brotherhood among their members but must establish brotherhood as the ultimate bonding of all men and women inside and outside the confines of universities. Their talents and energies must be channeled and utilized for development of the larger collectivity and beyond their immediate small groups.

The universities and all other institutions must fully assume authority and responsibility in dealing with fraternities and all other student aggregations. The CHED supports firmly this position of universities and all institutions of higher education.

Towards this, the CHED would make available to these organizations to harness their potentials as development agents in campuses, specifically and in society generally.

Appendix E: Republic Act No. 8049: An Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities, and Organizations and providing penalties therefore

Be enacted by Senate and House of Representatives of the Philippines in Congress Assembled:

SECTION 1. Hazing as used in this Act is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority, or organization by placing the recruit, neophyte, or applicant in some embarrassing or humiliating situations such as forcing him/her to do menial, silly, foolish, and similar tasks or activities or otherwise subjecting him/her to physical or psychological suffering or injury.

The term organization shall include any club or the Armed Forces of the Philippines, Philippine National Police, Philippine Military Academy, or cadet corps of the Citizen's Military Training or Citizen's Army Training. The physical, mental, and psychological testing and training procedure and practices to determine and enhance the physical, mental, and psychological fitness of prospective regular members of the Armed Forces of the Philippines and the Philippine National Police as approved by the secretary of National Defense and the National Defense Commission duly recommended by the Chief of Staff of the Armed Forces of the Philippines and the Director General of the Philippine National Police shall not be considered as hazing for the purpose of this act.

SECTION 2. No hazing or initiation rites in any form or manner by a fraternity, sorority, or organization shall be allowed without prior written notice to the school authorities or head of organization seven (7) days before the conduct of such initiations. The written notice shall indicate the period of the initiation activities which shall not exceed three (3) days, shall include the names of those to be subjected to such activities, and shall further contain an undertaking that no physical violence be employed by anybody during such initiation rites.

SECTION 3. The head of the school or organization of their representatives must assign at least two (2) representatives of the school or organization, as the case may be, to be present during initiation. It is the

duty of such representative to see to it that no physical harm of any kind shall be inflicted upon a recruit, neophyte, or applicant

SECTION 4. If the person subjected to hazing or other forms of initiation rites suffers any physical injury or dies as a result thereof, the officers and members of the fraternity, sorority or organization who actually participated in the infliction of physical harm shall be liable as principals. The person or persons who participated in the hazing shall suffer:

- a.) The penalty of reclusion perpetual if death, rape, sodomy, or mutilation results there from.
- b.) The penalty of reclusion temporal in its maximum period if in consequence of the hazing the victim shall become insane, imbecile, impotent, or blind
- c.) The penalty of reclusion temporal in its maximum period if in consequence of the hazing the victim shall have lost the use of speech or the power to hear or smell, or shall have lost an eye, a hand, a foot, an arm, or a leg, shall have lost the use of any such member, shall have lost the use of any such member, shall have become incapacitated for the activity or work in which he/she was habitually engaged.
- d.) The penalty of reclusion temporal in its minimum period if in consequence of the hazing the victim shall become deformed or shall have lost any other part of his/her body, or shall have lost the use thereof, or shall have been ill, or incapacitated for the performance of the activity or work in which he/ she has habitually engaged for a period of more than ninety (90) days.
- e.) The penalty of prison mayor in its maximum period if in consequence of the hazing the victim shall have been ill or incapacitated for the performance of the activity or work in which he habitually engaged for more than thirty (30) days.
- f.) The penalty of prison mayor in its medium period if in consequence of the hazing the victim shall have been ill or capacitated for the performance of the activity or work in which he was habitually engaged for ten (10) days or more, or that the injury sustained shall require medical attendance for the same period.
- g.) The penalty of prison mayor in its minimum period if in consequence of the hazing the victim shall have been ill or incapacitated for the performance of the activity or work in which he was habitually engaged from one (1) to nine (9) days, or that the injury sustained shall require medical attendance for the same period.
- h.) The penalty of prison correctional in its maximum period if in consequence of the hazing the victim shall sustain physical injuries, which do not prevent him/her from engaging in his habitual activity, or work nor require medical attendance.

The responsible officials of the school or of the police, military, or citizen's army training organization may impose the appropriate administrative sanctions on the person or persons charged under this provision even before their conviction.

The maximum penalty herein provided shall be imposed in any of the following instances:

- a.) When the recruitment is accompanied by force, violence, threat, intimidation, or deceit on the person of the recruit who refuses to join;
- b.) When the recruit, neophyte, or applicant initially consents to join but upon learning that hazing will be committed on his person, is prevented from quitting.
- c.) When the recruit, neophyte, or applicant having undergone hazing is prevented from reporting the unlawful act to his parents or guardians, to the proper school authorities, or to the police authorities, through force, violence, threat, or intimidation;

- d.) When the hazing is committed outside of the school or institution; or
- e.) When the victim is below twelve (12) years of age at the time of hazing.

The owner of the place where the hazing is conducted shall be liable as an accomplice, when he/she has actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring. If the hazing is held in the home of one of the officers or members of the fraternity, sorority, group or organization, the parent 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.

The school authorities including faculty members who consent to the hazing or who have actual knowledge thereof, but failed to take any action to prevent the same from occurring shall be punished as accomplices for the acts of hazing committed by the perpetrators. The officers, former officers or alumni of the organization, group, fraternity, or sorority who actually planned the hazing although not present when the acts constituting the hazing were committed shall be liable as principals. Officers or members of an organization, group, fraternity, or sorority's adviser who is present when the acts constituting the hazing were committed and failed to take any action to prevent the same from occurring shall be liable as a principal.

The presence of any person during the hazing is prima facie evidence of participation therein as a principal unless he prevented the commission of the acts punishable herein. Any person charged under this provision should not be entitled to the mitigating circumstances that there was no intention to commit so grave a wrong.

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.

SECTION 5. If any provision or part of this Act is declared invalid or unconstitutional, the other parts or provision thereof shall remain valid and effective.

SECTION 6. All laws, orders, rules of regulations, which are inconsistent with or contrary to the provisions of this Act, are hereby amended or repealed accordingly.

SECTION 7. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation

Appendix F: Republic Act No. 8293: An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office, Providing for its Powers and Functions, and for other purposes

PART 1
THE INTELLECTUAL PROPERTY OFFICE

Section 1. Title. - This Act shall be known as the "Intellectual Property Code of the Philippines."

Section 2. Declaration of State Policy. - The State recognizes that an effective intellectual and industrial property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments, and ensures market access for our products. It shall protect and secure the exclusive rights of scientists, inventors, artists and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such periods as provided in this Act.

The use of intellectual property bears a social function. To this end, the State shall promote the diffusion of knowledge and information for the promotion of national development and progress and the common good.

It is also the policy of the State to streamline administrative procedures of registering patents, trademarks and copyright, to liberalize the registration on the transfer of technology, and to enhance the enforcement of intellectual property rights in the Philippines. (n)

Section 3. International Conventions and Reciprocity. - Any person who is a national or who is domiciled or has a real and effective industrial establishment in a country which is a party to any convention, treaty or agreement relating to intellectual property rights or the repression of unfair competition, to which the Philippines is also a party, or extends reciprocal rights to nationals of the Philippines by law, shall be entitled to benefits to the extent necessary to give effect to any provision of such convention, treaty or reciprocal law, in addition to the rights to which any owner of an intellectual property right is otherwise entitled by this Act. (n)

Section 4. Definitions. - 4.1. The term “intellectual property rights” consists of:

- a) Copyright and Related Rights;
- b) Trademarks and Service Marks;
- c) Geographic Indications;
- d) Industrial Designs;
- e) Patents;
- f) Layout-Designs (Topographies) of Integrated Circuits; and
- g) Protection of Undisclosed Information (n, TRIPS).

1.2. The term “technology transfer arrangements” refers to contracts or agreements involving the transfer of systematic knowledge for the manufacture of a product, the application of a process, or rendering of a service including management contracts; and the transfer, assignment or licensing of all forms of intellectual property rights, including licensing of computer software except computer software developed for mass market.

1.3. The term “Office” refers to the Intellectual Property Office created by this Act.

1.4. The term “IPO Gazette” refers to the gazette published by the Office under this Act. (n)

Section 5. Functions of the Intellectual Property Office (IPO). - 5.1. To administer and implement the State policies declared in this Act, there is hereby created the Intellectual Property Office (IPO) which shall have the following functions:

- a) Examine applications for grant of letters patent for inventions and register utility models and industrial designs;
- b) Examine applications for the registration of marks, geographic indication, integrated circuits;

- c) Register technology transfer arrangements and settle disputes involving technology transfer payments covered by the provisions of Part II, Chapter IX on Voluntary Licensing and develop and implement strategies to promote and facilitate technology transfer;
 - d) Promote the use of patent information as a tool for technology development;
 - e) Publish regularly in its own publication the patents, marks, utility models and industrial designs, issued and approved, and the technology transfer arrangements registered;
 - f) Administratively adjudicate contested proceedings affecting intellectual property rights; and
 - g) Coordinate with other government agencies and the private sector efforts to formulate and implement plans and policies to strengthen the protection of intellectual property rights in the country.
1. 5.2. The Office shall have custody of all records, books, drawings, specifications, documents, and other papers and things relating to intellectual property rights applications filed with the Office. (n)

Section 6. The Organizational Structure of the IPO. - 6.1. The Office shall be headed by a Director General who shall be assisted by two (2) Deputies Director General.

6.2. The Office shall be divided into six (6) Bureaus, each of which shall be headed by a Director and assisted by an Assistant Director. These Bureaus are:

- a) The Bureau of Patents;
- b) The Bureau of Trademarks;
- c) The Bureau of Legal Affairs;
- d) The Documentation, Information and Technology Transfer Bureau;
- e) The Management Information System and EDP Bureau; and
- f) The Administrative, Financial and Personnel Services Bureau.

6.3. The Director General, Deputies Director General, Directors and Assistant Directors shall be appointed by the President, and the other officers and employees of the Office by the Secretary of Trade and Industry, conformably with and under the Civil Service Law. (n)

Section 7. The Director General and Deputies Director General. - 7.1. **Functions.** - The Director General shall exercise the following powers and functions:

- a) Manage and direct all functions and activities of the Office, including the promulgation of rules and regulations to implement the objectives, policies, plans, programs and projects of the Office: Provided, That in the exercise of the authority to propose policies and standards in relation to the following: (1) the effective, efficient, and economical operations of the Office requiring statutory enactment; (2) coordination with other agencies of government in relation

- to the enforcement of intellectual property rights; (3) the recognition of attorneys, agents, or other persons representing applicants or other parties before the Office; and (4) the establishment of fees for the filing and processing of an application for a patent, utility model or industrial design or mark or a collective mark, geographic indication and other marks of ownership, and for all other services performed and materials furnished by the Office, the Director General shall be subject to the supervision of the Secretary of Trade and Industry;
- b) Exercise exclusive appellate jurisdiction over all decisions rendered by the Director of Legal Affairs, the Director of Patents, the Director of Trademarks, and the Director of the Documentation, Information and Technology Transfer Bureau. The decisions of the Director General in the exercise of his appellate jurisdiction in respect of the decisions of the Director of Patents, and the Director of Trademarks shall be appealable to the Court of Appeals in accordance with the Rules of Court; and those in respect of the decisions of the Director of Documentation, Information and Technology Transfer Bureau shall be appealable to the Secretary of Trade and Industry; and
 - c) Exercise original jurisdiction to resolve disputes relating to the terms of a license involving the author's right to public performance or other communication of his work. The decisions of the Director General in these cases shall be appealable to the Secretary of Trade and Industry.

7.2. Qualifications. - The Director General and the Deputies Director General must be natural born citizens of the Philippines, at least thirty-five (35) years of age on the day of their appointment, holders of a college degree, and of proven competence, integrity, probity and independence: Provided, That the Director General and at least one (1) Deputy Director General shall be members of the Philippine Bar who have engaged in the practice of law for at least ten (10) years: Provided further, That in the selection of the Director General and the Deputies Director General, consideration shall be given to such qualifications as would result, as far as practicable, in the balanced representation in the Directorate General of the various fields of intellectual property.

7.3. Term of Office. - The Director General and the Deputies Director General shall be appointed by the President for a term of five (5) years and shall be eligible for reappointment only once: Provided, That the first Director General shall have a first term of seven (7) years. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

7.4. The Office of the Director General. - The Office of the Director General shall consist of the Director General and the Deputies Director General, their immediate staff and such Offices and Services that the Director General will set up to support directly the Office of the Director General. (n)

Section 8. The Bureau of Patents. - The Bureau of Patents shall have the following functions:

- a) 8.1. Search and examination of patent applications and the grant of patents;
- b) 8.2. Registration of utility models, industrial designs, and integrated circuits; and
- c) 8.3. Conduct studies and researches in the field of patents in order to assist the Director General in formulating policies on the administration and examination of patents. (n)

Section 9. The Bureau of Trademarks. - The Bureau of Trademarks shall have the following functions:

- a) 9.1. Search and examination of the applications for the registration of marks, geographic indications and other marks of ownership and the issuance of the certificates of registration; and
- b) 9.2. Conduct studies and researches in the field of trademarks in order to assist the Director General in formulating policies on the administration and examination of trademarks. (n)

Section 10. The Bureau of Legal Affairs. - The Bureau of Legal Affairs shall have the following functions:

10.1. Hear and decide opposition to the application for registration of marks; cancellation of trademarks; subject to the provisions of Section 64, cancellation of patents, utility models, and industrial designs; and petitions for compulsory licensing of patents;

10.2. (a) Exercise original jurisdiction in administrative complaints for violations of laws involving intellectual property rights: Provided, That its jurisdiction is limited to complaints where the total damages claimed are not less than Two hundred thousand pesos (P200,000): Provided further, That availment of the provisional remedies may be granted in accordance with the Rules of Court. The Director of Legal Affairs shall have the power to hold and punish for contempt all those who disregard orders or writs issued in the course of the proceedings. (n)

(b) After formal investigation, the Director for Legal Affairs may impose one (1) or more of the following administrative penalties:

(i) The issuance of a cease and desist order which shall specify the acts that the respondent shall cease and desist from and shall require him to submit a compliance report within a reasonable time which shall be fixed in the order;

(ii) The acceptance of a voluntary assurance of compliance or discontinuance as may be imposed. Such voluntary assurance may include one or more of the following:

- (1) An assurance to comply with the provisions of the intellectual property law violated;
 - (2) An assurance to refrain from engaging in unlawful and unfair acts and practices subject of the formal investigation;
 - (3) An assurance to recall, replace, repair, or refund the money value of defective goods distributed in commerce; and
 - (4) An assurance to reimburse the complainant the expenses and costs incurred in prosecuting the case in the Bureau of Legal Affairs.
- (a) The Director of Legal Affairs may also require the respondent to submit periodic compliance reports and file a bond to guarantee compliance of his undertaking;

(iii) The condemnation or seizure of products which are subject of the offense. The goods seized hereunder shall be disposed of in such manner as may be deemed appropriate by the Director of Legal Affairs, such as by sale, donation to distressed local

governments or to charitable or relief institutions, exportation, recycling into other goods, or any combination thereof, under such guidelines as he may provide;

(iv) The forfeiture of paraphernalia and all real and personal properties which have been used in the commission of the offense;

(v) The imposition of administrative fines in such amount as deemed reasonable by the Director of Legal Affairs, which shall in no case be less than Five thousand pesos (P5,000) nor more than One hundred fifty thousand pesos (P150,000). In addition, an additional fine of not more than One thousand pesos (P1,000) shall be imposed for each day of continuing violation;

(vi) The cancellation of any permit, license, authority, or registration which may have been granted by the Office, or the suspension of the validity thereof for such period of time as the Director of Legal Affairs may deem reasonable which shall not exceed one (1) year;

(vii) The withholding of any permit, license, authority, or registration which is being secured by the respondent from the Office;

(viii) The assessment of damages;

(ix) Censure; and

(x) Other analogous penalties or sanctions. (Secs. 6, 7, 8, and 9, Executive Order No. 913 [1983]a)

10.3. The Director General may by Regulations establish the procedure to govern the implementation of this Section. (n)

Section 11. The Documentation, Information and Technology Transfer Bureau. - The Documentation, Information and Technology Transfer Bureau shall have the following functions:

11.1. Support the search and examination activities of the Office through the following activities:

- (a) Maintain and upkeep classification systems whether they be national or international such as the International Patent Classification (IPC) system;
- (b) Provide advisory services for the determination of search patterns;
- (c) Maintain search files and search rooms and reference libraries; and
- (d) Adapt and package industrial property information.

11.2. Establish networks or intermediaries or regional representatives;

11.3. Educate the public and build awareness on intellectual property through the conduct of seminars and lectures, and other similar activities;

- 11.4. Establish working relations with research and development institutions as well as with local and international intellectual property professional groups and the like;
- 11.5. Perform state-of-the-art searches;
- 11.6. Promote the use of patent information as an effective tool to facilitate the development of technology in the country;
- 11.7. Provide technical, advisory, and other services relating to the licensing and promotion of technology, and carry out an efficient and effective program for technology transfer; and
- 11.8. Register technology transfer arrangements, and settle disputes involving technology transfer payments. (n)

Section 12. The Management Information Services and EDP Bureau. - The Management Information Services and EDP Bureau shall:

- 12.1. Conduct automation planning, research and development, testing of systems, contracts with firms, contracting, purchase and maintenance of equipment, design and maintenance of systems, user consultation, and the like; and
- 12.2. Provide management information support and service to the Office. (n)

Section 13. The Administrative, Financial and Human Resource Development Service Bureau. - 13.1. The Administrative Service shall:

- (a) Provide services relative to procurement and allocation of supplies and equipment, transportation, messengerial work, cashiering, payment of salaries and other Office's obligations, office maintenance, proper safety and security, and other utility services; and comply with government regulatory requirements in the areas of performance appraisal, compensation and benefits, employment records and reports;
- (b) Receive all applications filed with the Office and collect fees therefor, and
- (c) Publish patent applications and grants, trademark applications, and registration of marks, industrial designs, utility models, geographic indication, and lay-out-designs of integrated circuits registrations.

13.2. The Patent and Trademark Administration Services shall perform the following functions among others:

- (a) Maintain registers of assignments, merging, licenses, and bibliographic on patents and trademarks;
- (b) Collect maintenance fees, issue certified copies of documents in its custody and perform similar other activities; and
- (c) Hold in custody all the applications filed with the office, and all patent grants, certificate of registrations issued by the office, and the like.

13.3. The Financial Service shall formulate and manage a financial program to ensure availability and proper utilization of funds; provide for an effective monitoring system of the financial operations of the Office; and

13.4. The Human Resource Development Service shall design and implement human resource development plans and programs for the personnel of the Office; provide for present and future manpower needs of the organization; maintain high morale and favorable employee attitudes towards the organization through the continuing design and implementation of employee development programs. (n)

Section 14. Use of Intellectual Property Rights Fees by the IPO. - 14.1. For a more effective and expeditious implementation of this Act, the Director General shall be authorized to retain, without need of a separate approval from any government agency, and subject only to the existing accounting and auditing rules and regulations, all the fees, fines, royalties and other charges, collected by the Office under this Act and the other laws that the Office will be mandated to administer, for use in its operations, like upgrading of its facilities, equipment outlay, human resource development, and the acquisition of the appropriate office space, among others, to improve the delivery of its services to the public. This amount, which shall be in addition to the Office's annual budget, shall be deposited and maintained in a separate account or fund, which may be used or disbursed directly by the Director General.

14.2. After five (5) years from the coming into force of this Act, the Director General shall, subject to the approval of the Secretary of Trade and Industry, determine if the fees and charges mentioned in Subsection 14.1 hereof that the Office shall collect are sufficient to meet its budgetary requirements. If so, it shall retain all the fees and charges it shall collect under the same conditions indicated in said Subsection 14.1 but shall forthwith, cease to receive any funds from the annual budget of the National Government; if not, the provisions of said Subsection 14.1 shall continue to apply until such time when the Director General, subject to the approval of the Secretary of Trade and Industry, certifies that the above-stated fees and charges the Office shall collect are enough to fund its operations. (n)

Section 15. Special Technical and Scientific Assistance. - The Director General is empowered to obtain the assistance of technical, scientific or other qualified officers and employees of other departments, bureaus, offices, agencies and instrumentalities of the Government, including corporations owned, controlled or operated by the Government, when deemed necessary in the consideration of any matter submitted to the Office relative to the enforcement of the provisions of this Act. (Sec. 3, R.A. No. 165a)

Section 16. Seal of Office. - The Office shall have a seal, the form and design of which shall be approved by the Director General. (Sec. 4, R.A. No. 165a)

Section 17. Publication of Laws and Regulations. - The Director General shall cause to be printed and make available for distribution, pamphlet copies of this Act, other pertinent laws, executive orders and information circulars relating to matters within the jurisdiction of the Office. (Sec. 5, R.A. No. 165a)

Section 18. The IPO Gazette. - All matters required to be published under this Act shall be published in the Office's own publication to be known as the IPO Gazette. (n)

Section 19. Disqualification of Officers and Employees of the Office. - All officers and employees of the Office shall not apply or act as an attorney or patent agent of an application for a grant of patent, for the registration of a utility model, industrial design or mark nor acquire, except by hereditary succession, any patent or utility model, design registration, or mark or any right, title or interest therein during their employment and for one (1) year thereafter. (Sec. 77, R.A. No. 165a)

PART II THE LAW ON PATENTS

CHAPTER I GENERAL PROVISIONS

Section 20. Definition of Terms Used in Part II, The Law on Patents. - As used in Part II, the following terms shall have the following meanings:

- 20.1. “Bureau” means the Bureau of Patents,
- 20.2. “Director” means the Director of Patents;
- 20.3. “Regulations” means the Rules of Practice in Patent Cases formulated by the Director of Patents and promulgated by the Director General;
- 20.4. “Examiner” means the patent examiner;
- 20.5. “Patent application” or “application” means an application for a patent for an invention except in Chapters XII and XIII, where “application” means an application for a utility model and an industrial design, respectively; and
- 20.6. “Priority date” means the date of filing of the foreign application for the same invention referred to in Section 31 of this Act. (n)

CHAPTER II PATENTABILITY

Section 21. Patentable Inventions. - Any technical solution of a problem in any field of human activity which is new, involves an inventive step and is industrially applicable shall be Patentable. It may be, or may relate to, a product, or process, or an improvement of any of the foregoing. (Sec. 7, R.A. No. 165a)

Section 22. Non-Patentable Inventions. - The following shall be excluded from patent protection:

- 22.1. Discoveries, scientific theories and mathematical methods;
- 22.2. Schemes, rules and methods of performing mental acts, playing games or doing business, and programs for computers;
- 22.3. Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body. This provision shall not apply to products and composition for use in any of these methods;

22.4. Plant varieties or animal breeds or essentially biological process for the production of plants or animals. This provision shall not apply to micro-organisms and non-biological and microbiological processes.

Provisions under this subsection shall not preclude Congress to consider the enactment of a law providing sui generis protection of plant varieties and animal breeds and a system of community intellectual rights protection:

22.5. Aesthetic creations; and

22.6. Anything which is contrary to public order or morality. (Sec. 8, R.A. No. 165a)

Section 23. Novelty. . - An invention shall not be considered new if it forms part of a prior art. (Sec. 9, R.A. No. 165a)

Section 24. Prior Art. - Prior art shall consist of:

24.1. Everything which has been made available to the public anywhere in the world, before the filing date or the priority date of the application claiming the invention; and

24.2. The whole contents of an application for a patent, utility model, or industrial design registration, published in accordance with this Act, filed or effective in the Philippines, with a filing or priority date that is earlier than the filing or priority date of the application: Provided, That the application which has validly claimed the filing date of an earlier application under Section 31 of this Act, shall be prior art with effect as of the filing date of such earlier application: Provided further, That the applicant or the inventor identified in both applications are not one and the same. (Sec. 9, R.A. No. 165a)

Section 25. Non-Prejudicial Disclosure. . - 25.1. The disclosure of information contained in the application during the twelve (12) months preceding the filing date or the priority date of the application shall not prejudice the applicant on the ground of lack of novelty if such disclosure was made by:

- (a) The inventor;
- (b) A patent office and the information was contained (a) in another application filed by the inventor and should not have been disclosed by the office, or (b) in an application filed without the knowledge or consent of the inventor by a third party which obtained the information directly or indirectly from the inventor; or
- (c) A third party which obtained the information directly or indirectly from the inventor.

25.2. For the purposes of Subsection 25.1, “inventor” also means any person who, at the filing date of application, had the right to the patent. (n)

Section 26. Inventive Step. - An invention involves an inventive step if, having regard to prior art, it is not obvious to a person skilled in the art at the time of the filing date or priority date of the application claiming the invention. (n)

Section 27. Industrial Applicability. - An invention that can be produced and used in any industry shall be industrially applicable. (n)

CHAPTER III RIGHT TO A PATENT

Section 28. Right to a Patent. - The right to a patent belongs to the inventor, his heirs, or assigns. When two (2) or more persons have jointly made an invention, the right to a patent shall belong to them jointly. (Sec. 10, R.A. No. 165a)

Section 29. First to File Rule. - If two (2) or more persons have made the invention separately and independently of each other, the right to the patent shall belong to the person who filed an application for such invention, or where two or more applications are filed for the same invention, to the applicant who has the earliest filing date or, the earliest priority date. (3rd sentence, Sec. 10, R.A. No. 165a.)

Section 30. Inventions Created Pursuant to a Commission. - 30.1. The person who commissions the work shall own the patent, unless otherwise provided in the contract.

30.2. In case the employee made the invention in the course of his employment contract, the patent shall belong to:

- (a) The employee, if the inventive activity is not a part of his regular duties even if the employee uses the time, facilities and materials of the employer.
- (b) The employer, if the invention is the result of the performance of his regularly-assigned duties, unless there is an agreement, express or implied, to the contrary. (n)

Section 31. Right of Priority. . - An application for patent filed by any person who has previously applied for the same invention in another country which by treaty, convention, or law affords similar privileges to Filipino citizens, shall be considered as filed as of the date of filing the foreign application: Provided, That: (a) the local application expressly claims priority; (b) it is filed within twelve (12) months from the date the earliest foreign application was filed; and (c) a certified copy of the foreign application together with an English translation is filed within six (6) months from the date of filing in the Philippines. (Sec. 15, R.A. No. 165a)

CHAPTER IV PATENT APPLICATION

Section 32. The Application. - 32.1. The patent application shall be in Filipino or English and shall contain the following:

- (a) A request for the grant of a patent;
- (b) A description of the invention;
- (c) Drawings necessary for the understanding of the invention;
- (d) One or more claims; and
- (e) An abstract.

32.2. No patent may be granted unless the application identifies the inventor. If the applicant is not the inventor, the Office may require him to submit said authority. (Sec. 13, R.A. No. 165a)

Section 33. Appointment of Agent or Representative. - An applicant who is not a resident of the Philippines must appoint and maintain a resident agent or representative in the Philippines upon whom notice or process for judicial or administrative procedure relating to the application for patent or the patent may be served. (Sec. 11, R.A. No. 165a)

Section 34. The Request. - The request shall contain a petition for the grant of the patent, the name and other data of the applicant, the inventor and the agent and the title of the invention. (n)

Section 35. Disclosure and Description of the Invention. - 35.1. Disclosure. - The application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. Where the application concerns a microbiological process or the product thereof and involves the use of a micro-organism which cannot be sufficiently disclosed in the application in such a way as to enable the invention to be carried out by a person skilled in the art, and such material is not available to the public, the application shall be supplemented by a deposit of such material with an international depository institution.

35.2. Description. - The Regulations shall prescribe the contents of the description and the order of presentation. (Sec. 14, R.A. No. 165a)

Section 36. The Claims. - 36.1. The application shall contain one (1) or more claims which shall define the matter for which protection is sought. Each claim shall be clear and concise, and shall be supported by the description.

36.2. The Regulations shall prescribe the manner of the presentation of claims. (n)

Section 37. The Abstract. - The abstract shall consist of a concise summary of the disclosure of the invention as contained in the description, claims and drawings in preferably not more than one hundred fifty (150) words. It must be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention. The abstract shall merely serve for technical information. (n)

Section 38. Unity of Invention. - 38.1. The application shall relate to one invention only or to a group of inventions forming a single general inventive concept.

38.2. If several independent inventions which do not form a single general inventive concept are claimed in one application, the Director may require that the application be restricted to a single invention. A later application filed for an invention divided out shall be considered as having been filed on the same day as the first application: Provided, That the later application is filed within four (4) months after the requirement to divide becomes final or within such additional time, not exceeding four (4) months, as may be granted: Provided further, That each divisional application shall not go beyond the disclosure in the initial application.

38.3. The fact that a patent has been granted on an application that did not comply with the requirement of unity of invention shall not be a ground to cancel the patent. (Sec. 17, R.A. No. 165a)

Section 39. Information Concerning Corresponding Foreign Application for Patents. - The applicant shall, at the request of the Director, furnish him with the date and number of any application for a patent filed by him abroad, hereafter referred to as the “foreign application,” relating to the same or essentially the same invention as that claimed in the application filed with the Office and other documents relating to the foreign application. (n)

CHAPTER V PROCEDURE FOR GRANT OF PATENT

Section 40. Filing Date Requirements. - 40.1. The filing date of a patent application shall be the date of receipt by the Office of at least the following elements:

- (a) An express or implicit indication that a Philippine patent is sought;
- (b) Information identifying the applicant; and
- (c) Description of the invention and one (1) or more claims in Filipino or English.

40.2. If any of these elements is not submitted within the period set by the Regulations, the application shall be considered withdrawn. (n)

Section 41. According a Filing Date. - The Office shall examine whether the patent application satisfies the requirements for the grant of date of filing as provided in Section 40 hereof. If the date of filing cannot be accorded, the applicant shall be given an opportunity to correct the deficiencies in accordance with the implementing Regulations. If the application does not contain all the elements indicated in Section 40, the filing date should be that date when all the elements are received. If the deficiencies are not remedied within the prescribed time limit, the application shall be considered withdrawn. (n)

Section 42. Formality Examination. - 42.1. After the patent application has been accorded a filing date and the required fees have been paid on time in accordance with the Regulations, the applicant shall comply with the formal requirements specified by Section 32 and the Regulations within the prescribed period, otherwise the application shall be considered withdrawn.

42.2. The Regulations shall determine the procedure for the re-examination and revival of an application as well as the appeal to the Director of Patents from any final action by the examiner. (Sec. 16, R.A. No. 165a)

Section 43. Classification and Search. - An application that has complied with the formal requirements shall be classified and a search conducted to determine the prior art. (n)

Section 44. Publication of Patent Application. - 44.1. The patent application shall be published in the IPO Gazette together with a search document established by or on behalf of the Office citing any documents that reflect prior art, after the expiration of eighteen (18) months from the filing date or priority date.

44.2. After publication of a patent application, any interested party may inspect the application documents filed with the Office.

44.3. The Director General subject to the approval of the Secretary of Trade and Industry, may prohibit or restrict the publication of an application, if in his opinion, to do so would be prejudicial to the national security and interests of the Republic of the Philippines. (n)

Section 45. Confidentiality Before Publication. - A patent application, which has not yet been published, and all related documents, shall not be made available for inspection without the consent of the applicant. (n)

Section 46. Rights Conferred by a Patent Application After Publication. - The applicant shall have all the rights of a patentee under Section 76 against any person who, without his authorization, exercised any of the rights conferred under Section 71 of this Act in relation to the invention claimed in the published patent application, as if a patent had been granted for that invention: Provided, That the said person had:

46.1. Actual knowledge that the invention that he was using was the subject matter of a published application; or

46.2. Received written notice that the invention that he was using was the subject matter of a published application being identified in the said notice by its serial number: Provided, That the action may not be filed until after the grant of a patent on the published application and within four (4) years from the commission of the acts complained of. (n)

Section 47. Observation by Third Parties. - Following the publication of the patent application, any person may present observations in writing concerning the patentability of the invention. Such observations shall be communicated to the applicant who may comment on them. The Office shall acknowledge and put such observations and comment in the file of the application to which it relates. (n)

Section 48. Request for Substantive Examination. - 48.1. The application shall be deemed withdrawn unless within six (6) months from the date of publication under Section 41, a written request to determine whether a patent application meets the requirements of Sections 21 to 27 and Sections 32 to 39 and the fees have been paid on time.

48.2. Withdrawal of the request for examination shall be irrevocable and shall not authorize the refund of any fee. (n)

Section 49. Amendment of Application. - An applicant may amend the patent application during examination: Provided, That such amendment shall not include new matter outside the scope of the disclosure contained in the application as filed. (n)

Section 50. Grant of Patent. - 50.1. If the application meets the requirements of this Act, the Office shall grant the patent: Provided, That all the fees are paid on time.

50.2. If the required fees for grant and printing are not paid in due time, the application shall be deemed to be withdrawn.

50.3. A patent shall take effect on the date of the publication of the grant of the patent in the IPO Gazette. (Sec. 18, R.A. No. 165a)

Section 51. Refusal of the Application. - 51.1. The final order of refusal of the examiner to grant the patent shall be appealable to the Director in accordance with this Act.

51.2. The Regulations shall provide for the procedure by which an appeal from the order of refusal from the Director shall be undertaken. (n)

Section 52. Publication Upon Grant of Patent. - 52.1. The grant of the patent together with other related information shall be published in the IPO Gazette within the time prescribed by the Regulations.

52.2. Any interested party may inspect the complete description, claims, and drawings of the patent on file with the Office. (Sec. 18, R.A. No. 165a)

Section 53. Contents of Patent. - The patent shall be issued in the name of the Republic of the Philippines under the seal of the Office and shall be signed by the Director, and registered together with the description, claims, and drawings, if any, in books and records of the Office. (Secs. 19 and 20, R.A. No. 165a)

Section 54. Term of Patent. - The term of a patent shall be twenty (20) years from the filing date of the application. (Sec. 21, R.A. No. 165a)

Section 55. Annual Fees. - 55.1. To maintain the patent application or patent, an annual fee shall be paid upon the expiration of four (4) years from the date the application was published pursuant to Section 44 hereof, and on each subsequent anniversary of such date. Payment may be made within three (3) months before the due date. The obligation to pay the annual fees shall terminate should the application be withdrawn, refused, or cancelled.

55.2. If the annual fee is not paid, the patent application shall be deemed withdrawn or the patent considered as lapsed from the day following the expiration of the period within which the annual fees were due. A notice that the application is deemed withdrawn or the lapse of a patent for non-payment of any annual fee shall be published in the IPO Gazette and the lapse shall be recorded in the Register of the Office.

55.3. A grace period of six (6) months shall be granted for the payment of the annual fee, upon payment of the prescribed surcharge for delayed payment. (Sec. 22, R.A. No. 165a)

Section 56. Surrender of Patent. - 56.1. The owner of the patent, with the consent of all persons having grants or licenses or other right, title or interest in and to the patent and the invention covered thereby, which have been recorded in the Office, may surrender his patent or any claim or claims forming part thereof to the Office for cancellation.

56.2. A person may give notice to the Office of his opposition to the surrender of a patent under this section, and if he does so, the Bureau shall notify the proprietor of the patent and determine the question.

56.3. If the Office is satisfied that the patent may properly be surrendered, he may accept the offer and, as from the day when notice of his acceptance is published in the IPO Gazette, the patent shall cease to have effect, but no action for infringement shall lie and no right compensation shall accrue for any use of the patented invention before that day for the services of the government. (Sec. 24, R.A. No. 165a)

Section 57. Correction of Mistakes of the Office. - The Director shall have the power to correct, without fee, any mistake in a patent incurred through the fault of the Office when clearly disclosed in the records thereof, to make the patent conform to the records. (Sec. 25, R.A. No. 165)

Section 58. Correction of Mistake in the Application. - On request of any interested person and payment of the prescribed fee, the Director is authorized to correct any mistake in a patent of a formal and clerical nature, not incurred through the fault of the Office. (Sec. 26, R.A. No. 165a)

Section 59. Changes in Patents. - 59.1. The owner of a patent shall have the right to request the Bureau to make the changes in the patent in order to:

- (a) Limit the extent of the protection conferred by it;
- (b) Correct obvious mistakes or to correct clerical errors; and
- (c) Correct mistakes or errors, other than those referred to in letter (b), made in good faith: Provided, that where the change would result in a broadening of the extent of protection conferred by the patent, no request may be made after the expiration of two (2) years from the grant of a patent and the change shall not affect the rights of any third party which has relied on the patent, as published.

59.2. No change in the patent shall be permitted under this section, where the change would result in the disclosure contained in the patent going beyond the disclosure contained in the application filed.

59.3. If, and to the extent to which the Office changes the patent according to this section, it shall publish the same. (n)

Section 60. Form and Publication of Amendment. - An amendment or correction of a patent shall be accomplished by a certificate of such amendment or correction, authenticated by the seal of the Office and signed by the Director, which certificate shall be attached to the patent. Notice of such amendment or correction shall be published in the IPO Gazette and copies of the patent kept or furnished by the Office shall include a copy of the certificate of amendment or correction. (Sec. 27, R.A. No. 165)

CHAPTER VI

CANCELLATION OF PATENTS AND SUBSTITUTION OF PATENTEE

Section 61. Cancellation of Patents. - 61.1. Any interested person may, upon payment of the required fee, petition to cancel the patent or any claim thereof, or parts of the claim, on any of the following grounds:

- (a) That what is claimed as the invention is not new or Patentable;
- (b) That the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by any person skilled in the art; or
- (c) That the patent is contrary to public order or morality.

61.2. Where the grounds for cancellation relate to some of the claims or parts of the claim, cancellation may be effected to such extent only. (Secs. 28 and 29, R.A. No. 165a)

Section 62. Requirement of the Petition. - The petition for cancellation shall be in writing, verified by the petitioner or by any person in his behalf who knows the facts, specify the grounds upon which it is based, include a statement of the facts to be relied upon, and filed with the Office. Copies of printed publications or of patents of other countries, and other

supporting documents mentioned in the petition shall be attached thereto, together with the translation thereof in English, if not in the English language. (Sec. 30, R.A. No. 165)

Section 63. Notice of Hearing. - Upon filing of a petition for cancellation, the Director of Legal Affairs shall forthwith serve notice of the filing thereof upon the patentee and all persons having grants or licenses, or any other right, title or interest in and to the patent and the invention covered thereby, as appears of record in the Office, and of notice of the date of hearing thereon on such persons and the petitioner. Notice of the filing of the petition shall be published in the IPO Gazette. (Sec. 31, R.A. No. 165a)

Section 64. Committee of Three. - In cases involving highly technical issues, on motion of any party, the Director of Legal Affairs may order that the petition be heard and decided by a committee composed of the Director of Legal Affairs as chairman and two (2) members who have the experience or expertise in the field of technology to which the patent sought to be cancelled relates. The decision of the committee shall be appealable to the Director General. (n)

Section 65. Cancellation of the Patent. - 65.1. If the Committee finds that a case for cancellation has been proved, it shall order the patent or any specified claim or claims thereof cancelled.

65.2. If the Committee finds that, taking into consideration the amendment made by the patentee during the cancellation proceedings, the patent and the invention to which it relates meet the requirement of this Act, it may decide to maintain the patent as amended: Provided, That the fee for printing of a new patent is paid within the time limit prescribed in the Regulations.

65.3. If the fee for the printing of a new patent is not paid in due time, the patent should be revoked.

65.4. If the patent is amended under Subsection 65.2 hereof, the Bureau shall, at the same time as it publishes the mention of the cancellation decision, publish the abstract, representative claims and drawings indicating clearly what the amendments consist of. (n)

Section 66. Effect of Cancellation of Patent or Claim. - The rights conferred by the patent or any specified claim or claims cancelled shall terminate. Notice of the cancellation shall be published in the IPO Gazette. Unless restrained by the Director General, the decision or order to cancel by Director of Legal Affairs shall be immediately executory even pending appeal. (Sec. 32, R.A. No. 165a)

CHAPTER VII

REMEDIES OF A PERSON WITH A RIGHT TO PATENT

Section 67. Patent Application by Persons Not Having the Right to a Patent. . - 67.1. If a person referred to in Section 29 other than the applicant, is declared by final court order or decision as having the right to the patent, such person may, within three (3) months after the decision has become final:

- (a) Prosecute the application as his own application in place of the applicant;
- (b) File a new patent application in respect of the same invention;
- (c) Request that the application be refused; or
- (d) Seek cancellation of the patent, if one has already been issued.

67.2. The provisions of Subsection 38.2 shall apply mutatis mutandis to a new application filed under Subsection 67. 1(b). (n)

Section 68. Remedies of the True and Actual Inventor. - If a person, who was deprived of the patent without his consent or through fraud is declared by final court order or decision to be the true and actual inventor, the court shall order for his substitution as patentee, or at the option of the true inventor, cancel the patent, and award actual and other damages in his favor if warranted by the circumstances. (Sec. 33, R.A. No. 165a)

Section 69. Publication of the Court Order. - The court shall furnish the Office a copy of the order or decision referred to in Sections 67 and 68, which shall be published in the IPO Gazette within three (3) months from the date such order or decision became final and executory, and shall be recorded in the register of the Office. (n)

Section 70. Time to File Action in Court. - The actions indicated in Sections 67 and 68 shall be filed within one (1) year from the date of publication made in accordance with Sections 44 and 51, respectively. (n)

CHAPTER VIII

RIGHTS OF PATENTEES AND INFRINGEMENT OF PATENTS

Section 71. Rights Conferred by Patent. - 71.1. A patent shall confer on its owner the following exclusive rights:

- (a) Where the subject matter of a patent is a product, to restrain, prohibit and prevent any unauthorized person or entity from making, using, offering for sale, selling or importing that product;
- (b) Where the subject matter of a patent is a process, to restrain, prevent or prohibit any unauthorized person or entity from using the process, and from manufacturing, dealing in, using, selling or offering for sale, or importing any product obtained directly or indirectly from such process.

71.2. Patent owners shall also have the right to assign, or transfer by succession the patent, and to conclude licensing contracts for the same. (Sec. 37, R.A. No. 165a)

Section 72. Limitations of Patent Rights. - The owner of a patent has no right to prevent third parties from performing, without his authorization, the acts referred to in Section 71 hereof in the following circumstances:

72.1. Using a patented product which has been put on the market in the Philippines by the owner of the product, or with his express consent, insofar as such use is performed after that product has been so put on the said market;

72.2. Where the act is done privately and on a non-commercial scale or for a non-commercial purpose: Provided, That it does not significantly prejudice the economic interests of the owner of the patent;

72.3. Where the act consists of making or using exclusively for the purpose of experiments that relate to the subject matter of the patented invention;

72.4. Where the act consists of the preparation for individual cases, in a pharmacy or by a medical professional, of a medicine in accordance with a medical prescription or acts concerning the medicine so prepared;

72.5. Where the invention is used in any ship, vessel, aircraft, or land vehicle of any other country entering the territory of the Philippines temporarily or accidentally: Provided, That such invention is used exclusively for the needs of the ship, vessel, aircraft, or land vehicle and not used for the manufacturing of anything to be sold within the Philippines. (Secs. 38 and 39, R.A. No. 165a)

Section 73. Prior User. - 73.1. Notwithstanding Section 72 hereof, any prior user, who, in good faith was using the invention or has undertaken serious preparations to use the invention in his enterprise or business, before the filing date or priority date of the application on which a patent is granted, shall have the right to continue the use thereof as envisaged in such preparations within the territory where the patent produces its effect.

73.2. The right of the prior user may only be transferred or assigned together with his enterprise or business, or with that part of his enterprise or business in which the use or preparations for use have been made. (Sec. 40, R.A. No. 165a)

Section 74. Use of Invention by Government. - 74.1. A Government agency or third person authorized by the Government may exploit the invention even without agreement of the patent owner where:

- (a) The public interest, in particular, national security, nutrition, health or the development of other sectors, as determined by the appropriate agency of the government, so requires; or
- (b) A judicial or administrative body has determined that the manner of exploitation, by the owner of the patent or his licensee is anti-competitive.

74.2. The use by the Government, or third person authorized by the Government shall be subject, mutatis mutandis, to the conditions set forth in Sections 95 to 97 and 100 to 102. (Sec. 41, R.A. No. 165a)

Section 75. Extent of Protection and Interpretation of Claims. - 75.1. The extent of protection conferred by the patent shall be determined by the claims, which are to be interpreted in the light of the description and drawings.

75.2. For the purpose of determining the extent of protection conferred by the patent, due account shall be taken of elements which are equivalent to the elements expressed in the claims, so that a claim shall be considered to cover not only all the elements as expressed therein, but also equivalents. (n)

Section 76. Civil Action for Infringement. - 76.1. The making, using, offering for sale, selling, or importing a patented product or a product obtained directly or indirectly from a patented process, or the use of a patented process without the authorization of the patentee constitutes patent infringement.

76.2. Any patentee, or anyone possessing any right, title or interest in and to the patented invention, whose rights have been infringed, may bring a civil action before a court of competent jurisdiction, to recover from the infringer such damages sustained thereby, plus attorney's fees and other expenses of litigation, and to secure an injunction for the protection of his rights.

76.3. If the damages are inadequate or cannot be readily ascertained with reasonable certainty, the court may award by way of damages a sum equivalent to reasonable royalty.

76.4. The court may, according to the circumstances of the case, award damages in a sum above the amount found as actual damages sustained: Provided, That the award does not exceed three (3) times the amount of such actual damages.

76.5. The court may, in its discretion, order that the infringing goods, materials and implements predominantly used in the infringement be disposed of outside the channels of commerce or destroyed, without compensation.

76.6. Anyone who actively induces the infringement of a patent or provides the infringer with a component of a patented product or of a product produced because of a patented process knowing it to be especially adopted for infringing the patented invention and not suitable for substantial non-infringing use shall be liable as a contributory infringer and shall be jointly and severally liable with the infringer. (Sec. 42, R.A. No. 165a)

Section 77. Infringement Action by a Foreign National. - Any foreign national or juridical entity who meets the requirements of Section 3 and not engaged in business in the Philippines, to which a patent has been granted or assigned under this Act, may bring an action for infringement of patent, whether or not it is licensed to do business in the Philippines under existing law. (Sec. 41-A, R.A. No. 165a)

Section 78. Process Patents; Burden of Proof. - If the subject matter of a patent is a process for obtaining a product, any identical product shall be presumed to have been obtained through the use of the patented process if the product is new or there is substantial likelihood that the identical product was made by the process and the owner of the patent has been unable despite reasonable efforts, to determine the process actually used. In ordering the defendant to prove that the process to obtain the identical product is different from the patented process, the court shall adopt measures to protect, as far as practicable, his manufacturing and business secrets. (n)

Section 79. Limitation of Action for Damages. - No damages can be recovered for acts of infringement committed more than four (4) years before the institution of the action for infringement. (Sec. 43, R.A. No. 165)

Section 80. Damages, Requirement of Notice. - Damages cannot be recovered for acts of infringement committed before the infringer had known, or had reasonable grounds to know of the patent. It is presumed that the infringer had known of the patent if on the patented product, or on the container or package in which the article is supplied to the public, or on the advertising material relating to the patented product or process, are placed the words "Philippine Patent" with the number of the patent. (Sec. 44, R.A. No. 165a)

Section 81. Defenses in Action for Infringement. - In an action for infringement, the defendant, in addition to other defenses available to him, may show the invalidity of the patent, or any claim thereof, on any of the grounds on which a petition of cancellation can be brought under Section 61 hereof. (Sec. 45, R.A. No. 165)

Section 82. Patent Found Invalid May be Cancelled. - In an action for infringement, if the court shall find the patent or any claim to be invalid, it shall cancel the same, and the Director of Legal Affairs upon receipt of the final judgment of cancellation by the court, shall record that fact in the register of the Office and shall publish a notice to that effect in the IPO Gazette. (Sec. 46, R.A. No. 165a)

Section 83. Assessor in Infringement Action. - 83.1. Two (2) or more assessors may be appointed by the court. The assessors shall be possessed of the necessary scientific and technical knowledge required by the subject matter in litigation. Either party may challenge the fitness of any assessor proposed for appointment.

83.2. Each assessor shall receive a compensation in an amount to be fixed by the court and advanced by the complaining party, which shall be awarded as part of his costs should he prevail in the action. (Sec. 47, R.A. No. 165a)

Section 84. Criminal Action for Repetition of Infringement. - If infringement is repeated by the infringer or by anyone in connivance with him after finality of the judgment of the court against the infringer, the offenders shall, without prejudice to the institution of a civil action for damages, be criminally liable therefor and, upon conviction, shall suffer imprisonment for the period of not less than six (6) months but not more than three (3) years and/or a fine of not less than One hundred thousand pesos (P100,000) but not more than Three hundred thousand pesos (P300,000), at the discretion of the court. The criminal action herein provided shall prescribe in three (3) years from date of the commission of the crime. (Sec. 48, R.A. No. 165a)

CHAPTER IX VOLUNTARY LICENSING

Section 85. Voluntary License Contract. - To encourage the transfer and dissemination of technology, prevent or control practices and conditions that may in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition and trade, all technology transfer arrangements shall comply with the provisions of this Chapter. (n)

Section 86. Jurisdiction to Settle Disputes on Royalties. - The Director of the Documentation, Information and Technology Transfer Bureau shall exercise quasi-judicial jurisdiction in the settlement of

disputes between parties to a technology transfer arrangement arising from technology transfer payments, including the fixing of appropriate amount or rate of royalty. (n)

Section 87. Prohibited Clauses. - Except in cases under Section 91, the following provisions shall be deemed prima facie to have an adverse effect on competition and trade:

- 87.1. Those which impose upon the licensee the obligation to acquire from a specific source capital goods, intermediate products, raw materials, and other technologies, or of permanently employing personnel indicated by the licensor;
- 87.2. Those pursuant to which the licensor reserves the right to fix the sale or resale prices of the products manufactured on the basis of the license;
- 87.3. Those that contain restrictions regarding the volume and structure of production;
- 87.4. Those that prohibit the use of competitive technologies in a non-exclusive technology transfer agreement;
- 87.5. Those that establish a full or partial purchase option in favor of the licensor;
- 87.6. Those that obligate the licensee to transfer for free to the licensor the inventions or improvements that may be obtained through the use of the licensed technology;
- 87.7. Those that require payment of royalties to the owners of patents for patents which are not used;
- 87.8. Those that prohibit the licensee to export the licensed product unless justified for the protection of the legitimate interest of the licensor such as exports to countries where exclusive licenses to manufacture and/or distribute the licensed product(s) have already been granted;
- 87.9. Those which restrict the use of the technology supplied after the expiration of the technology transfer arrangement, except in cases of early termination of the technology transfer arrangement due to reason(s) attributable to the licensee;
- 87.10. Those which require payments for patents and other industrial property rights after their expiration, termination arrangement;
- 87.11. Those which require that the technology recipient shall not contest the validity of any of the patents of the technology supplier;
- 87.12. Those which restrict the research and development activities of the licensee designed to absorb and adapt the transferred technology to local conditions or to initiate research and development programs in connection with new products, processes or equipment;
- 87.13. Those which prevent the licensee from adapting the imported technology to local conditions, or introducing innovation to it, as long as it does not impair the quality standards prescribed by the licensor;

87.14. Those which exempt the licensor for liability for non-fulfilment of his responsibilities under the technology transfer arrangement and/or liability arising from third party suits brought about by the use of the licensed product or the licensed technology; and

87.15. Other clauses with equivalent effects. (Sec. 33-C (2), R.A 165a)

Section 88. Mandatory Provisions. - The following provisions shall be included in voluntary license contracts:

88.1. That the laws of the Philippines shall govern the interpretation of the same and in the event of litigation, the venue shall be the proper court in the place where the licensee has its principal office;

88.2. Continued access to improvements in techniques and processes related to the technology shall be made available during the period of the technology transfer arrangement;

88.3. In the event the technology transfer arrangement shall provide for arbitration, the Procedure of Arbitration of the Arbitration Law of the Philippines or the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) or the Rules of Conciliation and Arbitration of the International Chamber of Commerce (ICC) shall apply and the venue of arbitration shall be the Philippines or any neutral country; and

88.4. The Philippine taxes on all payments relating to the technology transfer arrangement shall be borne by the licensor. (n)

Section 89. Rights of Licensor. - In the absence of any provision to the contrary in the technology transfer arrangement, the grant of a license shall not prevent the licensor from granting further licenses to third person nor from exploiting the subject matter of the technology transfer arrangement himself. (Sec. 33-B, R.A. 165a)

Section 90. Rights of Licensee. - The licensee shall be entitled to exploit the subject matter of the technology transfer arrangement during the whole term of the technology transfer arrangement. (Sec. 33-C (1), R.A. 165a)

Section 91. Exceptional Cases. - In exceptional or meritorious cases where substantial benefits will accrue to the economy, such as high technology content, increase in foreign exchange earnings, employment generation, regional dispersal of industries and/or substitution with or use of local raw materials, or in the case of Board of Investments, registered companies with pioneer status, exemption from any of the above requirements may be allowed by the Documentation, Information and Technology Transfer Bureau after evaluation thereof on a case by case basis. (n)

Section 92. Non-Registration with the Documentation, Information and Technology Transfer Bureau. - Technology transfer arrangements that conform with the provisions of Sections 86 and 87 need not be registered with the Documentation, Information and Technology Transfer Bureau. Non-conformance with any of the provisions of Sections 87 and 88, however, shall automatically render the technology transfer arrangement unenforceable, unless said technology transfer arrangement is approved and registered with the Documentation, Information and Technology Transfer Bureau under the provisions of Section 91 on exceptional cases. (n)

CHAPTER X

COMPULSORY LICENSING

Section 93. Grounds for Compulsory Licensing. - The Director of Legal Affairs may grant a license to exploit a patented invention, even without the agreement of the patent owner, in favor of any person who has shown his capability to exploit the invention, under any of the following circumstances:

- 93.1. National emergency or other circumstances of extreme urgency;
- 93.2. Where the public interest, in particular, national security, nutrition, health or the development of other vital sectors of the national economy as determined by the appropriate agency of the Government, so requires; or
- 93.3. Where a judicial or administrative body has determined that the manner of exploitation by the owner of the patent or his licensee is anti-competitive; or
- 93.4. In case of public non-commercial use of the patent by the patentee, without satisfactory reason;
- 93.5. If the patented invention is not being worked in the Philippines on a commercial scale, although capable of being worked, without satisfactory reason: Provided, That the importation of the patented article shall constitute working or using the patent. (Secs. 34, 34-A, 34-B, R.A. No. 165a)

Section 94. Period for Filing a Petition for a Compulsory License. - 94.1. A compulsory license may not be applied for on the ground stated in Subsection 93.5 before the expiration of a period of four (4) years from the date of filing of the application or three (3) years from the date of the patent whichever period expires last.

94.2. A compulsory license which is applied for on any of the grounds stated in Subsections 93.2, 93.3, and 93.4 and Section 97 may be applied for at any time after the grant of the patent. (Sec. 34(1), R.A. No. 165)

Section 95. Requirement to Obtain a License on Reasonable Commercial Terms. - 95.1. The license will only be granted after the petitioner has made efforts to obtain authorization from the patent owner on reasonable commercial terms and conditions but such efforts have not been successful within a reasonable period of time.

- 95.2. The requirement under Subsection 95.1 shall not apply in the following cases:
 - (a) Where the petition for compulsory license seeks to remedy a practice determined after judicial or administrative process to be anti-competitive;
 - (b) In situations of national emergency or other circumstances of extreme urgency;
 - (c) In cases of public non-commercial use.
- 95.3. In situations of national emergency or other circumstances of extreme urgency, the right holder shall be notified as soon as reasonably practicable.

95.4. In the case of public non-commercial use, where the government or contractor, without making a patent search, knows or has demonstrable grounds to know that a valid patent is or will be used by or for the government, the right holder shall be informed promptly. (n)

Section 96. Compulsory Licensing of Patents Involving Semi-Conductor Technology. - In the case of compulsory licensing of patents involving semiconductor technology, the license may only be granted in case of public non- commercial use or to remedy a practice determined after judicial or administrative process to be anti-competitive. (n)

Section 97. Compulsory License Based on Interdependence of Patents. - If the invention protected by a patent, hereafter referred to as the “second patent,” within the country cannot be worked without infringing another patent, hereafter referred to as the “first patent,” granted on a prior application or benefiting from an earlier priority, a compulsory license may be granted to the owner of the second patent to the extent necessary for the working of his invention, subject to the following conditions:

97.1. The invention claimed in the second patent involves an important technical advance of considerable economic significance in relation to the first patent;

97.2. The owner of the first patent shall be entitled to a cross-license on reasonable terms to use the invention claimed in the second patent;

97.3. The use authorized in respect of the first patent shall be non-assignable except with the assignment of the second patent; and

97.4. The terms and conditions of Sections 95, 96 and 98 to 100 of this Act. (Sec. 34-C, R.A. No. 165a)

Section 98. Form and Contents of Petition. - The petition for compulsory licensing must be in writing, verified by the petitioner and accompanied by payment of the required filing fee. It shall contain the name and address of the petitioner as well as those of the respondents, the number and date of issue of the patent in connection with which compulsory license is sought, the name of the patentee, the title of the invention, the statutory grounds upon which compulsory license is sought, the ultimate facts constituting the petitioner’s cause of action, and the relief prayed for. (Sec. 34-D, R.A. No. 165)

Section 99. Notice of Hearing. - 99.1. Upon filing of a petition, the Director of Legal Affairs shall forthwith serve notice of the filing thereof upon the patent owner and all persons having grants or licenses, or any other right, title or interest in and to the patent and invention covered thereby as appears of record in the Office, and of notice of the date of hearing thereon, on such persons and petitioner. The resident agent or representative appointed in accordance with Section 33 hereof, shall be bound to accept service of notice of the filing of the petition within the meaning of this Section.

99.2. In every case, the notice shall be published by the said Office in a newspaper of general circulation, once a week for three (3) consecutive weeks and once in the IPO Gazette at applicant’s expense. (Sec. 34-E, R.A. No. 165)

Section 100. Terms and Conditions of Compulsory License. - The basic terms and conditions including the rate of royalties of a compulsory license shall be fixed by the Director of Legal Affairs subject to the following conditions:

100.1. The scope and duration of such license shall be limited to the purpose for which it was authorized;

100.2. The license shall be non-exclusive;

100.3. The license shall be non-assignable, except with that part of the enterprise or business with which the invention is being exploited;

100.4. Use of the subject matter of the license shall be devoted predominantly for the supply of the Philippine market: Provided, That this limitation shall not apply where the grant of the license is based on the ground that the patentee's manner of exploiting the patent is determined by judicial or administrative process, to be anti-competitive.

100.5. The license may be terminated upon proper showing that circumstances which led to its grant have ceased to exist and are unlikely to recur: Provided, That adequate protection shall be afforded to the legitimate interest of the licensee; and

100.6. The patentee shall be paid adequate remuneration taking into account the economic value of the grant or authorization, except that in cases where the license was granted to remedy a practice which was determined after judicial or administrative process, to be anti-competitive, the need to correct the anti-competitive practice may be taken into account in fixing the amount of remuneration. (Sec. 35-B, R.A. No. 165a)

Section 101. Amendment, Cancellation, Surrender of Compulsory License. - 101.1. Upon the request of the patentee or the licensee, the Director of Legal Affairs may amend the decision granting the compulsory license, upon proper showing of new facts or circumstances justifying such amendment.

101.2. Upon the request of the patentee, the said Director may cancel the compulsory license:

- (a) If the ground for the grant of the compulsory license no longer exists and is unlikely to recur;
- (b) If the licensee has neither begun to supply the domestic market nor made serious preparation therefore;
- (c) If the licensee has not complied with the prescribed terms of the license;

101.3. The licensee may surrender the license by a written declaration submitted to the Office.

101.4. The said Director shall cause the amendment, surrender, or cancellation in the Register, notify the patentee, and/or the licensee, and cause notice thereof to be published in the IPO Gazette. (Sec. 35-D, R.A. No. 165a)

Section 102. Licensee's Exemption from Liability. - Any person who works a patented product, substance and/or process under a license granted under this Chapter, shall be free from any liability for infringement: Provided however, That in the case of voluntary licensing, no collusion with the licensor is proven. This is without prejudice to the right of the rightful owner of the patent to recover from the licensor whatever he may have received as royalties under the license. (Sec. 35-E, R.A. No. 165a)

CHAPTER XI

ASSIGNMENT AND TRANSMISSION OF RIGHTS

Section 103. Transmission of Rights. - 103.1. Patents or applications for patents and invention to which they relate, shall be protected in the same way as the rights of other property under the Civil Code.

103.2. Inventions and any right, title or interest in and to patents and inventions covered thereby, may be assigned or transmitted by inheritance or bequest or may be the subject of a license contract. (Sec. 50, R.A. No. 165a)

Section 104. Assignment of Inventions. - An assignment may be of the entire right, title or interest in and to the patent and the invention covered thereby, or of an undivided share of the entire patent and invention, in which event the parties become joint owners thereof. An assignment may be limited to a specified territory. (Sec. 51, R.A. No. 165)

Section 105. Form of Assignment. - The assignment must be in writing, acknowledged before a notary public or other officer authorized to administer oath or perform notarial acts, and certified under the hand and official seal of the notary or such other officer. (Sec. 52, R.A. No. 165)

Section 106. Recording. - 106.1. The Office shall record assignments, licenses and other instruments relating to the transmission of any right, title or interest in and to inventions, and patents or application for patents or inventions to which they relate, which are presented in due form to the Office for registration, in books and records kept for the purpose. The original documents together with a signed duplicate thereof shall be filed, and the contents thereof should be kept confidential. If the original is not available, an authenticated copy thereof in duplicate may be filed. Upon recording, the Office shall retain the duplicate, return the original or the authenticated copy to the party who filed the same and notice of the recording shall be published in the IPO Gazette.

106.2. Such instruments shall be void as against any subsequent purchaser or mortgagee for valuable consideration and without notice, unless, it is so recorded in the Office, within three (3) months from the date of said instrument, or prior to the subsequent purchase or mortgage. (Sec. 53, R.A. No. 165a)

Section 107. Rights of Joint Owners. - If two (2) or more persons jointly own a patent and the invention covered thereby, either by the issuance of the patent in their joint favor or by reason of the assignment of an undivided share in the patent and invention or by reason of the succession in title to such share, each of the joint owners shall be entitled to personally make, use, sell, or import the invention for his own profit: Provided, however, That neither of the joint owners shall be entitled to grant licenses or to assign his right, title or interest or part thereof without the consent of the other owner or owners, or without proportionally dividing the proceeds with such other owner or owners. (Sec. 54, R.A. No. 165)

CHAPTER XII

REGISTRATION OF UTILITY MODELS

Section 108. Applicability of Provisions Relating to Patents. - 108.1. Subject to Section 109, the provisions governing patents shall apply, mutatis mutandis, to the registration of utility models.

108.2. Where the right to a patent conflicts with the right to a utility model registration in the case referred to in Section 29, the said provision shall apply as if the word “patent” were replaced by the words “patent or utility model registration”. (Sec. 55, R.A. No. 165a)

Section 109. Special Provisions Relating to Utility Models. - 109.1.

(a) An invention qualifies for registration as a utility model if it is new and industrially applicable.

(b) Section 21, “Patentable Inventions”, shall apply except the reference to inventive step as a condition of protection.

109.2. Sections 43 to 49 shall not apply in the case of applications for registration of a utility model.

109.3. A utility model registration shall expire, without any possibility of renewal, at the end of the seventh year after the date of the filing of the application.

109.4. In proceedings under Sections 61 to 64, the utility model registration shall be canceled on the following grounds:

(a) That the claimed invention does not qualify for registration as a utility model and does not meet the requirements of registrability, in particular having regard to Subsection 109.1 and Sections 22, 23, 24 and 27;

(b) That the description and the claims do not comply with the prescribed requirements;

(c) That any drawing which is necessary for the understanding of the invention has not been furnished;

(d) That the owner of the utility model registration is not the inventor or his successor in title. (Secs. 55, 56, and 57, R.A. No. 165a)

Section 110. Conversion of Patent Applications or Applications for Utility Model Registration. - 110.1. At any time before the grant or refusal of a patent, an applicant for a patent may, upon payment of the prescribed fee, convert his application into an application for registration of a utility model, which shall be accorded the filing date of the initial application. An application may be converted only once.

110.2. At any time before the grant or refusal of a utility model registration, an applicant for a utility model registration may, upon payment of the prescribed fee, convert his application into a patent application, which shall be accorded the filing date of the initial application. (Sec. 58, R.A. No. 165a)

Section 111. Prohibition against Filing of Parallel Applications. - An applicant may not file two (2) applications for the same subject, one for utility model registration and the other for the grant of a patent whether simultaneously or consecutively. (Sec. 59, R.A. No. 165a)

CHAPTER XIII INDUSTRIAL DESIGN

Section 112. Definition of Industrial Design. - An industrial design is any composition of lines or colors or any three- dimensional form, whether or not associated-with lines or colors: Provided, That such composition or form gives a special appearance to and can serve as pattern for an industrial product or handicraft. (Sec. 55, R.A. No. 165a)

Section 113. Substantive Conditions for Protection. - 113.1. Only industrial designs that are new or original shall benefit from protection under this Act.

113.2. Industrial designs dictated essentially by technical or functional considerations to obtain a technical result or those that are contrary to public order, health or morals shall not be protected.
(n)

Section 114. Contents of the Application. - 114.1. Every application for registration of an industrial design shall contain:

- (a) A request for registration of the industrial design;
- (b) Information identifying the applicant;
- (c) An indication of the kind of article of manufacture or handicraft to which the design shall be applied;
- (d) A representation of the article of manufacture or handicraft by way of drawings, photographs or other adequate graphic representation of the design as applied to the article of manufacture or handicraft which clearly and fully discloses those features for which design protection is claimed; and
- (e) The name and address of the creator, or where the applicant is not the creator, a statement indicating the origin of the right to the industrial design registration.

114.2. The application may be accompanied by a specimen of the article embodying the industrial design and shall be subject to the payment of the prescribed fee.(n)

Section 115. Several Industrial Designs in One Application. - Two (2) or more industrial designs may be the subject of the same application: Provided, That they relate to the same sub-class of the International Classification or to the same set or composition of articles. (n)

Section 116. Examination. - 116.1. The Office shall accord as the filing date the date of receipt of the application containing indications allowing the identity of the applicant to be established and a representation of the article embodying the industrial design or a pictorial representation thereof.

116.2. If the application does not meet these requirements the filing date should be that date when all the elements specified in Section 105 are filed or the mistakes corrected. Otherwise if the requirements are not complied within the prescribed period, the application shall be considered withdrawn.

116.3. After the application has been accorded a filing date and the required fees paid on time, the applicant shall comply with the requirements of Section 114 within the prescribed period, otherwise the application shall be considered withdrawn.

116.4. The Office shall examine whether the industrial design complies with requirements of Section 112 and Subsections 113.2 and 113.3. (n)

Section 117. Registration. - 117.1. Where the Office finds that the conditions referred to in Section 113 are fulfilled, it shall order that registration be effected in the industrial design register and cause the issuance of an industrial design certificate of registration, otherwise, it shall refuse the application.

117.2. The form and contents of an industrial design certificate shall be established by the Regulations: Provided, That the name and address of the creator shall be mentioned in every case.

117.3. Registration shall be published in the form and within the period fixed by the Regulations.

117.4. The Office shall record in the register any change in the identity of the proprietor of the industrial design or his representative, if proof thereof is furnished to it. A fee shall be paid, with the request to record the change in the identity of the proprietor. If the fee is not paid, the request shall be deemed not to have been filed. In such case, the former proprietor and the former representative shall remain subject to the rights and obligations as provided in this Act.

117.5. Anyone may inspect the Register and the files of registered industrial designs including the files of cancellation proceedings. (n)

Section 118. The Term of Industrial Design Registration. - 118.1 The registration of an industrial design shall be for a period of five (5) years from the filing date of the application.

118.2. The registration of an industrial design may be renewed for not more than two (2) consecutive periods of five (5) years each, by paying the renewal fee.

118.3. The renewal fee shall be paid within twelve (12) months preceding the expiration of the period of registration. However, a grace period of six (6) months shall be granted for payment of the fees after such expiration, upon payment of a surcharge

118.4. The Regulations shall fix the amount of renewal fee, the surcharge and other requirements regarding the recording of renewals of registration.

Section 119. Application of Other Sections and Chapters. - 119.1. The following provisions relating to patents shall apply mutatis mutandis to an industrial design registration:

Section 119. Application of Other Sections and Chapters. - 119.1. The following provisions relating to patents shall apply mutatis mutandis to an industrial design registration:

Section 21	Novelty;
Section 24	Prior art: Provided, That the disclosure is contained in printed documents or in any tangible form;
Section 25	Non-prejudicial Disclosure;
Section 27	Inventions Created Pursuant to a Commission;
Section 28	Right to a Patent;
Section 29	First to File Rule;
Section 31	Right of Priority: Provided, That the application for industrial design shall be filed within six (6) months from the earliest filing date of the corresponding foreign application;
Section 33	Appointment of Agent or Representative;
Section 51	Refusal of the Application;
Sections 56 to 60	Surrender, Correction of and Changes in Patent;
CHAPTER VII	Remedies of a Person with a Right to Patent;
CHAPTER VIII	Rights of Patentees and Infringement of Patents; and
CHAPTER XI	Assignment and Transmission of Rights.

119.2. If the essential elements of an industrial design which is the subject of an application have been obtained from the creation of another person without his consent, protection under this Chapter cannot be invoked against the injured party. (n)

Section 120. Cancellation of Design Registration. - 120.1. At any time during the term of the industrial design registration, any person upon payment of the required fee, may petition the Director of Legal Affairs to cancel the industrial design on any of the following grounds:

- (a) If the subject matter of the industrial design is not registrable within the terms of Sections 112 and 113;
- (b) If the subject matter is not new; or
- (c) If the subject matter of the industrial design extends beyond the content of the application as originally filed.

120.2. Where the grounds for cancellation relate to a part of the industrial design, cancellation may be effected to such extent only. The restriction may be effected in the form of an alteration of the effected features of the design. (n)

PART III
THE LAW ON TRADEMARKS AND TRADE NAMES

Section 121. Definitions. - As used in Part III, the following terms have the following meanings:

121.1. "Mark" means any visible sign capable of distinguishing the goods (trademark) or services (service mark) of an enterprise and shall include a stamped or marked container of goods; (Sec. 38, R.A. No. 166a)

121.2. "Collective mark" means any visible sign designated as such in the application for registration and capable of distinguishing the origin or any other common characteristic, including the quality of goods or services of different enterprises which use the sign under the control of the registered owner of the collective mark; (Sec. 40, R.A. No. 166a)

121.3. "Trade name" means the name or designation identifying or distinguishing an enterprise; (Sec. 38, R.A. No. 166a)

121.4. "Bureau" means the Bureau of Trademarks;

121.5. "Director" means the Director of Trademarks;

121.6. "Regulations" means the Rules of Practice in Trademarks and Service Marks formulated by the Director of Trademarks and approved by the Director General; and

121.7. "Examiner" means the trademark examiner. (Sec. 38, R.A. No. 166a)

Section 122. How Marks are Acquired. - The rights in a mark shall be acquired through registration made validly in accordance with the provisions of this law. (Sec. 2-A, R.A. No. 166a)

Section 123. Registrability. - 123.1. A mark cannot be registered if it:

- (a) Consists of immoral, deceptive or scandalous matter, or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;
- (b) Consists of the flag or coat of arms or other insignia of the Philippines or any of its political subdivisions, or of any foreign nation, or any simulation thereof;
- (c) Consists of a name, portrait or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the Philippines, during the life of his widow, if any, except by written consent of the widow;
- (d) Is identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date, in respect of:
 - (i) The same goods or services, or
 - (a) Closely related goods or services, or
 - (b) If it nearly resembles such a mark as to be likely to deceive or cause confusion;

- (e) Is identical with, or confusingly similar to, or constitutes a translation of a mark which is considered by the competent authority of the Philippines to be well-known internationally and in the Philippines, whether or not it is registered here, as being already the mark of a person other than the applicant for registration, and used for identical or similar goods or
- (c) services: Provided, That in determining whether a mark is well-known, account shall be taken of the knowledge of the relevant sector of the public, rather than of the public at large, including knowledge in the Philippines which has been obtained as a result of the promotion of the mark;
- (f) Is identical with, or confusingly similar to, or constitutes a translation of a mark considered well-known in accordance with the preceding paragraph, which is registered in the Philippines with respect to goods or services which are not similar to those with respect to which registration is applied for: Provided, That use of the mark in relation to those goods or services would indicate a connection between those goods or services, and the owner of the registered mark: Provided further, That the interests of the owner of the registered mark are likely to be damaged by such use;
- (g) Is likely to mislead the public, particularly as to the nature, quality, characteristics or geographical origin of the goods or services;
- (h) Consists exclusively of signs that are generic for the goods or services that they seek to identify;
- (i) Consists exclusively of signs or of indications that have become customary or usual to designate the goods or services in everyday language or in bona fide and established trade practice;
- (j) Consists exclusively of signs or of indications that may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin, time or production of the goods or rendering of the services, or other characteristics of the goods or services;
- (k) Consists of shapes that may be necessitated by technical factors or by the nature of the goods themselves or factors that affect their intrinsic value;
- (l) Consists of color alone, unless defined by a given form; or
- (m) Is contrary to public order or morality.

123.2. As regards signs or devices mentioned in paragraphs (j), (k), and (l), nothing shall prevent the registration of any such sign or device which has become distinctive in relation to the goods for which registration is requested as a result of the use that have been made of it in commerce in the Philippines. The Office may accept as prima facie evidence that the mark has become distinctive, as used in connection with the applicant's goods or services in commerce, proof of substantially exclusive and continuous use thereof by the applicant in commerce in the Philippines for five (5) years before the date on which the claim of distinctiveness is made.

123.3. The nature of the goods to which the mark is applied will not constitute an obstacle to registration. (Sec. 4, R.A. No. 166a)

Section 124. Requirements of Application. - 124.1. The application for the registration of the mark shall be in Filipino or in English and shall contain the following:

- (a) A request for registration;

- (b) The name and address of the applicant;
- (c) The name of a State of which the applicant is a national or where he has domicile; and the name of a State in which the applicant has a real and effective industrial or commercial establishment, if any;
- (d) Where the applicant is a juridical entity, the law under which it is organized and existing;
- (e) The appointment of an agent or representative, if the applicant is not domiciled in the Philippines;
- (f) Where the applicant claims the priority of an earlier application, an indication of:
 - The name of the State with whose national office the earlier application was filed or if filed with an office other than a national office, the name of that office,
 - The date on which the earlier application was filed, and
 - Where available, the application number of the earlier application;
- (g) Where the applicant claims color as a distinctive feature of the mark, a statement to that effect as well as the name or names of the color or colors claimed and an indication, in respect of each color, of the principal parts of the mark which are in that color;
- (h) Where the mark is a three-dimensional mark, a statement to that effect;
- (i) One or more reproductions of the mark, as prescribed in the Regulations;
- (j) A transliteration or translation of the mark or of some parts of the mark, as prescribed in the Regulations;
- (k) The names of the goods or services for which the registration is sought, grouped according to the classes of the Nice Classification, together with the number of the class of the said Classification to which each group of goods or services belongs; and
- (l) A signature by, or other self-identification of, the applicant or his representative.

124.2. The applicant or the registrant shall file a declaration of actual use of the mark with evidence to that effect, as prescribed by the Regulations within three (3) years from the filing date of the application. Otherwise, the application shall be refused or the mark shall be removed from the Register by the Director.

124.3. One (1) application may relate to several goods and/or services, whether they belong to one (1) class or to several classes of the Nice Classification.

124.4. If during the examination of the application, the Office finds factual basis to reasonably doubt the veracity of any indication or element in the application, it may require the applicant to submit sufficient evidence to remove the doubt. (Sec. 5, R.A. No. 166a)

Section 125. Representation; Address for Service. - If the applicant is not domiciled or has no real and effective commercial establishment in the Philippines, he shall designate by a written document filed in the Office, the name and address of a Philippine resident who may be served notices or process in proceedings affecting the mark. Such notices or services may be served upon the person so designated by leaving a copy thereof at the address specified in the last designation filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Director. (Sec. 3, R.A. No. 166a)

Section 126. Disclaimers. - The Office may allow or require the applicant to disclaim an unregistrable component of an otherwise registrable mark but such disclaimer shall not prejudice or affect the applicant's or owner's rights then existing or thereafter arising in the disclaimed matter, nor shall disclaimer prejudice or affect the applicant's or owner's right on another application of later date if the disclaimed matter became distinctive of the applicant's or owner's goods, business or services. (Sec. 13, R.A. No. 166a)

Section 127. Filing Date. - 127.1. Requirements. - The filing date of an application shall be the date on which the Office received the following indications and elements in English or Filipino:

- (a) An express or implicit indication that the registration of a mark is sought;
- (b) The identity of the applicant;
- (c) Indications sufficient to contact the applicant or his representative, if any;
- (d) A reproduction of the mark whose registration is sought; and
- (e) The list of the goods or services for which the registration is sought.

127.2. No filing date shall be accorded until the required fee is paid. (n)

Section 128. Single Registration for Goods and/or Services. - Where goods and/or services belonging to several classes of the Nice Classification have been included in one (1) application, such an application shall result in one registration. (n)

Section 129. Division of Application. - Any application referring to several goods or services, hereafter referred to as the "initial application," may be divided by the applicant into two (2) or more applications, hereafter referred to as the "divisional applications," by distributing among the latter the goods or services referred to in the initial application. The divisional applications shall preserve the filing date of the initial application or the benefit of the right of priority. (n)

Section 130. Signature and Other Means of Self-Identification. - 130.1. Where a signature is required, the Office shall accept:

- (a) A hand-written signature; or
- (b) The use of other forms of signature, such as a printed or stamped signature, or the use of a seal instead of a hand-written signature: Provided, that where a seal is used, it should be accompanied by an indication in letters of the name of the signatory.

130.2. The Office shall accept communications to it by telecopier, or by electronic means subject to the conditions or requirements that will be prescribed by the Regulations. When communications are made by telefacsimile, the reproduction of the signature, or the reproduction of the seal together with, where required, the indication in letters of the name of the natural person whose seal is used, appears. The original communications must be received by the Office within thirty (30) days from date of receipt of the telefacsimile.

130.3. No attestation, notarization, authentication, legalization or other certification of any signature or other means of self-identification referred to in the preceding paragraphs, will be required, except, where the signature concerns the surrender of a registration. (n)

Section 131. Priority Right. - 131.1. An application for registration of a mark filed in the Philippines by a person referred to in Section 3, and who previously duly filed an application for registration of the same mark in one of those countries, shall be considered as filed as of the day the application was first filed in the foreign country.

131.2. No registration of a mark in the Philippines by a person described in this section shall be granted until such mark has been registered in the country of origin of the applicant.

131.3. Nothing in this section shall entitle the owner of a registration granted under this section to sue for acts committed prior to the date on which his mark was registered in this country: Provided, That, notwithstanding the foregoing, the owner of a well-known mark as defined in

Section 123.1(e) of this Act, that is not registered in the Philippines, may, against an identical or confusingly similar mark, oppose its registration, or petition the cancellation of its registration or sue for unfair competition, without prejudice to availing himself of other remedies provided for under the law.

131.4. In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country: Provided, That any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority. (Sec. 37, R.A. No. 166a)

Section 132. Application Number and Filing Date. - 132.1. The Office shall examine whether the application satisfies the requirements for the grant of a filing date as provided in Section 127 and Regulations relating thereto. If the application does not satisfy the filing requirements, the Office shall notify the applicant who shall within a period fixed by the Regulations complete or correct the application as required, otherwise, the application shall be considered withdrawn.

132.2 Once an application meets the filing requirements of Section 127, it shall be numbered in the sequential order, and the applicant shall be informed of the application number and the filing date of the application will be deemed to have been abandoned. (n)

Section 133. Examination and Publication. - 133.1. Once the application meets the filing requirements of Section 127, the Office shall examine whether the application meets the requirements of Section 124 and the mark as defined in Section 121 is registrable under Section 123.

133.2. Where the Office finds that the conditions referred to in Subsection 133.1 are fulfilled, it shall upon payment of the prescribed fee, forthwith cause the application, as filed, to be published in the prescribed manner.

133.3. If after the examination, the applicant is not entitled to registration for any reason, the Office shall advise the applicant thereof and the reasons therefor. The applicant shall have a period of four (4) months in which to reply or amend his application, which shall then be re-examined. The Regulations shall determine the procedure for the re-examination or revival of an application as well as the appeal to the Director of Trademarks from any final action by the Examiner.

133.4. An abandoned application may be revived as a pending application within three (3) months from the date of abandonment, upon good cause shown and the payment of the required fee.

133.5. The final decision of refusal of the Director of Trademarks shall be appealable to the Director General in accordance with the procedure fixed by the Regulations. (Sec. 7, R.A. No. 166a)

Section 134. Opposition. - Any person who believes that he would be damaged by the registration of a mark may, upon payment of the required fee and within thirty (30) days after the publication referred to in Subsection 133.2, file with the Office an opposition to the application. Such opposition shall be in writing and verified by the opposition or by any person on his behalf who knows the facts, and shall specify the grounds on which it is based and include a statement of the facts relied upon. Copies of certificates of registration of marks registered in other countries or other supporting documents mentioned in the opposition shall be filed therewith, together with the translation in English, if not in the English language. For good cause shown and upon payment of the required surcharge, the time for filing an opposition may be extended by the Director of Legal Affairs, who shall notify the applicant of such extension. The Regulations shall fix the maximum period of time within which to file the opposition. (Sec. 8, R.A. No. 165a)

Section 135. Notice and Hearing. - Upon the filing of an opposition, the Office shall serve notice of the filing on the applicant, and of the date of the hearing thereof upon the applicant and the oppositor and all other persons having any right, title or interest in the mark covered by the application, as appear of record in the Office. (Sec. 9, R.A. No. 165)

Section 136. Issuance and Publication of Certificate. - When the period for filing the opposition has expired, or when the Director of Legal Affairs shall have denied the opposition, the Office upon payment of the required fee, shall issue the certificate of registration. Upon issuance of a certificate of registration, notice thereof making reference to the publication of the application shall be published in the IPO Gazette. (Sec. 10, R.A. No. 165)

Section 137. Registration of Mark and Issuance of a Certificate to the Owner or his Assignee. - 137.1. The Office shall maintain a Register in which shall be registered marks, numbered in the order of their registration, and all transactions in respect of each mark, required to be recorded by virtue of this law.

137.2. The registration of a mark shall include a reproduction of the mark and shall mention: its number; the name and address of the registered owner and, if the registered owner's address is

outside the country, his address for service within the country; the dates of application and registration; if priority is claimed, an indication of this fact, and the number, date and country of the application, basis of the priority claims; the list of goods or services in respect of which registration has been granted, with the indication of the corresponding class or classes; and such other data as the Regulations may prescribe from time to time.

137.3. A certificate of registration of a mark may be issued to the assignee of the applicant: Provided, That the assignment is recorded in the Office. In case of a change of ownership, the Office shall at the written request signed by the owner, or his representative, or by the new owner, or his representative and upon a proper showing and the payment of the prescribed fee, issue to such assignee a new certificate of registration of the said mark in the name of such assignee, and for the unexpired part of the original period.

137.4. The Office shall record any change of address, or address for service, which shall be notified to it by the registered owner.

137.5. In the absence of any provision to the contrary in this Act, communications to be made to the registered owner by virtue of this Act shall be sent to him at his last recorded address and, at the same, at his last recorded address for service. (Sec. 19, R.A. No. 166a)

Section 138. Certificates of Registration. - A certificate of registration of a mark shall be prima facie evidence of the validity of the registration, the registrant's ownership of the mark, and of the registrant's exclusive right to use the same in connection with the goods or services and those that are related thereto specified in the certificate. (Sec. 20, R.A. No. 165)

Section 139. Publication of Registered Marks; Inspection of Register. - 139.1. The Office shall publish, in the form and within the period fixed by the Regulations, the marks registered, in the order of their registration, reproducing all the particulars referred to in Subsection 137.2.

139.2. Marks registered at the Office may be inspected free of charge and any person may obtain copies thereof at his own expense. This provision shall also be applicable to transactions recorded in respect of any registered mark. (n)

Section 140. Cancellation upon Application by Registrant; Amendment or Disclaimer of Registration. - Upon application of the registrant, the Office may permit any registration to be surrendered for cancellation, and upon cancellation the appropriate entry shall be made in the records of the Office. Upon application of the registrant and payment of the prescribed fee, the Office for good cause may permit any registration to be amended or to be disclaimed in part: Provided, That the amendment or disclaimer does not alter materially the character of the mark. Appropriate entry shall be made in the records of the Office upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof (Sec. 14, R.A. No. 166)

Section 141. Sealed and Certified Copies as Evidence. - Copies of any records, books, papers, or drawings belonging to the Office relating to marks, and copies of registrations, when authenticated by the seal of the Office and certified by the Director of the Administrative, Financial and Human Resource Development Service Bureau or in his name by an employee of the Office duly authorized by said Director, shall be evidence in all cases wherein the originals would be evidence; and any person who applies and pays the prescribed fee shall secure such copies. (n)

Section 142. Correction of Mistakes Made by the Office. - Whenever a material mistake in a registration incurred through the fault of the Office is clearly disclosed by the records of the Office, a certificate stating the fact and nature of such mistake shall be issued without charge, recorded and a printed copy thereof shall be attached to each printed copy of the registration. Such corrected registration shall thereafter have the same effect as the original certificate; or in the discretion of the Director of the Administrative, Financial and Human Resource Development Service Bureau a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the Regulations and the registration to which they are attached shall have the same force and effect as if such certificates and their issuance had been authorized by this Act. (n)

Section 143. Correction of Mistakes Made by Applicant. - Whenever a mistake is made in a registration and such mistake occurred in good faith through the fault of the applicant, the Office may issue a certificate upon the payment of the prescribed fee: Provided, That the correction does not involve any change in the registration that requires republication of the mark. (n)

Section 144. Classification of Goods and Services.

144.1. Each registration, and any publication of the Office which concerns an application or registration effected by the Office shall indicate the goods or services by their names, grouped according to the classes of the Nice Classification, and each group shall be preceded by the number of the class of that Classification to which that group of goods or services belongs, presented in the order of the classes of the said Classification.

144.2. Goods or services may not be considered as being similar or dissimilar to each other on the ground that, in any registration or publication by the Office, they appear in different classes of the Nice Classification. (Sec. 6, R.A. No. 166a)

Section 145. Duration. - A certificate of registration shall remain in force for ten (10) years: Provided, That the registrant shall file a declaration of actual use and evidence to that effect, or shall show valid reasons based on the existence of obstacles to such use, as prescribed by the Regulations, within one (1) year from the fifth anniversary of the date of the registration of the mark. Otherwise, the mark shall be removed from the Register by the Office. (Sec. 12, R.A. No. 166a)

Section 146. Renewal. - 146.1. A certificate of registration may be renewed for periods of ten (10) years at its expiration upon payment of the prescribed fee and upon filing of a request. The request shall contain the following indications:

- (a) An indication that renewal is sought;
- (b) The name and address of the registrant or his successor-in-interest, hereafter referred to as the "right holder";
- (c) The registration number of the registration concerned;
- (d) The filing date of the application which resulted in the registration concerned to be renewed;
- (e) Where the right holder has a representative, the name and address of that representative;
- (f) The names of the recorded goods or services for which the renewal is requested or the names of the recorded goods or services for which the renewal is not requested, grouped

according to the classes of the Nice Classification to which that group of goods or services belongs and presented in the order of the classes of the said Classification; and

(g) A signature by the right holder or his representative.

146.2. Such requests shall be in Filipino or English and may be made at any time within six (6) months before the expiration of the period for which the registration was issued or renewed, or it may be made within six (6) months after such expiration on payment of the additional fee herein prescribed.

146.3. If the Office refuses to renew the registration, it shall notify the registrant of his refusal and the reasons therefor.

146.4. An applicant for renewal not domiciled in the Philippines shall be subject to and comply with the requirements of this Act. (Sec. 15, R.A. No. 166a)

Section 147. Rights Conferred.

147.1. The owner of a registered mark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs or containers for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed.

147.5. The exclusive right of the owner of a well-known mark defined in Subsection 123.1(e) which is registered in the Philippines, shall extend to goods and services which are not similar to those in respect of which the mark is registered: Provided, That use of that mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the registered mark: Provided further, That the interests of the owner of the registered mark are likely to be damaged by such use. (n)

Section 148. Use of Indications by Third Parties for Purposes Other than those for which the Mark is Used. - Registration of the mark shall not confer on the registered owner the right to preclude third parties from using bona fide their names, addresses, pseudonyms, a geographical name, or exact indications concerning the kind, quality, quantity, destination, value, place of origin, or time of production or of supply, of their goods or services: Provided, That such use is confined to the purposes of mere identification or information and cannot mislead the public as to the source of the goods or services. (n)

Section 149. Assignment and Transfer of Application and Registration. –

149.1. An application for registration of a mark, or its registration, may be assigned or transferred with or without the transfer of the business using the mark. (n)

149.2. Such assignment or transfer shall, however, be null and void if it is liable to mislead the public, particularly as regards the nature, source, manufacturing process, characteristics, or suitability for their purpose, of the goods or services to which the mark is applied.

149.3. The assignment of the application for registration of a mark, or of its registration, shall be in writing and require the signatures of the contracting parties. Transfers by mergers or other forms of succession may be made by any document supporting such transfer.

149.4. Assignments and transfers of registrations of marks shall be recorded at the Office on payment of the prescribed fee; assignment and transfers of applications for registration shall, on payment of the same fee, be provisionally recorded, and the mark, when registered, shall be in the name of the assignee or transferee.

149.5. Assignments and transfers shall have no effect against third parties until they are recorded at the Office. (Sec. 31, R.A. No. 166a)

Section 150. License Contracts.

150.1. Any license contract concerning the registration of a mark, or an application therefore, shall provide for effective control by the licensor of the quality of the goods or services of the licensee in connection with which the mark is used. If the license contract does not provide for such quality control, or if such quality control is not effectively carried out, the license contract shall not be valid.

150.2. A license contract shall be submitted to the Office which shall keep its contents confidential but shall record it and publish a reference thereto. A license contract shall have no effect against third parties until such recording is effected. The Regulations shall fix the procedure for the recording of the license contract. (n)

Section 151. Cancellation.

151.1. A petition to cancel a registration of a mark under this Act may be filed with the Bureau of Legal Affairs by any person who believes that he is or will be damaged by the registration of a mark under this Act as follows:

- (a) Within five (5) years from the date of the registration of the mark under this Act.
- (b) At any time, if the registered mark becomes the generic name for the goods or services, or a portion thereof, for which it is registered, or has been abandoned, or its registration was obtained fraudulently or contrary to the provisions of this Act, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used. If the registered mark becomes the generic name for less than all of the goods or services for which it is registered, a petition to cancel the registration for only those goods or services may be filed. A registered mark shall not be deemed to be the generic name of goods or services solely because such mark is also used as a name of or to identify a unique product or service. The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the generic name of goods or services on or in connection with which it has been used. (n)
- (c) At any time, if the registered owner of the mark without legitimate reason fails to use the mark within the Philippines, or to cause it to be used in the Philippines by virtue of a license during an uninterrupted period of three (3) years or longer.

151.2. Notwithstanding the foregoing provisions, the court or the administrative agency vested with jurisdiction to hear and adjudicate any action to enforce the rights to a registered mark shall likewise exercise jurisdiction to determine whether the registration of said mark may be cancelled in accordance with this Act. The filing of a suit to enforce the registered mark with the proper court or agency shall exclude any other court or agency from assuming jurisdiction over a subsequently filed petition to cancel the same mark. On the other hand, the earlier filing of petition to cancel the mark with the Bureau of Legal Affairs shall not constitute a prejudicial question that must be resolved before an action to enforce the rights to same registered mark may be decided. (Sec. 17, R.A. No. 166a)

Section 152. Non-use of a Mark When Excused.

152.1. Non-use of a mark may be excused if caused by circumstances arising independently of the will of the trademark owner. Lack of funds shall not excuse non-use of a mark.

152.2. The use of the mark in a form different from the form in which it is registered, which does not alter its distinctive character, shall not be ground for cancellation or removal of the mark and shall not diminish the protection granted to the mark.

152.3. The use of a mark in connection with one or more of the goods or services belonging to the class in respect of which the mark is registered shall prevent its cancellation or removal in respect of all other goods or services of the same class.

152.4. The use of a mark by a company related with the registrant or applicant shall inure to the latter's benefit, and such use shall not affect the validity of such mark or of its registration: Provided, That such mark is not used in such manner as to deceive the public. If use of a mark by a person is controlled by the registrant or applicant with respect to the nature and quality of the goods or services, such use shall inure to the benefit of the registrant or applicant. (n)

Section 153. Requirements of Petition; Notice and Hearing. - Insofar as applicable, the petition for cancellation shall be in the same form as that provided in Section 134 hereof, and notice and hearing shall be as provided in Section 135 hereof.

Section 154. Cancellation of Registration. - If the Bureau of Legal Affairs finds that a case for cancellation has been made out, it shall order the cancellation of the registration. When the order or judgment becomes final, any right conferred by such registration upon the registrant or any person in interest of record shall terminate. Notice of cancellation shall be published in the IPO Gazette. (Sec. 19, R.A. No. 166a)

Section 155. Remedies; Infringement. - Any person who shall, without the consent of the owner of the registered mark:

155.1. Use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark or the same container or a dominant feature thereof in connection with the sale, offering for sale, distribution, advertising of any goods or services including other preparatory steps necessary to carry out the sale of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or

155.2. Reproduce, counterfeit, copy or colorably imitate a registered mark or a dominant feature thereof and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive, shall be liable in a civil action for infringement by the registrant for the remedies hereinafter set forth: Provided, That the infringement takes place at the moment any of the acts stated in Subsection 155.1 or this subsection are committed regardless of whether there is actual sale of goods or services using the infringing material. (Sec. 22, R.A. No 166a)

Section 156. Actions, and Damages and Injunction for Infringement.

156.1. The owner of a registered mark may recover damages from any person who infringes his rights, and the measure of the damages suffered shall be either the reasonable profit which the complaining party would have made, had the defendant not infringed his rights, or the profit which the defendant actually made out of the infringement, or in the event such measure of damages cannot be readily ascertained with reasonable certainty, then the court may award as damages a reasonable percentage based upon the amount of gross sales of the defendant or the value of the services in connection with which the mark or trade name was used in the infringement of the rights of the complaining party. (Sec. 23, first par., R.A. No. 166a)

156.2. On application of the complainant, the court may impound during the pendency of the action, sales invoices and other documents evidencing sales. (n)

156.3. In cases where actual intent to mislead the public or to defraud the complainant is shown, in the discretion of the court, the damages may be doubled. (Sec. 23, first par., R.A. No. 166)

156.4. The complainant, upon proper showing, may also be granted injunction. (Sec. 23, second par., R.A. No. 166a)

Section 157. Power of Court to Order Infringing Material Destroyed. –

157.1 In any action arising under this Act, in which a violation of any right of the owner of the registered mark is established, the court may order that goods found to be infringing be, without compensation of any sort, disposed of outside the channels of commerce in such a manner as to avoid any harm caused to the right holder, or destroyed; and all labels, signs, prints, packages, wrappers, receptacles and advertisements in the possession of the defendant, bearing the registered mark or trade name or any reproduction, counterfeit, copy or colorable imitation thereof, all plates, molds, matrices and other means of making the same, shall be delivered up and destroyed.

157.2. In regard to counterfeit goods, the simple removal of the trademark affixed shall not be sufficient other than in exceptional cases which shall be determined by the Regulations, to permit the release of the goods into the channels of commerce. (Sec. 24, R.A. No. 166a)

Section 158. Damages; Requirement of Notice. - In any suit for infringement, the owner of the registered mark shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is likely to cause confusion, or to cause mistake, or to deceive. Such knowledge is presumed if the registrant gives notice that his mark is registered by displaying with the mark the words “ Registered Mark” or the letter R within a circle or if the defendant had otherwise actual notice of the registration. (Sec. 21, R.A. No. 166a)

Section 159. Limitations to Actions for Infringement. - Notwithstanding any other provision of this Act, the remedies given to the owner of a right infringed under this Act shall be limited as follows:

159.1. Notwithstanding the provisions of Section 155 hereof, a registered mark shall have no effect against any person who, in good faith, before the filing date or the priority date, was using the mark for the purposes of his business or enterprise: Provided, That his right may only be transferred or assigned together with his enterprise or business or with that part of his enterprise or business in which the mark is used.

159.2. Where an infringer who is engaged solely in the business of printing the mark or other infringing materials for others is an innocent infringer, the owner of the right infringed shall be entitled as against such infringer only to an injunction against future printing.

159.3. Where the infringement complained of is contained in or is part of paid advertisement in a newspaper, magazine, or other similar periodical or in an electronic communication, the remedies of the owner of the right infringed as against the publisher or distributor of such newspaper, magazine, or other similar periodical or electronic communication shall be limited to an injunction against the presentation of such advertising matter in future issues of such newspapers, magazines, or other similar periodicals or in future transmissions of such electronic communications. The limitations of this subparagraph shall apply only to innocent infringers: Provided, That such injunctive relief shall not be available to the owner of the right infringed with respect to an issue of a newspaper, magazine, or other similar periodical or an electronic communication containing infringing matter where restraining the dissemination of such infringing matter in any particular issue of such periodical or in an electronic communication would delay the delivery of such issue or transmission of such electronic communication is customarily conducted in accordance with the sound business practice, and not due to any method or device adopted to evade this section or to prevent or delay the issuance of an injunction or restraining order with respect to such infringing matter. (n)

Section 160. Right of Foreign Corporation to Sue in Trademark or Service Mark Enforcement Action. - Any foreign national or juridical person who meets the requirements of Section 3 of this Act and does not engage in business in the Philippines may bring a civil or administrative action hereunder for opposition, cancellation, infringement, unfair competition, or false designation of origin and false description, whether or not it is licensed to do business in the Philippines under existing laws. (Sec. 21-A, R.A. No. 166a)

Section 161. Authority to Determine Right to Registration. - In any action involving a registered mark, the court may determine the right to registration, order the cancellation of a registration, in whole or in part, and otherwise rectify the register with respect to the registration of any party to the action in the exercise of this. Judgment and orders shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Bureau, and shall be controlled thereby. (Sec. 25, R.A. No. 166a)

Section 162. Action for False or Fraudulent Declaration. - Any person who shall procure registration in the Office of a mark by a false or fraudulent declaration or representation, whether oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof (Sec. 26, R.A. No. 166)

Section 163. Jurisdiction of Court. - All actions under Sections 150, 155, 164, and 166 to 169 shall be brought before the proper courts with appropriate jurisdiction under existing laws. (Sec. 27, R.A. No. 166)

Section 164. Notice of Filing Suit Given to the Director. - It shall be the duty of the clerks of such courts within one (1) month after the filing of any action, suit, or proceeding involving a mark registered under the provisions of this Act, to notify the Director in writing setting forth: the names and addresses of the litigants and designating the number of the registration or registrations and within one (1) month after the judgment is entered or an appeal is taken, the clerk of court shall give notice thereof to the Office, and the latter shall endorse the same upon the file wrapper of the said registration or registrations and incorporate the same as a part of the contents of said file wrapper. (n)

Section 165. Trade Names or Business Names. - 165.1. A name or designation may not be used as a trade name if by its nature or the use to which such name or designation may be put, it is contrary to public order or morals and if, in particular, it is liable to deceive trade circles or the public as to the nature of the enterprise identified by that name.

165.2.(a) Notwithstanding any laws or regulations providing for any obligation to register trade names, such names shall be protected, even prior to or without registration, against any unlawful act committed by third parties.

(b) In particular, any subsequent use of the trade name by a third party, whether as a trade name or a mark or collective mark, or any such use of a similar trade name or mark, likely to mislead the public, shall be deemed unlawful.

165.3. The remedies provided for in Sections 153 to 156 and Sections 166 and 167 shall apply mutatis mutandis.

165.4. Any change in the ownership of a trade name shall be made with the transfer of the enterprise or part thereof identified by that name. The provisions of Subsections 149.2 to 149.4 shall apply mutatis mutandis.

Section 166. Goods Bearing Infringing Marks or Trade Names. - No article of imported merchandise which shall copy or simulate the name of any domestic product, or manufacturer, or dealer, or which shall copy or simulate a mark registered in accordance with the provisions of this Act, or shall bear a mark or trade name calculated to induce the public to believe that the article is manufactured in the Philippines, or that it is manufactured in any foreign country or locality other than the country or locality where it is in fact manufactured, shall be admitted to entry at any customhouse of the Philippines. In order to aid the officers of the customs service in enforcing this prohibition, any person who is entitled to the benefits of this Act, may require that his name and residence, and the name of the locality in which his goods are manufactured, a copy of the certificate of registration of his mark or trade name, to be recorded in books which shall be kept for this purpose in the Bureau of Customs, under such regulations as the Collector of Customs with the approval of the Secretary of Finance shall prescribe, and may furnish to the said Bureau facsimiles of his name, the name of the locality in which his goods are manufactured, or his registered mark or trade name, and thereupon the Collector of Customs shall cause one (1) or more copies of the same to be transmitted to

each collector or to other proper officer of the Bureau of Customs. (Sec. 35, R.A. No. 166)

Section 167. Collective Marks. - 167.1. Subject to Subsections 167.2 and 167.3, Sections 122 to 164 and 166 shall apply to collective marks, except that references therein to “mark” shall be read as “collective mark”.

167.2.(a) An application for registration of a collective mark shall designate the mark as a collective mark and shall be accompanied by a copy of the agreement, if any, governing the use of the collective mark.

(b) The registered owner of a collective mark shall notify the Director of any changes made in respect of the agreement referred to in paragraph (a).

167.3. In addition to the grounds provided in Section 149, the Court shall cancel the registration of a collective mark if the person requesting the cancellation proves that only the registered owner uses the mark, or that he uses or permits its use in contravention of the agreements referred to in Subsection 166.2 or that he uses or permits its use in a manner liable to deceive trade circles or the public as to the origin or any other common characteristics of the goods or services concerned.

167.4. The registration of a collective mark, or an application therefor shall not be the subject of a license contract. (Sec. 40, R.A. No. 166a)

Section 168. Unfair Competition, Rights, Regulation and Remedies. - 168.1. A person who has identified in the mind of the public the goods he manufactures or deals in, his business or services from those of others, whether or not a registered mark is employed, has a property right in the goodwill of the said goods, business or services so identified, which will be protected in the same manner as other property rights.

168.2. Any person who shall employ deception or any other means contrary to good faith by which he shall pass off the goods manufactured by him or in which he deals, or his business, or services for those of the one having established such goodwill, or who shall commit any acts calculated to produce said result, shall be guilty of unfair competition, and shall be subject to an action therefor.

168.3. In particular, and without in any way limiting the scope of protection against unfair competition, the following shall be deemed guilty of unfair competition:

- (a) Any person, who is selling his goods and gives them the general appearance of goods of another manufacturer or dealer, either as to the goods themselves or in the wrapping of the packages in which they are contained, or the devices or words thereon, or in any other feature of their appearance, which would be likely to influence purchasers to believe that the goods offered are those of a manufacturer or dealer, other than the actual manufacturer or dealer, or who otherwise clothes the goods with such appearance as shall deceive the public and defraud another of his legitimate trade, or any subsequent vendor of such goods or any agent of any vendor engaged in selling such goods with a like purpose;

- (b) Any person who by any artifice, or device, or who employs any other means calculated to induce the false belief that such person is offering the services of another who has identified such services in the mind of the public; or
- (c) Any person who shall make any false statement in the course of trade or who shall commit any other act contrary to good faith of a nature calculated to discredit the goods, business or services of another.

168.4. The remedies provided by Sections 156, 157 and 161 shall apply mutatis mutandis. (Sec. 29, R.A. No. 166a)

Section 169. False Designations of Origin; False Description or Representation. - 169.1. Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which:

- (a) Is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person; or
- (b) In commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable to a civil action for damages and injunction provided in Sections 156 and 157 of this Act by any person who believes that he or she is or is likely to be damaged by such act.

169.2. Any goods marked or labelled in contravention of the provisions of this Section shall not be imported into the Philippines or admitted entry at any customhouse of the Philippines. The owner, importer, or consignee of goods refused entry at any customhouse under this section may have any recourse under the customs revenue laws or may have the remedy given by this Act in cases involving goods refused entry or seized. (Sec. 30, R.A. No. 166a)

Section 170. Penalties. - Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years and a fine ranging from Fifty thousand pesos (P50,000) to Two hundred thousand pesos (P200,000), shall be imposed on any person who is found guilty of committing any of the acts mentioned in Section 155, Section 168 and Subsection 169.1. (Arts. 188 and 189, Revised Penal Code)

PART IV THE LAW ON COPYRIGHT

CHAPTER I

PRELIMINARY PROVISIONS

Section 171. Definitions. - For the purpose of this Act, the following terms have the following meaning:

- 171.1. "Author" is the natural person who has created the work;

171.2. A “collective work” is a work which has been created by two (2) or more natural persons at the initiative and under the direction of another with the understanding that it will be disclosed by the latter under his own name and that contributing natural persons will not be identified;

171.3. “Communication to the public” or “communicate to the public” means the making of a work available to the public by wire or wireless means in such a way that members of the public may access these works from a place and time individually chosen by them;

171.4. A “computer” is an electronic or similar device having information-processing capabilities, and a “computer program” is a set of instructions expressed in words, codes, schemes or in any other form, which is capable when incorporated in a medium that the computer can read, of causing the computer to perform or achieve a particular task or result;

171.5. “Public lending” is the transfer of possession of the original or a copy of a work or sound recording for a limited period, for non-profit purposes, by an institution the services of which are available to the public, such as public library or archive;

171.6. “Public performance”, in the case of a work other than an audiovisual work, is the recitation, playing, dancing, acting or otherwise performing the work, either directly or by means of any device or process; in the case of an audiovisual work, the showing of its images in sequence and the making of the sounds accompanying it audible; and, in the case of a sound recording, making the recorded sounds audible at a place or at places where persons outside the normal circle of a family and that family’s closest social acquaintances are or can be present, irrespective of whether they are or can be present at the same place and at the same time, or at different places and/or at different times, and where the performance can be perceived without the need for communication within the meaning of Subsection 171.3;

171.7. “Published works” means works, which, with the consent of the authors, are made available to the public by wire or wireless means in such a way that members of the public may access these works from a place and time individually chosen by them: Provided, That availability of such copies has been such, as to satisfy the reasonable requirements of the public, having regard to the nature of the work;

171.8. “Rental” is the transfer of the possession of the original or a copy of a work or a sound recording for a limited period of time, for profit-making purposes;

171.9. “Reproduction” is the making of one (1) or more copies of a work or a sound recording in any manner or form (Sec. 41 (E), P.D. No. 49 a);

171.10. A “work of applied art” is an artistic creation with utilitarian functions or incorporated in a useful article, whether made by hand or produced on an industrial scale;

171.11. A “work of the Government of the Philippines” is a work created by an officer or employee of the Philippine Government or any of its subdivisions and instrumentalities, including government-owned or controlled corporations as a part of his regularly prescribed official duties

CHAPTER II

ORIGINAL WORKS

Section 172. Literary and Artistic Works. - 172.1. Literary and artistic works, hereinafter referred to as “works”, are original intellectual creations in the literary and artistic domain protected from the moment of their creation and shall include in particular:

- (a) Books, pamphlets, articles and other writings;
- (b) Periodicals and newspapers;
- (c) Lectures, sermons, addresses, dissertations prepared for oral delivery, whether or not reduced in writing or other material form;
- (d) Letters;
- (e) Dramatic or dramatico-musical compositions; choreographic works or entertainment in dumb shows;
- (f) Musical compositions, with or without words;
- (g) Works of drawing, painting, architecture, sculpture, engraving, lithography or other works of art; models or designs for works of art;
- (h) Original ornamental designs or models for articles of manufacture, whether or not registrable as an industrial design, and other works of applied art;
- (i) Illustrations, maps, plans, sketches, charts and three-dimensional works relative to geography, topography, architecture or science;
- (j) Drawings or plastic works of a scientific or technical character;
- (k) Photographic works including works produced by a process analogous to photography; lantern slides;
- (l) Audiovisual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings;
- (m) Pictorial illustrations and advertisements;
- (n) Computer programs; and
- (o) Other literary, scholarly, scientific and artistic works.

172.2. Works are protected by the sole fact of their creation, irrespective of their mode or form of expression, as well as of their content, quality and purpose. (Sec. 2, P.D. No. 49a)

CHAPTER III DERIVATIVE WORKS

Section 173. Derivative Works. - 173.1. The following derivative works shall also be protected by copyright:

- (a) Dramatizations, translations, adaptations, abridgments, arrangements, and other alterations of literary or artistic works; and
- (b) Collections of literary, scholarly or artistic works, and compilations of data and other materials which are original by reason of the selection or coordination or arrangement of their contents. (Sec. 2, [P] and [Q], P.D. No. 49)

173.2. The works referred to in paragraphs (a) and (b) of Subsection 173.1 shall be protected as new works: Provided however, That such new work shall not affect the force of any subsisting copyright upon the original works employed or any part thereof, or be construed to imply any right to such use of the original works, or to secure or extend copyright in such original works. (Sec. 8, P.D. 49; Art. 10, TRIPS)

Section 174. Published Edition of Work. - In addition to the right to publish granted by the author, his heirs, or assigns, the publisher shall have a copyright consisting merely of the right of reproduction of the typographical arrangement of the published edition of the work. (n)

CHAPTER IV WORKS NOT PROTECTED

Section 175. Unprotected Subject Matter. - Notwithstanding the provisions of Sections 172 and 173, no protection shall extend, under this law, to any idea, procedure, system, method or operation, concept, principle, discovery or mere data as such, even if they are expressed, explained, illustrated or embodied in a work; news of the day and other miscellaneous facts having the character of mere items of press information; or any official text of a legislative, administrative or legal nature, as well as any official translation thereof (n)

Section 176. Works of the Government. - 176.1. No copyright shall subsist in any work of the Government of the Philippines. However, prior approval of the government agency or office wherein the work is created shall be necessary for exploitation of such work for profit. Such agency or office may, among other things, impose as a condition the payment of royalties. No prior approval or conditions shall be required for the use of any purpose of statutes, rules and regulations, and speeches, lectures, sermons, addresses, and dissertations, pronounced, read or rendered in courts of justice, before administrative agencies, in deliberative assemblies and in meetings of public character. (Sec. 9, first par., P.D. No. 49)

176.2. The author of speeches, lectures, sermons, addresses, and dissertations mentioned in the preceding paragraphs shall have the exclusive right of making a collection of his works. (n)

176.3. Notwithstanding the foregoing provisions, the Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest or otherwise; nor shall publication or republication by the Government in a public document of any work in which copyright is subsisting be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such work without the consent of the copyright owner. (Sec. 9, third par., P.D. No. 49)

CHAPTER V

COPYRIGHT OR ECONOMIC RIGHTS

Section 177. Copyright or Economic Rights. - Subject to the provisions of Chapter VIII, copyright or economic rights shall consist of the exclusive right to carry out, authorize or prevent the following acts:

- 177.1. Reproduction of the work or substantial portion of the work;
- 177.2. Dramatization, translation, adaptation, abridgment, arrangement or other transformation of the work;
- 177.3. The first public distribution of the original and each copy of the work by sale or other forms of transfer of ownership;
- 177.4. Rental of the original or a copy of an audiovisual or cinematographic work, a work embodied in a sound recording, a computer program, a compilation of data and other materials or a musical work in graphic form, irrespective of the ownership of the original or the copy which is the subject of the rental; (n)
- 177.5. Public display of the original or a copy of the work;
- 177.6. Public performance of the work; and
- 177.7. Other communication to the public of the work. (Sec. 5, P. D. No. 49a)

CHAPTER VI OWNERSHIP OF COPYRIGHT

Section 178. Rules on Copyright Ownership. - Copyright ownership shall be governed by the following rules:

- 178.1 Subject to the provisions of this section, in the case of original literary and artistic works, copyright shall belong to the author of the work;
- 178.2. In the case of works of joint authorship, the co-authors shall be the original owners of the copyright and in the absence of agreement, their rights shall be governed by the rules on co-ownership. If, however, a work of joint authorship consists of parts that can be used separately and the author of each part can be identified, the author of each part shall be the original owner of the copyright in the part that he has created;
- 178.3. In the case of work created by an author during and in the course of his employment, the copyright shall belong to:
 - (a) The employee, if the creation of the object of copyright is not a part of his regular duties even if the employee uses the time, facilities and materials of the employer.
 - (b) The employer, if the work is the result of the performance of his regularly-assigned duties, unless there is an agreement, express or implied, to the contrary.

178.4. In the case of a work commissioned by a person other than an employer of the author and who pays for it and the work is made in pursuance of the commission, the person who so commissioned the work shall have ownership of the work, but the copyright thereto shall remain with the creator, unless there is a written stipulation to the contrary;

178.5. In the case of audiovisual work, the copyright shall belong to the producer, the author of the scenario, the composer of the music, the film director, and the author of the work so adapted. However, subject to contrary or other stipulations among the creators, the producer shall exercise the copyright to an extent required for the exhibition of the work in any manner, except for the right to collect performing license fees for the performance of musical compositions, with or without words, which are incorporated into the work; and

178.6. In respect of letters, the copyright shall belong to the writer subject to the provisions of Article 723 of the Civil Code. (Sec. 6, P.D. No. 49a)

Section 179. Anonymous and Pseudonymous Works. - For purposes of this Act, the publishers shall be deemed to represent the authors of articles and other writings published without the names of the authors or under pseudonyms, unless the contrary appears, or the pseudonyms or adopted name leaves no doubt as to the author's identity, or if the author of the anonymous works discloses his identity. (Sec. 7, P.D. 49)

CHAPTER VII TRANSFER OR ASSIGNMENT OF COPYRIGHT

Section 180. Rights of Assignee. - 180.1. The copyright may be assigned in whole or in part. Within the scope of the assignment, the assignee is entitled to all the rights and remedies which the assignor had with respect to the copyright.

180.2. The copyright is not deemed assigned inter vivos in whole or in part unless there is a written indication of such intention.

180.3. The submission of a literary, photographic or artistic work to a newspaper, magazine or periodical for publication shall constitute only a license to make a single publication unless a greater right is expressly granted. If two (2) or more persons jointly own a copyright or any part thereof, neither of the owners shall be entitled to grant licenses without the prior written consent of the other owner or owners. (Sec. 15, P.D. No. 49a)

Section 181. Copyright and Material Object. - The copyright is distinct from the property in the material object subject to it. Consequently, the transfer or assignment of the copyright shall not itself constitute a transfer of the material object. Nor shall a transfer or assignment of the sole copy or of one or several copies of the work imply transfer or assignment of the copyright. (Sec. 16, P.D. No. 49)

Section 182. Filing of Assignment or License. - An assignment or exclusive license may be filed in duplicate with the National Library upon payment of the prescribed fee for registration in books and records kept for the purpose. Upon recording, a copy of the instrument shall be returned to the sender with a notation of the fact of record. Notice of the record shall be published in the IPO Gazette. (Sec. 19, P.D. No. 49a)

Section 183. Designation of Society. - The copyright owners or their heirs may designate a society of artists, writers or composers to enforce their economic rights and moral rights on their behalf. (Sec. 32, P.D. No. 49a)

CHAPTER VIII LIMITATIONS ON COPYRIGHT

Section 184. Limitations on Copyright. - 184.1. Notwithstanding the provisions of Chapter V, the following acts shall not constitute infringement of copyright:

- (a) The recitation or performance of a work, once it has been lawfully made accessible to the public, if done privately and free of charge or if made strictly for a charitable or religious institution or society; (Sec. 10(1), P.D. No. 49)
- (b) The making of quotations from a published work if they are compatible with fair use and only to the extent justified for the purpose, including quotations from newspaper articles and periodicals in the form of press summaries: Provided, That the source and the name of the author, if appearing on the work, are mentioned; (Sec. 11, third par., P.D. No. 49)
- (c) The reproduction or communication to the public by mass media of articles on current political, social, economic, scientific or religious topic, lectures, addresses and other works of the same nature, which are delivered in public if such use is for information purposes and has not been expressly reserved: Provided, That the source is clearly indicated; (Sec. 11, P.D. No. 49)
- (d) The reproduction and communication to the public of literary, scientific or artistic works as part of reports of current events by means of photography, cinematography or broadcasting to the extent necessary for the purpose; (Sec. 12, P.D. No. 49)
- (e) The inclusion of a work in a publication, broadcast, or other communication to the public, sound recording or film, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair use: Provided, That the source and of the name of the author, if appearing in the work, are mentioned;
- (f) The recording made in schools, universities, or educational institutions of a work included in a broadcast for the use of such schools, universities or educational institutions: Provided, That such recording must be deleted within a reasonable period after they were first broadcast: Provided, further, That such recording may not be made from audiovisual works which are part of the general cinema repertoire of feature films except for brief excerpts of the work;
- (g) The making of ephemeral recordings by a broadcasting organization by means of its own facilities and for use in its own broadcast;

- (h) The use made of a work by or under the direction or control of the Government, by the National Library or by educational, scientific or professional institutions where such use is in the public interest and is compatible with fair use;
- (i) The public performance or the communication to the public of a work, in a place where no admission fee is charged in respect of such public performance or communication, by a club or institution for charitable or educational purpose only, whose aim is not profit making, subject to such other limitations as may be provided in the Regulations; (n)
- (j) Public display of the original or a copy of the work not made by means of a film, slide, television image or otherwise on screen or by means of any other device or process: Provided, That either the work has been published, or, that the original or the copy displayed has been sold, given away or otherwise transferred to another person by the author or his successor in title; and
- (k) Any use made of a work for the purpose of any judicial proceedings or for the giving of professional advice by a legal practitioner.

184.2. The provisions of this section shall be interpreted in such a way as to allow the work to be used in a manner which does not conflict with the normal exploitation of the work and does not unreasonably prejudice the right holder's legitimate interests.

Section 185. Fair Use of a Copyrighted Work. - 185.1. The fair use of a copyrighted work for criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright. Decompilation, which is understood here to be the reproduction of the code and translation of the forms of the computer program to achieve the inter-operability of an independently created computer program with other programs may also constitute fair use. In determining whether the use made of a work in any particular case is fair use, the factors to be considered shall include:

- (a) The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
- (b) The nature of the copyrighted work;
- (c) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (d) The effect of the use upon the potential market for or value of the copyrighted work.

185.2. The fact that a work is unpublished shall not by itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Section 186. Work of Architecture. - Copyright in a work of architecture shall include the right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original: Provided, That the copyright in any such work shall not include the right to control the reconstruction or rehabilitation in the same style as the original of a building to which that copyright relates. (n)

Section 187. Reproduction of Published Work. - 187.1. Notwithstanding the provision of Section 177, and subject to the provisions of Subsection 187.2, the private reproduction of a published work in a single copy, where the reproduction is made by a natural person exclusively for research and private study, shall be permitted, without the authorization of the owner of copyright in the work.

187.2. The permission granted under Subsection 187.1 shall not extend to the reproduction of:

- (a) A work of architecture in the form of building or other construction;
- (b) An entire book, or a substantial part thereof, or of a musical work in graphic form by reprographic means;
- (d) A compilation of data and other materials;
- (e) A computer program except as provided in Section 189; and
- (f) Any work in cases where reproduction would unreasonably conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author. (n)

Section 188. Reprographic Reproduction by Libraries. - 188.1. Notwithstanding the provisions of Subsection 177.6, any library or archive whose activities are not for profit may, without the authorization of the author of copyright owner, make a single copy of the work by reprographic reproduction:

- (a) Where the work by reason of its fragile character or rarity cannot be lent to user in its original form;
- (b) Where the works are isolated articles contained in composite works or brief portions of other published works and the reproduction is necessary to supply them, when this is considered expedient, to persons requesting their loan for purposes of research or study instead of lending the volumes or booklets which contain them; and
- (c) Where the making of such a copy is in order to preserve and, if necessary in the event that it is lost, destroyed or rendered unusable, replace a copy, or to replace, in the permanent collection of another similar library or archive, a copy which has been lost, destroyed or rendered unusable and copies are not available with the publisher.

188.2. Notwithstanding the above provisions, it shall not be permissible to produce a volume of a work published in several volumes or to produce missing tomes or pages of magazines or similar works, unless the volume, tome or part is out of stock: Provided, That every library which, by law, is entitled to receive copies of a printed work, shall be entitled, when special reasons so require, to reproduce a copy of a published work which is considered necessary for the collection of the library but which is out of stock. (Sec. 13, P.D. 49a)

Section 189. Reproduction of Computer Program. - 189.1. Notwithstanding the provisions of Section 177, the reproduction in one (1) back-up copy or adaptation of a computer program shall be permitted, without the authorization of the author of, or other owner of copyright in, a computer

program, by the lawful owner of that computer program: Provided, That the copy or adaptation is necessary for:

- (a) The use of the computer program in conjunction with a computer for the purpose, and to the extent, for which the computer program has been obtained; and
- (b) Archival purposes, and, for the replacement of the lawfully owned copy of the computer program in the event that the lawfully obtained copy of the computer program is lost, destroyed or rendered unusable.

189.2. No copy or adaptation mentioned in this Section shall be used for any purpose other than the ones determined in this Section, and any such copy or adaptation shall be destroyed in the event that continued possession of the copy of the computer program ceases to be lawful.

189.3. This provision shall be without prejudice to the application of Section 185 whenever appropriate. (n)

Section 190. Importation for Personal Purposes. - 190.1. Notwithstanding the provision of Subsection 177.6, but subject to the limitation under the Subsection 185.2, the importation of a copy of a work by an individual for his personal purposes shall be permitted without the authorization of the author of, or other owner of copyright in, the work under the following circumstances:

- (a) When copies of the work are not available in the Philippines and:
 - (i) Not more than one (1) copy at one time is imported for strictly individual use only; or
 - (ii) The importation is by authority of and for the use of the Philippine Government; or
 - (iii) The importation, consisting of not more than three (3) such copies or likenesses in any one invoice, is not for sale but for the use only of any religious, charitable, or educational society or institution duly incorporated or registered, or is for the encouragement of the fine arts, or for any state school, college, university, or free public library in the Philippines.
- (b) When such copies form parts of libraries and personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: Provided, That such copies do not exceed three (3).

190.2. Copies imported as allowed by this Section may not lawfully be used in any way to violate the rights of owner the copyright or annul or limit the protection secured by this Act, and such unlawful use shall be deemed an infringement and shall be punishable as such without prejudice to the proprietor's right of action.

190.3. Subject to the approval of the Secretary of Finance, the Commissioner of Customs is hereby empowered to make rules and regulations for preventing the importation of articles the importation of which is prohibited under this Section and under treaties and conventions to which the Philippines may be a party and for seizing and condemning and disposing of the same in case they are discovered after they have been imported. (Sec. 30, P.D. No. 49)

CHAPTER IX DEPOSIT AND NOTICE

Section 191. Registration and Deposit with National Library and the Supreme Court Library. - After the first public dissemination of performance by authority of the copyright owner of a work falling under Subsections 172.1, 172.2 and

172.3 of this Act, there shall, for the purpose of completing the records of the National Library and the Supreme Court Library, within three (3) weeks, be registered and deposited with it, by personal delivery or by registered mail two (2) complete copies or reproductions of the work in such form as the directors of said libraries may prescribe. A certificate of deposit shall be issued for which the prescribed fee shall be collected and the copyright owner shall be exempt from making additional deposit of the works with the National Library and the Supreme Court Library under other laws. If, within three (3) weeks after receipt by the copyright owner of a written demand from the directors for such deposit, the required copies or reproductions are not delivered and the fee is not paid, the copyright owner shall be liable to pay a fine equivalent to the required fee per month of delay and to pay to the National Library and the Supreme Court Library the amount of the retail price of the best edition of the work. Only the above mentioned classes of work shall be accepted for deposit by the National Library and the Supreme Court Library. (Sec. 26, P.D. No. 49a)

Section 192. Notice of Copyright. - Each copy of a work published or offered for sale may contain a notice bearing the name of the copyright owner, and the year of its first publication, and, in copies produced after the creator's death, the year of such death. (Sec. 27, P.D. No. 49a)

CHAPTER X MORAL RIGHTS

Section 193. Scope of Moral Rights. - The author of a work shall, independently of the economic rights in Section 177 or the grant of an assignment or license with respect to such right, have the right:

193.1. To require that the authorship of the works be attributed to him, in particular, the right that his name, as far as practicable, be indicated in a prominent way on the copies, and in connection with the public use of his work;

193.2. To make any alterations of his work prior to, or to withhold it from publication;

193.3. To object to any distortion, mutilation or other modification of, or other derogatory action in relation to, his work which would be prejudicial to his honor or reputation; and

193.4. To restrain the use of his name with respect to any work not of his own creation or in a distorted version of his work. (Sec. 34, P.D. No. 49)

Section 194. Breach of Contract. - An author cannot be compelled to perform his contract to create a work or for the publication of his work already in existence. However, he may be held liable for damages for breach of such contract. (Sec. 35, P.D. No. 49)

Section 195. Waiver of Moral Rights. - An author may waive his rights mentioned in Section 193 by a written instrument, but no such waiver shall be valid where its effects is to permit another:

195.1. To use the name of the author, or the title of his work, or otherwise to make use of his reputation with respect to any version or adaptation of his work which, because of alterations therein, would substantially tend to injure the literary or artistic reputation of another author; or

195.2. To use the name of the author with respect to a work he did not create. (Sec. 36, P.D. No. 49)

Section 196. Contribution to Collective Work. - When an author contributes to a collective work, his right to have his contribution attributed to him is deemed waived unless he expressly reserves it. (Sec. 37, P.D. No. 49)

Section 197. Editing, Arranging and Adaptation of Work. - In the absence of a contrary stipulation at the time an author licenses or permits another to use his work, the necessary editing, arranging or adaptation of such work, for publication, broadcast, use in a motion picture, dramatization, or mechanical or electrical reproduction in accordance with the reasonable and customary standards or requirements of the medium in which the work is to be used, shall not be deemed to contravene the author's rights secured by this chapter. Nor shall complete destruction of a work unconditionally transferred by the author be deemed to violate such rights. (Sec. 38, P.D. No. 49)

Section 198. Term of Moral Rights.

198.1. The rights of an author under this chapter shall last during the lifetime of the author and for fifty (50) years after his death and shall not be assignable or subject to license. The person or persons to be charged with the posthumous enforcement of these rights shall be named in writing to be filed with the National Library. In default of such person or persons, such enforcement shall devolve upon either the author's heirs, and in default of the heirs, the Director of the National Library.

198.2. For purposes of this Section, "Person" shall mean any individual, partnership, corporation, association, or society. The Director of the National Library may prescribe reasonable fees to be charged for his services in the application of provisions of this Section. (Sec. 39, P.D. No. 49)

Section 199. Enforcement Remedies. - Violation of any of the rights conferred by this Chapter shall entitle those charged with their enforcement to the same rights and remedies available to a copyright owner. In addition, damages which may be availed of under the Civil Code may also be recovered. Any damage recovered after the creator's death shall be held in trust for and remitted to his heirs, and in default of the heirs, shall belong to the government. (Sec. 40, P D No. 49)

CHAPTER XI

RIGHTS TO PROCEEDS IN SUBSEQUENT TRANSFERS

Section 200. Sale or Lease of Work. - In every sale or lease of an original work of painting or sculpture or of the original manuscript of a writer or composer, subsequent to the first disposition thereof by the author, the author or his heirs shall have an inalienable right to participate in the gross proceeds of the sale or lease to the extent of five percent (5%). This right shall exist during the lifetime of the author and for fifty (50) years after his death. (Sec. 31, P.D. No. 49)

Section 201. Works Not Covered. - The provisions of this Chapter shall not apply to prints, etchings, engravings, works of applied art, or works of similar kind wherein the author primarily derives gain from the proceeds of reproductions. (Sec. 33, P.D. No. 49)

CHAPTER XII

RIGHTS OF PERFORMERS, PRODUCERS OF SOUNDS RECORDINGS AND BROADCASTING ORGANIZATIONS

Section 202. Definitions. - For the purpose of this Act, the following terms shall have the following meanings:

202.1. “Performers” are actors, singers, musicians, dancers, and other persons who act, sing, declaim, play in, interpret, or otherwise perform literary and artistic work;

202.2. “Sound recording” means the fixation of the sounds of a performance or of other sounds, or representation of sound, other than in the form of a fixation incorporated in a cinematographic or other audiovisual work;

202.3. An “audiovisual work or fixation” is a work that consists of a series of related images which impart the impression of motion, with or without accompanying sounds, susceptible of being made visible and, where accompanied by sounds, susceptible of being made audible;

202.4. “Fixation” means the embodiment of sounds, or of the representations thereof, from which they can be perceived, reproduced or communicated through a device;

202.5. “Producer of a sound recording” means the person, or the legal entity, who or which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representation of sounds;

202.6. “Publication of a fixed performance or a sound recording” means the offering of copies of the fixed performance or the sound recording to the public, with the consent of the right holder: Provided, That copies are offered to the public in reasonable quality;

202.7. “Broadcasting” means the transmission by wireless means for the public reception of sounds or of images or of representations thereof; such transmission by satellite is also “broadcasting” where the means for decrypting are provided to the public by the broadcasting organization or with its consent;

202.8. “Broadcasting organization” shall include a natural person or a juridical entity duly authorized to engage in broadcasting; and

202.9 “Communication to the public of a performance or a sound recording” means the transmission to the public, by any medium, otherwise than by broadcasting, of sounds of a performance or the representations of sounds fixed in a sound recording. For purposes of Section 209, “communication to the public” includes making the sounds or representations of sounds fixed in a sound recording audible to the public.

Section 203. Scope of Performers’ Rights. - Subject to the provisions of Section 212, performers shall enjoy the following exclusive rights:

203.1. As regards their performances, the right of authorizing:

- (a) The broadcasting and other communication to the public of their performance;
and
- (b) The fixation of their unfixed performance.

203.2. The right of authorizing the direct or indirect reproduction of their performances fixed in sound recordings, in any manner or form;

203.3. Subject to the provisions of Section 206, the right of authorizing the first public distribution of the original and copies of their performance fixed in the sound recording through sale or rental or other forms of transfer of ownership;

203.4. The right of authorizing the commercial rental to the public of the original and copies of their performances fixed in sound recordings, even after distribution of them by, or pursuant to the authorization by the performer; and

203.5. The right of authorizing the making available to the public of their performances fixed in sound recordings, by wire or wireless means, in such a way that members of the public may access them from a place and time individually chosen by them. (Sec. 42, P.D. No. 49a)

Section 204. Moral Rights of Performers. - 204.1. Independently of a performer’s economic rights, the performer, shall, as regards his live aural performances or performances fixed in sound recordings, have the right to claim to be identified as the performer of his performances, except where the omission is dictated by the manner of the use of the performance, and to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation.

204.2. The rights granted to a performer in accordance with Subsection 203.1 shall be maintained and exercised fifty (50) years after his death, by his heirs, and in default of heirs, the government, where protection is claimed. (Sec. 43, P.D. No. 49)

Section 205. Limitation on Right. - 205.1. Subject to the provisions of Section 206, once the performer has authorized the broadcasting or fixation of his performance, the provisions of Sections 203 shall have no further application.

205.2. The provisions of Section 184 and Section 185 shall apply mutatis mutandis to performers.
(n)

Section 206. Additional Remuneration for Subsequent Communications or Broadcasts.
- Unless otherwise provided in the contract, in every communication to the public or broadcast of a performance subsequent to the first communication or broadcast thereof by the broadcasting

organization, the performer shall be entitled to an additional remuneration equivalent to at least five percent (5%) of the original compensation he or she received for the first communication or broadcast. (n)

Section 207. Contract Terms. - Nothing in this Chapter shall be construed to deprive performers of the right to agree by contracts on terms and conditions more favorable for them in respect of any use of their performance. (n)

CHAPTER XIII PRODUCERS OF SOUND RECORDINGS

Section 208. Scope of Right. - Subject to the provisions of Section 212, producers of sound recordings shall enjoy the following exclusive rights:

208.1. The right to authorize the direct or indirect reproduction of their sound recordings, in any manner or form; the placing of these reproductions in the market and the right of rental or lending;

208.2. The right to authorize the first public distribution of the original and copies of their sound recordings through sale or rental or other forms of transferring ownership; and

208.3. The right to authorize the commercial rental to the public of the original and copies of their sound recordings, even after distribution by them by or pursuant to authorization by the producer. (Sec. 46, P.D. No. 49a)

Section 209. Communication to the Public. - If a sound recording published for commercial purposes, or a reproduction of such sound recording, is used directly for broadcasting or for other communication to the public, or is publicly performed with the intention of making and enhancing profit, a single equitable remuneration for the performer or performers, and the producer of the sound recording shall be paid by the user to both the performers and the producer, who, in the absence of any agreement shall share equally. (Sec. 47, P.D. No. 49a)

Section 210. Limitation of Right. - Sections 184 and 185 shall apply mutatis mutandis to the producer of sound recordings. (Sec. 48, P.D. No. 49a)

CHAPTER XIV BROADCASTING ORGANIZATIONS

Section 211. Scope of Right. - Subject to the provisions of Section 212, broadcasting organizations shall enjoy the exclusive right to carry out, authorize or prevent any of the following acts:

211.1. The rebroadcasting of their broadcasts;

211.2. The recording in any manner, including the making of films or the use of video tape, of their broadcasts for the purpose of communication to the public of television broadcasts of the same; and

211.3. The use of such records for fresh transmissions or for fresh recording. (Sec. 52, P.D. No. 49)

CHAPTER XV LIMITATIONS ON PROTECTION

Section 212. Limitations on Rights. - Sections 203, 208 and 209 shall not apply where the acts referred to in those Sections are related to:

212.1. The use by a natural person exclusively for his own personal purposes;

212.2. Using short excerpts for reporting current events;

212.3. Use solely for the purpose of teaching or for scientific research; and

212.4. Fair use of the broadcast subject to the conditions under Section 185. (Sec. 44, P.D. No. 49a)

CHAPTER XVI TERM OF PROTECTION

Section 213. Term of Protection. - 213.1. Subject to the provisions of Subsections 213.2 to 213.5, the copyright in works under Sections 172 and 173 shall be protected during the life of the author and for fifty (50) years after his death. This rule also applies to posthumous works. (Sec. 21, first sentence, P.D. No. 49a)

213.2. In case of works of joint authorship, the economic rights shall be protected during the life of the last surviving author and for fifty (50) years after his death. (Sec. 21, second sentence, P.D. No. 49)

213.3. In case of anonymous or pseudonymous works, the copyright shall be protected for fifty (50) years from the date on which the work was first lawfully published: Provided, That where, before the expiration of the said period, the author's identity is revealed or is no longer in doubt, the provisions of Subsections 213.1. and 213.2 shall apply, as the case may be: Provided, further, That such works if not published before shall be protected for fifty (50) years counted from the making of the work. (Sec. 23, P.D. No. 49)

213.4. In case of works of applied art the protection shall be for a period of twenty-five (25) years from the date of making. (Sec. 24(B), P.D. No. 49a)

213.5. In case of photographic works, the protection shall be for fifty (50) years from publication of the work and, if unpublished, fifty (50) years from the making. (Sec. 24(C), P.D. 49a)

213.6. In case of audio-visual works including those produced by process analogous to photography or any process for making audio-visual recordings, the term shall be fifty (50) years from date of publication and, if unpublished, from the date of making. (Sec. 24(C), P.D. No. 49a)

Section 214. Calculation of Term. - The term of protection subsequent to the death of the author provided in the preceding Section shall run from the date of his death or of publication, but such terms shall always be deemed to begin on the first day of January of the year following the event which gave rise to them. (Sec. 25, P.D. No. 49)

Section 215. Term of Protection for Performers, Producers and Broadcasting Organizations. - 215.1. The rights granted to performers and producers of sound recordings under this law shall expire:

- (a) For performances not incorporated in recordings, fifty (50) years from the end of the year in which the performance took place; and
- (b) For sound or image and sound recordings and for performances incorporated therein, fifty (50) years from the end of the year in which the recording took place.

215.2. In case of broadcasts, the term shall be twenty (20) years from the date the broadcast took place. The extended term shall be applied only to old works with subsisting protection under the prior law. (Sec. 55, P.D. No. 49a)

CHAPTER XVII INFRINGEMENT

Section 216. Remedies for Infringement. - 216.1. Any person infringing a right protected under this law shall be liable:

- (a) To an injunction restraining such infringement. The court may also order the defendant to desist from an infringement, among others, to prevent the entry into the channels of commerce of imported goods that involve an infringement, immediately after customs clearance of such goods.
- (b) Pay to the copyright proprietor or his assigns or heirs such actual damages, including legal costs and other expenses, as he may have incurred due to the infringement as well as the profits the infringer may have made due to such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits, such damages which to the court shall appear to be just and shall not be regarded as penalty.
- (c) Deliver under oath, for impounding during the pendency of the action, upon such terms and conditions as the court may prescribe, sales invoices and other documents evidencing sales, all articles and their packaging alleged to infringe a copyright and implements for making them.
- (d) Deliver under oath for destruction without any compensation all infringing copies or devices, as well as all plates, molds, or other means for making such infringing copies as the court may order.
- (e) Such other terms and conditions, including the payment of moral and exemplary damages, which the court may deem proper, wise and equitable and the destruction of infringing copies of the work even in the event of acquittal in a criminal case.

216.2. In an infringement action, the court shall also have the power to order the seizure and impounding of any article which may serve as evidence in the court proceedings. (Sec. 28, P.D. No. 49a)

Section 217. Criminal Penalties. - 217.1. Any person infringing any right secured by provisions of Part IV of this Act or aiding or abetting such infringement shall be guilty of a crime punishable by:

- (a) Imprisonment of one (1) year to three (3) years plus a fine ranging from Fifty thousand pesos (P50,000) to One hundred fifty thousand pesos (P150,000) for the first offense.
- (b) Imprisonment of three (3) years and one (1) day to six (6) years plus a fine ranging from One hundred fifty thousand pesos (P150,000) to Five hundred thousand pesos (P500,000) for the second offense.
- (c) Imprisonment of six (6) years and one (1) day to nine (9) years plus a fine ranging from five hundred thousand pesos (P500,000) to One million five hundred thousand pesos (P1,500,000) for the third and subsequent offenses.
- (d) In all cases, subsidiary imprisonment in cases of insolvency.

217.2. In determining the number of years of imprisonment and the amount of fine, the court shall consider the value of the infringing materials that the defendant has produced or manufactured and the damage that the copyright owner has suffered by reason of the infringement.

217.3. Any person who at the time when copyright subsists in a work has in his possession an article which he knows, or ought to know, to be an infringing copy of the work for the purpose of:

- (a) Selling, letting for hire, or by way of trade offering or exposing for sale, or hire, the article;
- (b) Distributing the article for purpose of trade, or for any other purpose to an extent that will prejudice the rights of the copyright owner in the work; or
- (c) Trade exhibit of the article in public, shall be guilty of an offense and shall be liable on conviction to imprisonment and fine as above mentioned. (Sec. 29, P.D. No. 49a)

Section 218. Affidavit Evidence. - 218.1. In an action under this Chapter, an affidavit made before a notary public by or on behalf of the owner of the copyright in any work or other subject matter and stating that:

- (a) At the time specified therein, copyright subsisted in the work or other subject matter;
- (b) He or the person named therein is the owner of the copyright; and
- (c) The copy of the work or other subject matter annexed thereto is a true copy thereof, shall be admitted in evidence in any proceedings for an offense under this Chapter and shall be prima facie proof of the matters therein stated until the contrary is proved, and the court before which such affidavit is produced shall assume that the affidavit was made by or on behalf of the owner of the copyright.

218.2. In an action under this Chapter:

- (a) Copyright shall be presumed to subsist in the work or other subject matter to which the action relates if the defendant does not put in issue the question whether copyright subsists in the work or other subject matter; and
- (b) Where the subsistence of the copyright is established, the plaintiff shall be presumed to be the owner of the copyright if he claims to be the owner of the copyright and the defendant does not put in issue the question of his ownership.
- (c) Where the defendant, without good faith, puts in issue the questions of whether copyright subsists in a work or other subject matter to which the action relates, or the ownership of copyright in such work or subject matter, thereby occasioning unnecessary costs or delay in the proceedings, the court may direct that any costs to the defendant in respect of the action shall not be allowed by him and that any costs occasioned by the defendant to other parties shall be paid by him to such other parties. (n)

Section 219. Presumption of Authorship. - 219.1. The natural person whose name is indicated on a work in the usual manner as the author shall, in the absence of proof to the contrary, be presumed to be the author of the work. This provision shall be applicable even if the name is a pseudonym, where the pseudonym leaves no doubt as to the identity of the author.

219.2. The person or body corporate whose name appears on a audio-visual work in the usual manner shall, in the absence of proof to the contrary, be presumed to be the maker of said work. (n)

Section 220. International Registration of Works. - A statement concerning a work, recorded in an international register in accordance with an international treaty to which the Philippines is or may become a party, shall be construed as true until the contrary is proved except:

220.1. Where the statement cannot be valid under this Act or any other law concerning intellectual property.

220.2. Where the statement is contradicted by another statement recorded in the international register. (n)

CHAPTER XVIII SCOPE OF APPLICATION

Section 221. Points of Attachment for Works under Sections 172 and 173. - 221.1. The protection afforded by this Act to copyrightable works under Sections 172 and 173 shall apply to:

- (a) Works of authors who are nationals of, or have their habitual residence in, the Philippines;
- (b) Audio-visual works the producer of which has his headquarters or habitual residence in the Philippines;

- (c) Works of architecture erected in the Philippines or other artistic works incorporated in a building or other structure located in the Philippines;
- (d) Works first published in the Philippines; and
- (e) Works first published in another country but also published in the Philippines within thirty days, irrespective of the nationality or residence of the authors.

221.2. The provisions of this Act shall also apply to works that are to be protected by virtue of and in accordance with any international convention or other international agreement to which the Philippines is a party. (n)

Section 222. Points of Attachment for Performers. - The provisions of this Act on the protection of performers shall apply to:

222.1. Performers who are nationals of the Philippines;

222.2. Performers who are not nationals of the Philippines but whose performances:

- (a) Take place in the Philippines; or
- (b) Are incorporated in sound recordings that are protected under this Act; or
- (c) Which has not been fixed in sound recording but are carried by broadcast qualifying for protection under this Act. (n)

Section 223. Points of Attachment for Sound Recordings. - The provisions of this Act on the protection of sound recordings shall apply to:

223.1. Sound recordings the producers of which are nationals of the Philippines; and

223.2. Sound recordings that were first published in the Philippines. (n)

Section 224. Points of Attachment for Broadcasts. - 224.1. The provisions of this Act on the protection of broadcasts shall apply to:

- (a) Broadcasts of broadcasting organizations the headquarters of which are situated in the Philippines; and
- (b) Broadcasts transmitted from transmitters situated in the Philippines.

224.2. The provisions of this Act shall also apply to performers who, and to producers of sound recordings and broadcasting organizations which, are to be protected by virtue of and in accordance with any international convention or other international agreement to which the Philippines is a party. (n)

CHAPTER XIX INSTITUTION OF ACTIONS

Section 225. Jurisdiction. - Without prejudice to the provisions of Subsection 7.1(c), actions under this Act shall be cognizable by the courts with appropriate jurisdiction under existing law. (Sec. 57, P.D. No. 49a)

Section 226. Damages. - No damages may be recovered under this Act after four (4) years from the time the cause of action arose. (Sec. 58, P.D. No. 49)

CHAPTER XX MISCELLANEOUS PROVISIONS

Section 227. Ownership of Deposit and Instruments. - All copies deposited and instruments in writing filed with the National Library and the Supreme Court Library in accordance with the provisions of this Act shall become the property of the Government. (Sec. 60, P.D. No. 49)

Section 228. Public Records. - The section or division of the National Library and the Supreme Court Library charged with receiving copies and instruments deposited and with keeping records required under this Act and everything in it shall be opened to public inspection. The Director of the National Library is empowered to issue such safeguards and regulations as may be necessary to implement this Section and other provisions of this Act. (Sec. 61, P.D. No. 49)

Section 229. Copyright Division; Fees. - The Copyright Section of the National Library shall be classified as a Division upon the effectivity of this Act. The National Library shall have the power to collect, for the discharge of its services under this Act, such fees as may be promulgated by it from time to time subject to the approval of the Department Head. (Sec. 62, P.D. 49a)

PART V FINAL PROVISIONS

Section 230. Equitable Principles to Govern Proceedings. - In all inter partes proceedings in the Office under this Act, the equitable principles of laches, estoppel, and acquiescence where applicable, may be considered and applied. (Sec. 9-A, R.A. No. 165)

Section 231. Reverse Reciprocity of Foreign Laws. - Any condition, restriction, limitation, diminution, requirement, penalty or any similar burden imposed by the law of a foreign country on a Philippine national seeking protection of intellectual property rights in that country, shall reciprocally be enforceable upon nationals of said country, within Philippine jurisdiction. (n)

Section 232. Appeals. - 232.1. Appeals from decisions of regular courts shall be governed by the Rules of Court. Unless restrained by a higher court, the judgment of the trial court shall be executory even pending appeal under such terms and conditions as the court may prescribe.

232.2. Unless expressly provided in this Act or other statutes, appeals from decisions of administrative officials shall be provided in the Regulations. (n)

Section 233. Organization of the Office; Exemption from the Salary Standardization Law and the Attrition Law. -

233.1. The Office shall be organized within one (1) year after the approval of this Act. It shall not be subject to the provisions of Republic Act No. 7430.

233.2. The Office shall institute its own compensation structure: Provided, That the Office shall make its own system conform as closely as possible with the principles provided for under Republic Act No. 6758. (n)

Section 234. Abolition of the Bureau of Patents, Trademarks, and Technology Transfer.

- The Bureau of Patents, Trademarks, and Technology Transfer under the Department of Trade and Industry is hereby abolished. All unexpended funds and fees, fines, royalties and other charges collected for the calendar year, properties, equipment and records of the Bureau of Patents, Trademarks and Technology Transfer, and such personnel as may be necessary are hereby transferred to the Office. Personnel not absorbed or transferred to the Office shall enjoy the retirement benefits granted under existing law, otherwise, they shall be paid the equivalent of one month basic salary for every year of service, or the equivalent nearest fractions thereof favorable to them on the basis of the highest salary received.(n)

Section 235. Applications Pending on Effective Date of Act. - 235.1.

All applications for patents pending in the Bureau of Patents, Trademarks and Technology Transfer shall be proceeded with and patents thereon granted in accordance with the Acts under which said applications were filed, and said Acts are hereby continued to be enforced, to this extent and for this purpose only, notwithstanding the foregoing general repeal thereof: Provided, That applications for utility models or industrial designs pending at the effective date of this Act, shall be proceeded with in accordance with the provisions of this Act, unless the applicants elect to prosecute said applications in accordance with the Acts under which they were filed.

235.2. All applications for registration of marks or trade names pending in the Bureau of Patents, Trademarks and Technology Transfer at the effective date of this Act may be amended, if practicable to bring them under the provisions of this Act. The prosecution of such applications so amended and the grant of registrations thereon shall be proceeded with in accordance with the provisions of this Act. If such amendments are not made, the prosecution of said applications shall be proceeded with and registrations thereon granted in accordance with the Acts under which said applications were filed, and said Acts are hereby continued in force to this extent for this purpose only, notwithstanding the foregoing general repeal thereof (n)

Section 236. Preservation of Existing Rights. - Nothing herein shall adversely affect the rights on the enforcement of rights in patents, utility models, industrial designs, marks and works, acquired in good faith prior to the effective date of this Act. (n)

Section 237. Notification on Berne Appendix. - The Philippines shall by proper compliance with the requirements set forth under the Appendix of the Berne Convention (Paris Act, 1971) avail itself of the special provisions regarding developing countries, including provisions for licenses grantable by competent authority under the Appendix. (n)

Section 238. Appropriations. - The funds needed to carry out the provisions of this Act shall be charged to the appropriations of the Bureau of Patents, Trademarks, and Technology Transfer under the current General Appropriations Act and the fees, fines, royalties and other charges collected by the Bureau for the calendar year pursuant to Sections 14.1 and 234 of this Act. Thereafter such sums as may be necessary for its continued implementations shall be included in the annual General Appropriations Act. (n)

Section 239. Repeals. - 239.1. All Acts and parts of Acts inconsistent herewith, more particularly Republic Act No. 165, as amended; Republic Act No. 166, as amended; and Articles 188 and 189 of the Revised Penal Code; Presidential Decree No. 49, including Presidential Decree No. 285, as amended, are hereby repealed.

239.2. Marks registered under Republic Act No. 166 shall remain in force but shall be deemed to have been granted under this Act and shall be due for renewal within the period provided for under this Act and, upon renewal shall be reclassified in accordance with the International Classification. Trade names and marks registered in the Supplemental Register under Republic Act No. 166 shall remain in force but shall no longer be subject to renewal.

239.3. The provisions of this Act shall apply to works in which copyright protection obtained prior to the effectivity of this Act is subsisting: Provided, That the application of this Act shall not result in the diminution of such protection. (n)

Section 240. Separability. - If any provision of this Act or the application of such provision to any circumstances is held invalid, the remainder of the Act shall not be affected thereby. (n)

Section 241. Effectivity. - This Act shall take effect on 1 January 1998. (n)

Appendix G: Republic Act No. 8504 – "Philippine AIDS Prevention and Control Act of 1998."

AN ACT PROMULGATING POLICIES AND PRESCRIBING MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE PHILIPPINES, INSTITUTING A NATIONWIDE HIV/AIDS INFORMATION AND EDUCATIONAL PROGRAM, ESTABLISHING A COMPREHENSIVE HIV/AIDS MONITORING SYSTEM, STRENGTHENING THE PHILIPPINE NATIONAL AIDS COUNCIL, AND FOR OTHER PURPOSES

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

Section 1. Title. – *This Act shall be known as the "Philippine AIDS Prevention and Control Act of 1998."*

Section 2. Declaration of policies. – Acquired Immune Deficiency Syndrome (AIDS) is a disease that recognizes no territorial, social, political and economic boundaries for which there is no known cure. The gravity of the AIDS threat demands strong State action today, thus:

- (a) The State shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as a basic social unit, and be carried out in all schools and training centers, workplaces, and communities. This program shall involve affected individuals and groups, including people living with HIV/AIDS.
- (b) The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end:
 - (1) compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act;

- (2) the right to privacy of individuals with HIV shall be guaranteed;
 - (3) discrimination, in all its forms and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest; and
 - (4) provision of basic health and social services for individuals with HIV shall be assured
- (c) The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.
- (d) The State shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.
- (e) The State shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.

Section 3. Definition of terms. – As used in this Act, the following terms are defined as follows:

- (a) "Acquired Immune Deficiency Syndrome (AIDS)" – a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body's immune system, making the afflicted individual susceptible to other life-threatening infections.
- (b) "Anonymous Testing" – refers to an HIV testing procedure whereby the individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol.
- (c) "Compulsory HIV Testing" – refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.
- (d) "Contact tracing" – refers to the method of finding and counselling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.
- (e) "Human Immunodeficiency Virus (HIV)" – refers to the virus which causes AIDS.
- (f) "HIV/AIDS Monitoring" – refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread.
- (g) "HIV/AIDS Prevention and Control" – refers to measures aimed at protecting non-infected from contracting HIV and minimizing the impact of the condition of persons living with HIV.
- (h) "HIV-positive" – refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested.
- (i) "HIV-negative" – denotes the absence of HIV or HIV antibodies upon HIV testing.

- (j) "HIV Testing" – refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.
- (k) "HIV Transmission" – refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy.
- (l) "High-Risk Behavior" – refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV.
- (m) "Informed Consent" – refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.
- (n) "Medical Confidentiality" – refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counselling, testing or professional care of the former; it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information.
- (o) "Person with HIV" – refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV.
- (p) "Pre-Test Counselling" – refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.
- (q) "Post-Test Counselling" – refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released.
- (r) "Prophylactic" – refers to any agent or device used to prevent the transmission of a disease.
- (s) "Sexually Transmitted Diseases" – refers to any disease that may be acquired or passed on through sexual contact.
- (t) "Voluntary HIV Testing" – refers to HIV testing done on an individual who, after having undergone pre-test counselling, willingly submits himself/herself to such test.
- (u) "Window Period" – refers to the period of time, usually lasting from two weeks to six (6) months during which an infected individual will test "negative" upon HIV testing but can actually transmit the infection.

ARTICLE I EDUCATION AND INFORMATION

Sec. 4. HIV/AIDS education in schools. – The Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED), and the Technical Education and skills

Development Authority (TESDA), utilizing official information provided by the Department of Health, shall integrate instruction on the causes, modes of transmission and ways of preventing HIV/AIDS and other sexually transmitted diseases in subjects taught in public and private schools at intermediate grades, secondary and tertiary levels, including non-formal and indigenous learning systems: Provided, That if the integration of HIV/AIDS education is not appropriate or feasible, the DECS and TESDA shall design special modules on HIV/AIDS prevention and control: Provided, further, That it shall not be used as an excuse to propagate birth control or the sale or distribution of birth control devices: Provided, finally, That it does not utilize sexually explicit materials.

Flexibility in the formulation and adoption of appropriate course content, scope, and methodology in each educational level or group shall be allowed after consultations with Parent-Teachers-Community Associations, Private School Associations, school officials, and other interest groups. As such, no instruction shall be offered to minors without adequate prior consultation with parents who must agree to the thrust and content of the instruction materials.

All teachers and instructors of said HIV/AIDS courses shall be required to undergo a seminar or training on HIV/AIDS prevention and control to be supervised by DECS, CHED and TESDA, in coordination with the Department of Health (DOH), before they are allowed to teach on the subject.

Section 5. HIV/AIDS information as a health service. – HIV/AIDS education and information dissemination shall form part of the delivery of health services by health practitioners, workers and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of HIV/AIDS and to correct common misconceptions about this disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

Section 6. HIV/AIDS education in the workplace. – All government and private employees, workers, managers, and supervisors, including members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), shall be provided with the standardized basic information and instruction on HIV/AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. In collaboration with the Department of Health (DOH), the Secretary of the Department of Labor and Employment (DOLE) shall oversee the anti-HIV/AIDS campaign in all private companies while the Armed Forces Chief of Staff and the Director General of the PNP shall oversee the implementation of this Sec..

Section 7. HIV/AIDS education for Filipinos going abroad. – The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS before certification for overseas assignment. The Department of Labor and Employment or the Department of Foreign Affairs, the Department of Tourism and the Department of Justice through the Bureau of Immigration, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Sec..

Section 8. Information campaign for tourists and transients. – Informational aids or materials on the cause, modes of transmission, prevention, and consequences of HIV infection shall be adequately provided at all international ports of entry and exit. The Department of Tourism, the

Department of Foreign Affairs, the Department of Justice through the Bureau of Immigration, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Act.

Section 9. HIV/AIDS education in communities. – Local government units, in collaboration with the Department of Health (DOH), shall conduct an educational and information campaign on HIV/AIDS. The provincial governor, city or municipal mayor and the barangay captain shall coordinate such campaign among concerned government agencies, non- government organizations and church-based groups.

Section 10. Information on prophylactics. – Appropriate information shall be attached to or provided with every prophylactic offered for sale or given as a donation. Such information shall be legibly printed in English and Filipino, and contain literature on the proper use of the prophylactic device or agent, its efficacy against HIV and STD infection, as well as the importance of sexual abstinence and mutual fidelity.

Section 11. Penalties for misleading information. – Misinformation on HIV/AIDS prevention and control through false and misleading advertising and claims in any of the tri-media or the promotional marketing of drugs, devices, agents or procedures without prior approval from the Department of Health and the Bureau of Food and Drugs and the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, purporting to be a cure or a fail-safe prophylactic for HIV infection is punishable with a penalty of imprisonment for two (2) months to two (2) years, without prejudice to the imposition of administrative sanctions such as fines and suspension or revocation of professional or business license.

ARTICLE II

SAFE PRACTICES AND PROCEDURES

Sec. 12. Requirement on the donation of blood, tissue, or organ. – No laboratory or institution shall accept a donation of tissue or organ, whether such donation is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to HIV testing and HIV(+) blood shall be disposed of properly and immediately. A second testing may be demanded as a matter of right by the blood, tissue, or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: Provided, That donations of blood, tissue, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.

Section 13. Guidelines on surgical and similar procedures. – The Department of Health (DOH), in consultation and in coordination with concerned professional organizations and hospital associations, shall issue guidelines on precautions against HIV transmission during surgical, dental, embalming, tattooing or similar procedures. The DOH shall likewise issue guidelines on the handling and disposition of cadavers, body fluids or wastes of persons known or believed to be HIV- positive. The necessary protective equipment such as gloves, goggles and gowns, shall be made available to all physicians and health care providers and similarly exposed personnel at all times.

Section 14. Penalties for unsafe practices and procedures. – Any person who knowingly or negligently causes another to get infected with HIV in the course of the practice of his/her profession through unsafe and unsanitary practice or procedure is liable to suffer a penalty of imprisonment for six (6) years to twelve (12) years, without prejudice to the imposition of administrative sanctions such as, but not limited to, fines and suspension or revocation of the license to practice his/her profession.

The permit or license of any business entity and the accreditation of hospitals, laboratory, or clinics may be cancelled or withdrawn if said establishments fail to maintain such safe practices and procedures as may be required by the guidelines to be formulated in compliance with Sec. 13 of this Act.

ARTICLE III TESTING, SCREENING AND COUNSELLING

Sec. 15. Consent as a requisite for HIV testing. – No compulsory HIV testing shall be allowed. However, the State shall encourage voluntary testing for individuals with a high risk for contracting HIV: Provided, That written informed consent must first be obtained. Such consent shall be obtained from the person concerned if he/she is of legal age or from the parents or legal guardian in the case of a minor or a mentally incapacitated individual. Lawful consent to HIV testing of a donated human body, organ, tissue, or blood shall be considered as having been given when:

- (a) a person volunteers or freely agrees to donate his/her blood, organ, or tissue for transfusion, transplantation, or research;
- (b) a person has executed a legacy in accordance with Sec. 3 of Republic Act No. 7170, also known as the "Organ Donation Act of 1991";
- (c) a donation is executed in accordance with Sec. 4 of Republic Act No. 7170.

Section 16. Prohibitions on compulsory HIV testing. – Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom of abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful.

Section 17. Exception to the prohibition on compulsory testing. – Compulsory HIV testing may be allowed only in the following instances:

- a) When a person is charged with any of the crimes punishable under Articles 264 and 266 as amended by Republic Act No. 8353, 335 and 338 of Republic Act No. 3815, otherwise known as the "Revised Penal Code" or under Republic Act No. 7659;
- b) When the determination of the HIV status is necessary to resolve the relevant issues under Executive Order No. 309, otherwise known as the "Family Code of the Philippines"; and
- c) When complying with the provisions of Republic Act No. 7170, otherwise known as the "Organ Donation Act" and Republic Act No. 7719, otherwise known as the "National Blood Services Act".

Section 18. Anonymous HIV testing. – The State shall provide a mechanism for anonymous HIV testing and shall guarantee anonymity and medical confidentiality in the conduct of such tests.

Section 19. Accreditation of HIV Testing Centers. – All testing centers, hospitals, clinics, and laboratories offering HIV testing services are mandated to seek accreditation from the Department of Health which shall set and maintain reasonable accreditation standards.

Section 20. Pre-test and post-test counselling. – All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counselling and post-test counselling for persons who avail of their HIV/AIDS testing services. However, such counselling services must be provided only by persons who meet the standards set by the DOH.

Section 21. Support for HIV Testing Centers. – The Department of Health shall strategically build and enhance the capabilities for HIV testing of hospitals, clinics, laboratories, and other testing

centers primarily, by ensuring the training of competent personnel who will provide such services in said testing sites.

ARTICLE IV HEALTH AND SUPPORT SERVICES

Sec. 22. Hospital-based services. – Persons with HIV/AIDS shall be afforded basic health services in all government hospitals, without prejudice to optimum medical care which may be provided by special AIDS wards and hospitals.

Section 23. Community-based services. – Local government units, in coordination and in cooperation with concerned government agencies, non-government organizations, persons with HIV/AIDS and groups most at risk of HIV infection shall provide community-based HIV/AIDS prevention and care services.

Section 24. Livelihood programs and trainings. – Trainings for livelihood, self-help cooperative programs shall be made accessible and available to all persons with HIV/AIDS. Persons infected with HIV/AIDS shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health conditions.

Section 25. Control of sexually transmitted diseases. – The Department of Health, in coordination and in cooperation with concerned government agencies and non-government organizations shall pursue the prevention and control of sexually transmitted diseases to help contain the spread of HIV infection.

Section 26. Insurance for persons with HIV. – The Secretary of Health, in cooperation with the Commissioner of the Insurance Commission and other public and private insurance agencies, shall conduct a study on the feasibility and viability of setting up a package of insurance benefits and, should such study warrant it, implement an insurance coverage program for persons with HIV. The study shall be guided by the principle that access to health insurance is part of an individual's right to health and is the responsibility of the State and of society as a whole.

ARTICLE V MONITORING

Sec. 27. Monitoring program. – A comprehensive HIV/AIDS monitoring program or "AIDSWATCH" shall be established under the Department of Health to determine and monitor the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed.

Section 28. Reporting procedures. – All hospitals, clinics, laboratories, and testing centers for HIV/AIDS shall adopt measures in assuring the reporting and confidentiality of any medical record, personal data, file, including all data which may be accessed from various data banks or information systems. The Department of Health through its AIDSWATCH monitoring program shall receive, collate and evaluate all HIV/AIDS related medical reports. The AIDSWATCH data base shall utilize a coding system that promotes client anonymity.

Section 29. Contact tracing. – HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Department of Health: Provided, That these do not run counter to the general purpose of this Act: Provided, further, That any information gathered shall remain

confidential and classified, and can only be used for statistical and monitoring purposes and not as basis or qualification for any employment, school attendance, freedom of abode, or travel.

ARTICLE VI CONFIDENTIALITY

Sec. 30. Medical confidentiality. – All health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data, or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV.

Section 31. Exceptions to the mandate of confidentiality. – Medical confidentiality shall not be considered breached in the following cases:

- (a) when complying with reportorial requirements in conjunction with the AIDSWATCH programs provided in Sec. 27 of this Act;
- (b) when informing other health workers directly involved or about to be involved in the treatment or care of a person with HIV/AIDS: Provided, That such treatment or care carry the risk of HIV transmission: Provided, further, That such workers shall be obliged to maintain the shared medical confidentiality;
- (c) when responding to a subpoena duces tecum and subpoena ad testificandum issued by a Court with jurisdiction over a legal proceeding where the main issue is the HIV status of an individual: Provided, That the confidential medical record shall be properly sealed by its lawful custodian after being double-checked for accuracy by the head of the office or department, hand delivered, and personally opened by the judge: Provided, further, That the judicial proceedings be held in executive session.

Section 32. Release of HIV/AIDS test results. – All results of HIV/AIDS testing shall be confidential and shall be released only to the following persons:

- (a) the person who submitted himself/herself to such test;
- (b) either parent of a minor child who has been tested;
- (c) a legal guardian in the case of insane persons or orphans;
- (d) a person authorized to receive such results in conjunction with the AIDSWATCH program as provided in Sec. 27 of this Act;
- (e) a justice of the Court of Appeals or the Supreme Court, as provided under subSec. (c) of this Act and in accordance with the provision of Sec. 16 hereof.

Section 33. Penalties for violations of confidentiality. – Any violation of medical confidentiality as provided in Sec.s 30 and 32 of this Act shall suffer the penalty of imprisonment for six (6) months to four (4) years, without prejudice to administrative sanctions such as fines and suspension or revocation of the violator's license to practice his/her profession, as well as the cancellation or withdrawal of the license to operate any business entity and the accreditation of hospitals, laboratories or clinics.

Section 34. Disclosure to sexual partners. – Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner at the earliest opportune time.

ARTICLE VII
DISCRIMINATORY ACTS AND POLICIES

(a) Sec. 35. Discrimination in the workplace. – Discrimination in any form from pre-employment to post-employment, including hiring, promotion or assignment, based on the actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.

(b) Section 36. Discrimination in schools. – No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or prospective student on the basis of his/her actual, perceived or suspected HIV status.

Section 37. Restrictions on travel and habitation. – The freedom of abode, lodging and travel of a person with HIV shall not be abridged. No person shall be quarantined, placed in isolation, or refused lawful entry into or deported from Philippine territory on account of his/her actual, perceived or suspected HIV status.

Section 38. Inhibition from public service. – The right to seek an elective or appointive public office shall not be denied to a person with HIV.

Section 39. Exclusion from credit and insurance services. – All credit and loan services, including health, accident and life insurance shall not be denied to a person on the basis of his/her actual, perceived or suspected HIV status: Provided, That the person with HIV has not concealed or misrepresented the fact to the insurance company upon application.

Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said health condition.

Section 40. Discrimination in hospitals and health institutions. – No person shall be denied health care service or be charged with a higher fee on account of actual, perceived or suspected HIV status.

Section 41. Denial of burial services. – A deceased person who had AIDS or who was known, suspected or perceived to be HIV-positive shall not be denied any kind of decent burial services.

Section 42. Penalties for discriminatory acts and policies. – All discriminatory acts and policies referred to in this Act shall be punishable with a penalty of imprisonment for six (6) months to four (4) years and a fine not exceeding Ten thousand pesos (P10,000.00). In addition, licenses/permits of schools, hospitals and other institutions found guilty of committing discriminatory acts and policies described in this Act shall be revoked.

ARTICLE VIII
THE PHILIPPINE NATIONAL AIDS COUNCIL

Sec. 43. Establishment. – The Philippine National AIDS Council (PNAC) created by virtue of Executive Order No. 39 dated 3 December 1992 shall be reconstituted and strengthened to enable the Council to oversee an integrated and comprehensive approach to HIV/AIDS prevention and control in the Philippines. It shall be attached to the Department of Health.

Section 44. Functions. – The Council shall be the central advisory, planning and policy-making body for the comprehensive and integrated HIV/AIDS prevention and control program in the Philippines. The Council shall perform the following functions:

- (a) Secure from government agencies concerned recommendations on how their respective agencies could operationalize specific provisions of this Act. The Council shall integrate and coordinate such recommendations and issue implementing rules and regulations of this Act. The Council shall likewise ensure that there is adequate coverage of the following:
 - (1) The institution of a nationwide HIV/AIDS information and education program;
 - (2) The establishment of a comprehensive HIV/AIDS monitoring system;
 - (3) The issuance of guidelines on medical and other practices and procedures that carry the risk of HIV transmission;
 - (4) The provision of accessible and affordable HIV testing and counselling services to those who are in need of it;
 - (5) The provision of acceptable health and support services for persons with HIV/AIDS in hospitals and in communities;
 - (6) The protection and promotion of the rights of individuals with HIV; and
 - (7) The strict observance of medical confidentiality.
- (b) Monitor the implementation of the rules and regulations of this Act, issue or cause the issuance of orders or make recommendations to the implementing agencies as the Council considers appropriate;
- (c) Develop a comprehensive long-term national HIV/AIDS prevention and control program and monitor its implementation;
- (d) Coordinate the activities of and strengthen working relationships between government and non-government agencies involved in the campaign against HIV/AIDS;
- (e) Coordinate and cooperate with foreign and international organizations regarding data collection, research and treatment modalities concerning HIV/AIDS; and
- (f) Evaluate the adequacy of and make recommendations regarding the utilization of national resources for the prevention and control of HIV/AIDS in the Philippines.

Section 45. Membership and composition. – (a) The Council shall be composed of twenty-six (26) members as follows:

- (1) The Secretary of the Department of Health;
- (2) The Secretary of the Department of Education, Culture and Sports or his representative;
- (3) The Chairperson of the Commission on Higher Education or his representative;
- (4) The Director-General of the Technical Education and Skills Development Authority or his representative;

- (5) The Secretary of the Department of Labor and Employment or his representative;
- (6) The Secretary of the Department of Social Welfare and Development or his representative;
- (7) The Secretary of the Department of the Interior and Local Government or his representative;
- (8) The Secretary of the Department of Justice or his representative;
- (9) The Director-General of the National Economic and Development Authority or his representative;
- (10) The Secretary of the Department of Tourism or his representative;
- (11) The Secretary of the Department of Budget and Management or his representative;
- (12) The Secretary of the Department of Foreign Affairs or his representative;
- (13) The Head of the Philippine Information Agency or his representative;
- (14) The President of the League of Governors or his representative;
- (15) The President of the League of City Mayors or his representative;
- (16) The Chairperson of the Committee on Health of the Senate of the Philippines or his representative;
- (17) The Chairperson of the Committee on Health of the House of Representatives or his representative;
- (18) Two (2) representatives from organizations of medical/health professionals;
- (19) Six (6) representatives from non-government organizations involved in HIV/AIDS prevention and control efforts or activities; and
- (20) A representative of an organization of persons dealing with HIV/AIDS.
 - a. To the greatest extent possible, appointment to the Council must ensure sufficient and discernible representation from the fields of medicine, education, health care, law, labor, ethics and social services;
 - b. All members of the Council shall be appointed by the President of the Republic of the Philippines, except for the representatives of the Senate and the House of Representatives, who shall be appointed by the Senate President and the House Speaker, respectively;
 - c. The members of the Council shall be appointed not later than thirty (30) days after the date of the enactment of this Act;
 - d. The Secretary of Health shall be the permanent chairperson of the Council; however, the vice-chairperson shall be elected by its members from among themselves, and shall serve for a term of two (2) years; and

- e. For members representing medical/health professional groups and the six (6) non-government organizations, they shall serve for a term of two (2) years, renewable upon recommendation of the Council.

Section 46. Reports. – The Council shall submit to the President and to both Houses of Congress comprehensive annual reports on the activities and accomplishments of the Council. Such annual reports shall contain assessments and evaluation of intervention programs, plans and strategies for the medium- and long-term prevention and control program on HIV/AIDS in the Philippines.

Section 47. Creation of Special HIV/AIDS Prevention and Control Service. – There shall be created in the Department of Health a Special HIV/AIDS Prevention and Control Service staffed by qualified medical specialists and support staff with permanent appointment and supported with an adequate yearly budget. It shall implement programs on HIV/AIDS prevention and control. In addition, it shall also serve as the secretariat of the Council.

Section 48. Appropriations. – The amount of Twenty million pesos (P20,000,000.00) shall be initially appropriated out of the funds of the National Treasury. Subsequent appropriations shall be provided by Congress in the annual budget of the Department of Health under the General Appropriations Act.

ARTICLE IX MISCELLANEOUS PROVISIONS

Sec. 49. Implementing rules and regulations. – Within six (6) months after it is fully reconstituted, the Council shall formulate and issue the appropriate rules and regulations necessary for the implementation of this Act.

Section 50. Separability clause. – If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Section 51. Repealing clause. – All laws, presidential decrees, executive orders and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 52. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Appendix H: IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10173, KNOWN AS THE “DATA PRIVACY ACT OF 2012”

RULE I. PRELIMINARY PROVISIONS

Section 1. Title. These rules and regulations shall be known as the “Implementing Rules and Regulations of the Data Privacy Act of 2012”, or the “Rules”.

Section 2. Policy. These Rules further enforce the Data Privacy Act and adopt generally accepted international principles and standards for personal data protection. They safeguard the fundamental human right of every individual to privacy while ensuring free flow of information for innovation, growth, and national development. These Rules also recognize the vital role of information and communications technology in nation-building and enforce the State’s inherent obligation to ensure that personal data in information and communications systems in the government and in the private sector are secured and protected.

Section 3. Definitions. Whenever used in these Rules, the following terms shall have the respective meanings hereafter set forth:

- a. “Act” refers to Republic Act No. 10173, also known as the Data Privacy Act of 2012;
- b. “Commission” refers to the National Privacy Commission;
- c. “Consent of the data subject” refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of his or her personal, sensitive personal, or privileged information. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of a data subject by a lawful representative or an agent specifically authorized by the data subject to do so;
- d. “Data subject” refers to an individual whose personal, sensitive personal or privileged information is processed;
- e. “Data processing systems” refers to the structure and procedure by which personal data is collected and further processed in an information and communications system or relevant filing system, including the purpose and intended output of the processing;
- f. “Data sharing” is the disclosure or transfer to a third party of personal data under the custody of a personal information controller or personal information processor. In the case of the latter, such disclosure or transfer must have been upon the instructions of the personal information controller concerned. The term excludes outsourcing, or the disclosure or transfer of personal data by a personal information controller to personal information processor;
- g. “Direct marketing” refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals;
- h. “Filing system” refers to any set of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible;
- i. “Information and communications system” refers to a system for generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents, and includes the computer system or other similar device by which data is recorded, transmitted, or stored, and any procedure related to the recording, transmission, or storage of electronic data, electronic message, or electronic document;
- j. “Personal data” refers to all types of personal information;

- k. “Personal data breach” refers to a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored, or otherwise processed;
- l. “Personal information” refers to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual;
- m. “Personal information controller” refers to a natural or juridical person, or any other body who controls the processing of personal data, or instructs another to process personal data on its behalf. The term excludes:
 - 1. A natural or juridical person, or any other body, who performs such functions as instructed by another person or organization; or
 - 2. A natural person who processes personal data in connection with his or her personal, family, or household affairs; There is control if the natural or juridical person or any other body decides on what information is collected, or the purpose or extent of its processing;
- n. “Personal information processor” refers to any natural or juridical person or any other body to whom a personal information controller may outsource or instruct the processing of personal data pertaining to a data subject;
- o. “Processing” refers to any operation or any set of operations performed upon personal data including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data. Processing may be performed through automated means, or manual processing, if the personal data are contained or are intended to be contained in a filing system;
- p. “Profiling” refers to any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements;
- q. “Privileged information” refers to any and all forms of data, which, under the Rules of Court and other pertinent laws constitute privileged communication;
- r. “Public authority” refers to any government entity created by the Constitution or law, and vested with law enforcement or regulatory authority and functions;
- s. “Security incident” is an event or occurrence that affects or tends to affect data protection, or may compromise the availability, integrity and confidentiality of personal data. It includes incidents that would result to a personal data breach, if not for safeguards that have been put in place;
- t. Sensitive personal information refers to personal information:
 - 1. About an individual’s race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 2. About an individual’s health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such individual, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 3. Issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - 4. Specifically established by an executive order or an act of Congress to be kept classified.

RULE II. SCOPE OF APPLICATION

Section 4. Scope. The Act and these Rules apply to the processing of personal data by any natural and juridical person in the government or private sector. They apply to an act done or practice engaged in and outside of the Philippines if:

- a. The natural or juridical person involved in the processing of personal data is found or established in the Philippines;
- b. The act, practice or processing relates to personal data about a Philippine citizen or Philippine resident;
- c. The processing of personal data is being done in the Philippines; or
- d. The act, practice or processing of personal data is done or engaged in by an entity with links to the Philippines, with due consideration to international law and comity, such as, but not limited to, the following:
 1. Use of equipment located in the country, or maintains an office, branch or agency in the Philippines for processing of personal data;
 2. A contract is entered in the Philippines;
 3. A juridical entity unincorporated in the Philippines but has central management and control in the country;
 4. An entity that has a branch, agency, office or subsidiary in the Philippines and the parent or affiliate of the Philippine entity has access to personal data;
 5. An entity that carries on business in the Philippines;
 6. An entity that collects or holds personal data in the Philippines.

Section 5. Special Cases. The Act and these Rules shall not apply to the following specified information, only to the minimum extent of collection, access, use, disclosure or other processing necessary to the purpose, function, or activity concerned:

- a. Information processed for purpose of allowing public access to information that fall within matters of public concern, pertaining to:
 1. Information about any individual who is or was an officer or employee of government that relates to his or her position or functions, including:
 - (a) The fact that the individual is or was an officer or employee of the government;
 - (b) The title, office address, and office telephone number of the individual;
 - (c) The classification, salary range, and responsibilities of the position held by the individual; and
 - (d) The name of the individual on a document he or she prepared in the course of his or her employment with the government;
 2. Information about an individual who is or was performing a service under contract for a government institution, but only in so far as it relates to such service, including the name of the individual and the terms of his or her contract;
 3. Information relating to a benefit of a financial nature conferred on an individual upon the discretion of the government, such as the granting of a license or permit, including the name of the individual and the exact nature of the benefit: Provided, that they do not include benefits given in the course of an ordinary transaction or as a matter of right;
- b. Personal information processed for journalistic, artistic or literary purpose, in order to uphold freedom of speech, of expression, or of the press, subject to requirements of other applicable law or regulations;
- c. Personal information that will be processed for research purpose, intended for a public benefit, subject to the requirements of applicable laws, regulations, or ethical standards;

- d. Information necessary in order to carry out the functions of public authority, in accordance with a constitutionally or statutorily mandated function pertaining to law enforcement or regulatory function, including the performance of the functions of the independent, central monetary authority, subject to restrictions provided by law. Nothing in this Act shall be construed as having amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);
- e. Information necessary for banks, other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas, and other bodies authorized by law, to the extent necessary to comply with Republic Act No. 9510 (CISA), Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act, and other applicable laws;
- f. Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines. The burden of proving the law of the foreign jurisdiction falls on the person or body seeking exemption. In the absence of proof, the applicable law shall be presumed to be the Act and these Rules: *Provided*, that the non-applicability of the Act or these Rules do not extend to personal information controllers or personal information processors, who remain subject to the requirements of implementing security measures for personal data protection: *Provided further*, that the processing of the information provided in the preceding paragraphs shall be exempted from the requirements of the Act only to the minimum extent necessary to achieve the specific purpose, function, or activity.

Section 6. Protection afforded to Data Subjects.

- a. Unless directly incompatible or inconsistent with the preceding sections in relation to the purpose, function, or activities the non-applicability concerns, the personal information controller or personal information processor shall uphold the rights of data subjects, and adhere to general data privacy principles and the requirements of lawful processing.
- b. The burden of proving that the Act and these Rules are not applicable to particular information falls on those involved in the processing of personal data or the party claiming the non-applicability.
- c. In all cases, the determination of any exemption shall be liberally interpreted in favor of the rights and interests of the data subject.

Section 7. Protection Afforded to Journalists and their Sources.

- a. Publishers, editors, or duly accredited reporters of any newspaper, magazine or periodical of general circulation shall not be compelled to reveal the source of any news report or information appearing in said publication if it was related in any confidence to such publisher, editor, or reporter.
- b. Publishers, editors, or duly accredited reporters who are likewise personal information controllers or personal information processors within the meaning of the law are still bound to follow the Data Privacy Act and related issuances with regard to the processing of personal data, upholding rights of their data subjects and maintaining compliance with other provisions that are not incompatible with the protection provided by Republic Act No. 53.

RULE III. NATIONAL PRIVACY COMMISSION

Section 8. Mandate. The National Privacy Commission is an independent body mandated to administer and implement the Act, and to monitor and ensure compliance of the country with international standards set for personal data protection.

Section 9. Functions. The National Privacy Commission shall have the following functions:

a. Rule Making. The Commission shall develop, promulgate, review or amend rules and regulations for the effective implementation of the Act. This includes:

1. Recommending organizational, physical and technical security measures for personal data protection, encryption, and access to sensitive personal information maintained by government agencies, considering the most appropriate standard recognized by the information and communications technology industry, as may be necessary;
2. Specifying electronic format and technical standards, modalities and procedures for data portability, as may be necessary;
3. Issuing guidelines for organizational, physical, and technical security measures for personal data protection, taking into account the nature of the personal data to be protected, the risks presented by the processing, the size of the organization and complexity of its operations, current data privacy best practices, cost of security implementation, and the most appropriate standard recognized by the information and communications technology industry, as may be necessary;
4. Consulting with relevant regulatory agencies in the formulation, review, amendment, and administration of privacy codes, applying the standards set out in the Act, with respect to the persons, entities, business activities, and business sectors that said regulatory bodies are authorized to principally regulate pursuant to law;
5. Proposing legislation, amendments or modifications to Philippine laws on privacy or data protection, as may be necessary;
6. Ensuring proper and effective coordination with data privacy regulators in other countries and private accountability agents;
7. Participating in international and regional initiatives for data privacy protection.

b. Advisory. The Commission shall be the advisory body on matters affecting protection of personal data. This includes:

1. Commenting on the implication on data privacy of proposed national or local statutes, regulations or procedures, issuing advisory opinions, and interpreting the provisions of the Act and other data privacy laws;
2. Reviewing, approving, rejecting, or requiring modification of privacy codes voluntarily adhered to by personal information controllers, which may include private dispute resolution mechanisms for complaints against any participating personal information controller, and which adhere to the underlying data privacy principles embodied in the Act and these Rules;
3. Providing assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person, including the enforcement of rights of data subjects;
4. Assisting Philippine companies doing business abroad to respond to data protection laws and regulations.

c. Public Education. The Commission shall undertake necessary or appropriate efforts to inform and educate the public of data privacy, data protection, and fair information rights and responsibilities. This includes:

1. Publishing, on a regular basis, a guide to all laws relating to data protection;
2. Publishing a compilation of agency system of records and notices, including index and other finding aids;
3. Coordinating with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal data in the country;

- d. Compliance and Monitoring. The Commission shall perform compliance and monitoring functions to ensure effective implementation of the Act, these Rules, and other issuances. This includes:
1. Ensuring compliance by personal information controllers with the provisions of the Act;
 2. Monitoring the compliance of all government agencies or instrumentalities as regards their security and technical measures, and recommending the necessary action in order to meet minimum standards for protection of personal data pursuant to the Act;
 3. Negotiating and contracting with other data privacy authorities of other countries for cross-border application and implementation of respective privacy laws;
 4. Generally performing such acts as may be necessary to facilitate crossborder enforcement of data privacy protection;
 5. Managing the registration of personal data processing systems in the country, including the personal data processing system of contractors and their employees entering into contracts with government agencies that involve accessing or requiring sensitive personal information of at least one thousand (1,000) individuals.
- e. Complaints and Investigations. The Commission shall adjudicate on complaints and investigations on matters affecting personal data: Provided that in resolving any complaint or investigation, except where amicable settlement is reached by the parties, the Commission shall act as a collegial body. This includes:
1. Receiving complaints and instituting investigations regarding violations of the Act, these Rules, and other issuances of the Commission, including violations of the rights of data subjects and other matters affecting personal data;
 2. Summoning witnesses, and requiring the production of evidence by a subpoena duces tecum for the purpose of collecting the information necessary to perform its functions under the Act: Provided, that the Commission may be given access to personal data that is subject of any complaint;
 3. Facilitating or enabling settlement of complaints through the use of alternative dispute resolution processes, and adjudicating on matters affecting any personal data;
 4. Preparing reports on the disposition of complaints and the resolution of any investigation it initiates, and, in cases it deems appropriate, publicizing such reports;
- f. Enforcement. The Commission shall perform all acts as may be necessary to effectively implement the Act, these Rules, and its other issuances, and to enforce its Orders, Resolutions or Decisions, including the imposition of administrative sanctions, fines, or penalties. This includes:
1. Issuing compliance or enforcement orders;
 2. Awarding indemnity on matters affecting any personal data, or rights of data subjects;
 3. Issuing cease and desist orders, or imposing a temporary or permanent ban on the processing of personal data, upon finding that the processing will be detrimental to national security or public interest, or if it is necessary to preserve and protect the rights of data subjects;
 4. Recommending to the Department of Justice (DOJ) the prosecution of crimes and imposition of penalties specified in the Act;
 5. Compelling or petitioning any entity, government agency, or instrumentality, to abide by its orders or take action on a matter affecting data privacy;
 6. Imposing administrative fines for violations of the Act, these Rules, and other issuances of the Commission.
- g. Other functions. The Commission shall exercise such other functions as may be necessary to fulfill its mandate under the Act.

Section 10. Administrative Issuances. The Commission shall publish or issue official directives and administrative issuances, orders, and circulars, which include:

- a. Rules of procedure in the exercise of its quasi-judicial functions, subject to the suppletory application of the Rules of Court;
- b. Schedule of administrative fines and penalties for violations of the Act, these Rules, and issuances or Orders of the Commission, including the applicable fees for its administrative services and filing fees;
- c. Procedure for registration of data processing systems, and notification;
- d. Other administrative issuances consistent with its mandate and other functions.

Section 11. Reports and Information. The Commission shall report annually to the President and Congress regarding its activities in carrying out the provisions of the Act, these Rules, and its other issuances. It shall undertake all efforts it deems necessary or appropriate to inform and educate the public of data privacy, data protection, and fair information rights and responsibilities.

Section 12. Confidentiality of Personal Data. Members, employees, and consultants of the Commission shall ensure at all times the confidentiality of any personal data that come to their knowledge and possession: Provided, that such duty of confidentiality shall remain even after their term, employment, or contract has ended.

Section 13. Organizational Structure. The Commission is attached to the Department of Information and Communications Technology for policy and program coordination in accordance with Section 38(3) of Executive Order No. 292, series of 1987, also known as the Administrative Code of 1987. The Commission shall remain completely independent in the performance of its functions. The Commission shall be headed by a Privacy Commissioner, who shall act as Chairman of the Commission. The Privacy Commissioner must be at least thirtyfive (35) years of age and of good moral character, unquestionable integrity and known probity, and a recognized expert in the field of information technology and data privacy. The Privacy Commissioner shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Secretary. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners. One shall be responsible for Data Processing Systems, while the other shall be responsible for Policies and Planning. The Deputy Privacy Commissioners must be recognized experts in the field of information and communications technology and data privacy. They shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Undersecretary.

Section 14. Secretariat. The Commission is authorized to establish a Secretariat, which shall assist in the performance of its functions. The Secretariat shall be headed by an Executive Director and shall be organized according to the following offices:

- a. Data Security and Compliance Office;
- b. Legal and Enforcement Office;
- c. Finance and Administrative Office;
- d. Privacy Policy Office;
- e. Public Information and Assistance Office.

Majority of the members of the Secretariat, in so far as practicable, must have served for at least five (5) years in any agency of the government that is involved in the processing of personal data including, but not limited to, the following offices: Social Security System (SSS), Government Service Insurance System (GSIS), Land Transportation Office (LTO), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Commission on Elections

(COMELEC), Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Philippine Postal Corporation (Philpost). The organizational structure shall be subject to review and modification by the Commission, including the creation of new divisions and units it may deem necessary, and shall appoint officers and employees of the Commission in accordance with civil service law, rules, and regulations.

Section 15. Effect of Lawful Performance of Duty. The Privacy Commissioner, the Deputy Commissioners, or any person acting on their behalf or under their direction, shall not be civilly liable for acts done in good faith in the performance of their duties: Provided, that they shall be liable for willful or negligent acts, which are contrary to law, morals, public policy, and good customs, even if they acted under orders or instructions of superiors: Provided further, that in case a lawsuit is filed against them in relation to the performance of their duties, where such performance is lawful, he or she shall be reimbursed by the Commission for reasonable costs of litigation.

Section 16. *Magna Carta for Science and Technology Personnel.* Qualified employees of the Commission shall be covered by Republic Act No. 8349, which provides a magna carta for scientists, engineers, researchers, and other science and technology personnel in the government.

RULE IV. DATA PRIVACY PRINCIPLES

Section 17. General Data Privacy Principles. The processing of personal data shall be allowed, subject to compliance with the requirements of the Act and other laws allowing disclosure of information to the public, and adherence to the principles of transparency, legitimate purpose, and proportionality.

Section 18. Principles of Transparency, Legitimate Purpose and Proportionality. The processing of personal data shall be allowed subject to adherence to the principles of transparency, legitimate purpose, and proportionality.

- a. Transparency. The data subject must be aware of the nature, purpose, and extent of the processing of his or her personal data, including the risks and safeguards involved, the identity of personal information controller, his or her rights as a data subject, and how these can be exercised. Any information and communication relating to the processing of personal data should be easy to access and understand, using clear and plain language.
- b. Legitimate purpose. The processing of information shall be compatible with a declared and specified purpose which must not be contrary to law, morals, or public policy.
- c. Proportionality. The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal data shall be processed only if the purpose of the processing could not reasonably be fulfilled by other means.

Section 19. General principles in collection, processing and retention. The processing of personal data shall adhere to the following general principles in the collection, processing, and retention of personal data:

- a. Collection must be for a declared, specified, and legitimate purpose.
 1. Consent is required prior to the collection and processing of personal data, subject to exemptions provided by the Act and other applicable laws and regulations. When consent is required, it must be time-bound in relation to the declared, specified and legitimate purpose. Consent given may be withdrawn.
 2. The data subject must be provided specific information regarding the purpose and extent of processing, including, where applicable, the automated processing of his or her personal data for profiling, or processing for direct marketing, and data sharing.

3. Purpose should be determined and declared before, or as soon as reasonably practicable, after collection.
 4. Only personal data that is necessary and compatible with declared, specified, and legitimate purpose shall be collected.
- b. Personal data shall be processed fairly and lawfully.
1. Processing shall uphold the rights of the data subject, including the right to refuse, withdraw consent, or object. It shall likewise be transparent, and allow the data subject sufficient information to know the nature and extent of processing.
 2. Information provided to a data subject must always be in clear and plain language to ensure that they are easy to understand and access.
 3. Processing must be in a manner compatible with declared, specified, and legitimate purpose.
 4. Processed personal data should be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
 5. Processing shall be undertaken in a manner that ensures appropriate privacy and security safeguards.
- c. Processing should ensure data quality.
1. Personal data should be accurate and where necessary for declared, specified and legitimate purpose, kept up to date.
 2. Inaccurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted.
- d. Personal Data shall not be retained longer than necessary.
1. Retention of personal data shall only for as long as necessary:
 - (a) for the fulfillment of the declared, specified, and legitimate purpose, or when the processing relevant to the purpose has been terminated;
 - (b) for the establishment, exercise or defense of legal claims; or
 - (c) for legitimate business purposes, which must be consistent with standards followed by the applicable industry or approved by appropriate government agency.
 2. Retention of personal data shall be allowed in cases provided by law.
 3. Personal data shall be disposed or discarded in a secure manner that would prevent further processing, unauthorized access, or disclosure to any other party or the public, or prejudice the interests of the data subjects.
- e. Any authorized further processing shall have adequate safeguards.
1. Personal data originally collected for a declared, specified, or legitimate purpose may be processed further for historical, statistical, or scientific purposes, and, in cases laid down in law, may be stored for longer periods, subject to implementation of the appropriate organizational, physical, and technical security measures required by the Act in order to safeguard the rights and freedoms of the data subject.
 2. Personal data which is aggregated or kept in a form which does not permit identification of data subjects may be kept longer than necessary for the declared, specified, and legitimate purpose.
 3. Personal data shall not be retained in perpetuity in contemplation of a possible future use yet to be determined.

Section 20. General Principles for Data Sharing. Further Processing of Personal Data collected from a party other than the Data Subject shall be allowed under any of the following conditions:

- a. Data sharing shall be allowed when it is expressly authorized by law: *Provided*, that there are adequate safeguards for data privacy and security, and processing adheres to principle of transparency, legitimate purpose and proportionality.
- b. Data Sharing shall be allowed in the private sector if the data subject consents to data sharing, and the following conditions are complied with:
 1. Consent for data sharing shall be required even when the data is to be shared with an affiliate or mother company, or similar relationships;
 2. Data sharing for commercial purposes, including direct marketing, shall be covered by a data sharing agreement.
 - (a) The data sharing agreement shall establish adequate safeguards for data privacy and security, and uphold rights of data subjects.
 - (b) The data sharing agreement shall be subject to review by the Commission, on its own initiative or upon complaint of data subject;
 3. The data subject shall be provided with the following information prior to collection or before data is shared:
 - (a) Identity of the personal information controllers or personal information processors that will be given access to the personal data;
 - (b) Purpose of data sharing;
 - (c) Categories of personal data concerned;
 - (d) Intended recipients or categories of recipients of the personal data;
 - (e) Existence of the rights of data subjects, including the right to access and correction, and the right to object;
 - (f) Other information that would sufficiently notify the data subject of the nature and extent of data sharing and the manner of processing.
 4. Further processing of shared data shall adhere to the data privacy principles laid down in the Act, these Rules, and other issuances of the Commission.
- c. Data collected from parties other than the data subject for purpose of research shall be allowed when the personal data is publicly available, or has the consent of the data subject for purpose of research: *Provided*, that adequate safeguards are in place, and no decision directly affecting the data subject shall be made on the basis of the data collected or processed. The rights of the data subject shall be upheld without compromising research integrity.
- d. Data sharing between governments agencies for the purpose of a public function or provision of a public service shall be covered a data sharing agreement.
 1. Any or all government agencies party to the agreement shall comply with the Act, these Rules, and all other issuances of the Commission, including putting in place adequate safeguards for data privacy and security.
 2. The data sharing agreement shall be subject to review of the Commission, on its own initiative or upon complaint of data subject.

RULE V. LAWFUL PROCESSING OF PERSONAL DATA

Section 21. Criteria for Lawful Processing of Personal Information. Processing of personal information is allowed, unless prohibited by law. For processing to be lawful, any of the following conditions must be complied with:

- a. The data subject must have given his or her consent prior to the collection, or as soon as practicable and reasonable;
- b. The processing involves the personal information of a data subject who is a party to a contractual agreement, in order to fulfill obligations under the contract or to take steps at the request of the data subject prior to entering the said agreement;

- c. The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;
- d. The processing is necessary to protect vitally important interests of the data subject, including his or her life and health;
- e. The processing of personal information is necessary to respond to national emergency or to comply with the requirements of public order and safety, as prescribed by law;
- f. The processing of personal information is necessary for the fulfillment of the constitutional or statutory mandate of a public authority; or
- g. The processing is necessary to pursue the legitimate interests of the personal information controller, or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject, which require protection under the Philippine Constitution.

Section 22. Sensitive Personal Information and Privileged Information. The processing of sensitive personal and privileged information is prohibited, except in any of the following cases:

- a. Consent is given by data subject, or by the parties to the exchange of privileged information, prior to the processing of the sensitive personal information or privileged information, which shall be undertaken pursuant to a declared, specified, and legitimate purpose;
- b. The processing of the sensitive personal information or privileged information is provided for by existing laws and regulations: Provided, that said laws and regulations do not require the consent of the data subject for the processing, and guarantee the protection of personal data;
- c. The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;
- d. The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations provided that:
 - 1. Processing is confined and related to the bona fide members of these organizations or their associations;
 - 2. The sensitive personal information are not transferred to third parties; and
 - 3. Consent of the data subject was obtained prior to processing;
- e. The processing is necessary for the purpose of medical treatment: *Provided*, that it is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal data is ensured; or
- f. The processing concerns sensitive personal information or privileged information necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise, or defense of legal claims, or when provided to government or public authority pursuant to a constitutional or statutory mandate.

Section 23. Extension of Privileged Communication. Personal information controllers may invoke the principle of privileged communication over privileged information that they lawfully control or process. Subject to existing laws and regulations, any evidence gathered from privileged information is inadmissible. When the Commission inquires upon communication claimed to be privileged, the personal information controller concerned shall prove the nature of the communication in an executive session. Should the communication be determined as privileged, it shall be excluded from evidence, and the contents thereof shall not form part of the records of the case: *Provided*, that where the privileged communication itself is the subject of a breach, or a privacy concern or investigation, it may be disclosed to the Commission but only to the extent necessary for the purpose of investigation, without including the contents thereof in the records.

Section 24. Surveillance of Suspects and Interception of Recording of Communications.

Section 7 of Republic Act No. 9372, otherwise known as the “Human Security Act of 2007”, is hereby amended to include the condition that the processing of personal data for the purpose of surveillance, interception, or recording of communications shall comply with the Data Privacy Act, including adherence to the principles of transparency, proportionality, and legitimate purpose.

RULE VI. SECURITY MEASURES FOR THE PROTECTION OF PERSONAL DATA

Section 25. Data Privacy and Security. Personal information controllers and personal information processors shall implement reasonable and appropriate organizational, physical, and technical security measures for the protection of personal data. The personal information controller and personal information processor shall take steps to ensure that any natural person acting under their authority and who has access to personal data, does not process them except upon their instructions, or as required by law. The security measures shall aim to maintain the availability, integrity, and confidentiality of personal data and are intended for the protection of personal data against any accidental or unlawful destruction, alteration, and disclosure, as well as against any other unlawful processing. These measures shall be implemented to protect personal data against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

Section 26. Organizational Security Measures. Where appropriate, personal information controllers and personal information processors shall comply with the following guidelines for organizational security:

- a. Compliance Officers. Any natural or juridical person or other body involved in the processing of personal data shall designate an individual or individuals who shall function as data protection officer, compliance officer or otherwise be accountable for ensuring compliance with applicable laws and regulations for the protection of data privacy and security.
- b. Data Protection Policies. Any natural or juridical person or other body involved in the processing of personal data shall implement appropriate data protection policies that provide for organization, physical, and technical security measures, and, for such purpose, take into account the nature, scope, context and purposes of the processing, as well as the risks posed to the rights and freedoms of data subjects.
 1. The policies shall implement data protection principles both at the time of the determination of the means for processing and at the time of the processing itself.
 2. The policies shall implement appropriate security measures that, by default, ensure only personal data which is necessary for the specified purpose of the processing are processed. They shall determine the amount of personal data collected, including the extent of processing involved, the period of their storage, and their accessibility.
 3. The policies shall provide for documentation, regular review, evaluation, and updating of the privacy and security policies and practices.

- c. **Records of Processing Activities.** Any natural or juridical person or other body involved in the processing of personal data shall maintain records that sufficiently describe its data processing system, and identify the duties and responsibilities of those individuals who will have access to personal data.

Records should include:

1. Information about the purpose of the processing of personal data, including any intended future processing or data sharing;
2. A description of all categories of data subjects, personal data, and recipients of such personal data that will be involved in the processing;
3. General information about the data flow within the organization, from the time of collection, processing, and retention, including the time limits for disposal or erasure of personal data;
4. A general description of the organizational, physical, and technical security measures in place;
5. The name and contact details of the personal information controller and, where applicable, the joint controller, the its representative, and the compliance officer or Data Protection Officer, or any other individual or individuals accountable for ensuring compliance with the applicable laws and regulations for the protection of data privacy and security.

- d. **Management of Human Resources.** Any natural or juridical person or other entity involved in the processing of personal data shall be responsible for selecting and supervising its employees, agents, or representatives, particularly those who will have access to personal data. The said employees, agents, or representatives shall operate and hold personal data under strict confidentiality if the personal data are not intended for public disclosure. This obligation shall continue even after leaving the public service, transferring to another position, or upon terminating their employment or contractual relations. There shall be capacity building, orientation or training programs for such employees, agents or representatives, regarding privacy or security policies.

- e. **Processing of Personal Data.** Any natural or juridical person or other body involved in the processing of personal data shall develop, implement and review:

1. A procedure for the collection of personal data, including procedures for obtaining consent, when applicable;
2. Procedures that limit the processing of data, to ensure that it is only to the extent necessary for the declared, specified, and legitimate purpose;
3. Policies for access management, system monitoring, and protocols to follow during security incidents or technical problems;
4. Policies and procedures for data subjects to exercise their rights under the Act;
5. Data retention schedule, including timeline or conditions for erasure or disposal of records.

- f. **Contracts with Personal Information Processors.** The personal information controller, through appropriate contractual agreements, shall ensure that its personal information processors, where applicable, shall also implement the security measures required by the Act and these Rules. It shall only engage those personal information processors that provide sufficient guarantees to implement appropriate security measures specified in the Act and these Rules, and ensure the protection of the rights of the data subject.

Section 27. Physical Security Measures. Where appropriate, personal information controllers and personal information processors shall comply with the following guidelines for physical security:

- a. Policies and procedures shall be implemented to monitor and limit access to and activities in the room, workstation or facility, including guidelines that specify the proper use of and access to electronic media;

- b. Design of office space and work stations, including the physical arrangement of furniture and equipment, shall provide privacy to anyone processing personal data, taking into consideration the environment and accessibility to the public;
- c. The duties, responsibilities and schedule of individuals involved in the processing of personal data shall be clearly defined to ensure that only the individuals actually performing official duties shall be in the room or work station, at any given time;
- d. Any natural or juridical person or other body involved in the processing of personal data shall implement Policies and procedures regarding the transfer, removal, disposal, and re-use of electronic media, to ensure appropriate protection of personal data;
- e. Policies and procedures that prevent the mechanical destruction of files and equipment shall be established. The room and workstation used in the processing of personal data shall, as far as practicable, be secured against natural disasters, power disturbances, external access, and other similar threats.

Section 28. Guidelines for Technical Security Measures. Where appropriate, personal information controllers and personal information processors shall adopt and establish the following technical security measures:

- a. A security policy with respect to the processing of personal data;
- b. Safeguards to protect their computer network against accidental, unlawful or unauthorized usage, any interference which will affect data integrity or hinder the functioning or availability of the system, and unauthorized access through an electronic network;
- c. The ability to ensure and maintain the confidentiality, integrity, availability, and resilience of their processing systems and services;
- d. Regular monitoring for security breaches, and a process both for identifying and accessing reasonably foreseeable vulnerabilities in their computer networks, and for taking preventive, corrective, and mitigating action against security incidents that can lead to a personal data breach;
- e. The ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
- f. A process for regularly testing, assessing, and evaluating the effectiveness of security measures;
- g. Encryption of personal data during storage and while in transit, authentication process, and other technical security measures that control and limit access.

Section 29. Appropriate Level of Security. The Commission shall monitor the compliance of natural or juridical person or other body involved in the processing of personal data, specifically their security measures, with the guidelines provided in these Rules and subsequent issuances of the Commission.

In determining the level of security appropriate for a particular personal information controller or personal information processor, the Commission shall take into account the nature of the personal data that requires protection, the risks posed by the processing, the size of the organization and complexity of its operations, current data privacy best practices, and the cost of security implementation. The security measures provided herein shall be subject to regular review and evaluation, and may be updated as necessary by the Commission in separate issuances, taking into account the most appropriate standard recognized by the information and communications technology industry and data privacy best practices.

RULE VII. SECURITY OF SENSITIVE PERSONAL INFORMATION IN GOVERNMENT

Section 30. Responsibility of Heads of Agencies. All sensitive personal information maintained by the government, its agencies, and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry,

subject to these Rules and other issuances of the Commission. The head of each government agency or instrumentality shall be responsible for complying with the security requirements mentioned herein. The Commission shall monitor government agency compliance and may recommend the necessary action in order to satisfy the minimum standards.

Section 31. Requirements Relating to Access by Agency Personnel to Sensitive Personal Information.

a. On-site and Online Access.

1. No employee of the government shall have access to sensitive personal information on government property or through online facilities unless he or she the employee has received a security clearance from the head of the source agency. The source agency is the government agency who originally collected the personal data.
2. A source agency shall strictly regulate access to sensitive personal information under its custody or control, particularly when it allows online access. An employee of the government shall only be granted a security clearance when the performance of his or her official functions or the provision of a public service directly depends on and cannot otherwise be performed unless access to the personal data is allowed.
3. Where allowed under the next preceding sections, online access to sensitive personal information shall be subject to the following conditions:
 - (a) An information technology governance framework has been designed and implemented;
 - (b) Sufficient organizational, physical and technical security measures have been established;
 - (c) The agency is capable of protecting sensitive personal information in accordance with data privacy practices and standards recognized by the information and communication technology industry;
 - (d) The employee of the government is only given online access to sensitive personal information necessary for the performance of official functions or the provision of a public service.

b. Off-site access.

1. Sensitive personal information maintained by an agency may not be transported or accessed from a location off or outside of government property, whether by its agent or employee, unless the head of agency has ensured the implementation of privacy policies and appropriate security measures. A request for such transportation or access shall be submitted to and approved by the head of agency. The request must include proper accountability mechanisms in the processing of data.

2. The head of agency shall approve requests for off-site access in accordance with the following guidelines:

- (a) **Deadline for Approval or Disapproval.** The head of agency shall approve or disapprove the request within two (2) business days after the date of submission of the request. Where no action is taken by the head of agency, the request is considered disapproved;
- (b) **Limitation to One thousand (1,000) Records.** Where a request is approved, the head of agency shall limit the access to not more than one thousand (1,000) records at a time, subject to the next succeeding paragraph.
- (c) **Encryption.** Any technology used to store, transport or access sensitive personal information for purposes of off-site access approved under this subsection shall be secured by the use of the most secure encryption standard recognized by the Commission.

Section 32. Implementation of Security Requirements. Notwithstanding the effective date of these Rules, the requirements in the preceding sections shall be implemented before any off-site or online access request is approved. Any data sharing agreement between a source agency and another government agency shall be subject to review of the Commission on its own initiative or upon complaint of data subject.

Section 33. Applicability to Government Contractors. In entering into any contract with a private service provider that may involve accessing or requiring sensitive personal information from one thousand (1,000) or more individuals, a government agency shall require such service provider and its employees to register their personal data processing system with the Commission in accordance with the Act and these Rules. The service provider, as personal information processor, shall comply with the other provisions of the Act and these Rules, particularly the immediately preceding sections, similar to a government agency and its employees.

RULE VIII. RIGHTS OF DATA SUBJECTS

Section 34. Rights of the Data Subject. The data subject is entitled to the following rights:

a. Right to be informed.

1. The data subject has a right to be informed whether personal data pertaining to him or her shall be, are being, or have been processed, including the existence of automated decision-making and profiling.
2. The data subject shall be notified and furnished with information indicated hereunder before the entry of his or her personal data into the processing system of the personal information controller, or at the next practical opportunity:
 - (a) Description of the personal data to be entered into the system;
 - (b) Purposes for which they are being or will be processed, including processing for direct marketing, profiling or historical, statistical or scientific purpose;
 - (c) Basis of processing, when processing is not based on the consent of the data subject;
 - (d) Scope and method of the personal data processing;
 - (e) The recipients or classes of recipients to whom the personal data are or may be disclosed;
 - (f) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized, including meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject;
 - (g) The identity and contact details of the personal data controller or its representative;
 - (h) The period for which the information will be stored; and
 - (i) The existence of their rights as data subjects, including the right to access, correction, and object to the processing, as well as the right to lodge a complaint before the Commission.

b. Right to object. The data subject shall have the right to object to the processing of his or her personal data, including processing for direct marketing, automated processing or profiling. The data subject shall also be notified and given an opportunity to withhold consent to the processing in case of changes or any amendment to the information supplied or declared to the data subject in the preceding paragraph. When a data subject objects or withholds consent, the personal information controller shall no longer process the personal data, unless:

1. The personal data is needed pursuant to a subpoena;
2. The collection and processing are for obvious purposes, including, when it is necessary for the performance of or in relation to a contract or service to which the data subject is a party, or when necessary or desirable in the context of an employer-employee relationship between the collector and the data subject; or
3. The information is being collected and processed as a result of a legal obligation.

c. Right to Access. The data subject has the right to reasonable access to, upon demand, the following:

1. Contents of his or her personal data that were processed;
 2. Sources from which personal data were obtained;
 3. Names and addresses of recipients of the personal data;
 4. Manner by which such data were processed;
 5. Reasons for the disclosure of the personal data to recipients, if any;
 6. Information on automated processes where the data will, or is likely to, be made as the sole basis for any decision that significantly affects or will affect the data subject;
 7. Date when his or her personal data concerning the data subject were last accessed and modified; and
 8. The designation, name or identity, and address of the personal information controller.
- d. Right to rectification. The data subject has the right to dispute the inaccuracy or error in the personal data and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal data has been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by the intended recipients thereof: Provided, that recipients or third parties who have previously received such processed personal data shall be informed of its inaccuracy and its rectification, upon reasonable request of the data subject.
- e. Right to Erasure or Blocking. The data subject shall have the right to suspend, withdraw or order the blocking, removal or destruction of his or her personal data from the personal information controller's filing system.
1. This right may be exercised upon discovery and substantial proof of any of the following:
 - (a) The personal data is incomplete, outdated, false, or unlawfully obtained;
 - (b) The personal data is being used for purpose not authorized by the data subject;
 - (c) The personal data is no longer necessary for the purposes for which they were collected;
 - (d) The data subject withdraws consent or objects to the processing, and there is no other legal ground or overriding legitimate interest for the processing;
 - (e) The personal data concerns private information that is prejudicial to data subject, unless justified by freedom of speech, of expression, or of the press or otherwise authorized;
 - (f) The processing is unlawful;
 - (g) The personal information controller or personal information processor violated the rights of the data subject.
 2. The personal information controller may notify third parties who have previously received such processed personal information.
- f. Right to damages. The data subject shall be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal data, taking into account any violation of his or her rights and freedoms as data subject.

Section 35. Transmissibility of Rights of the Data Subject. The lawful heirs and assigns of the data subject may invoke the rights of the data subject to which he or she is an heir or an assignee, at any time after the death of the data subject, or when the data subject is incapacitated or incapable of exercising the rights as enumerated in the immediately preceding section.

Section 36. Right to Data Portability. Where his or her personal data is processed by electronic means and in a structured and commonly used format, the data subject shall have the right to obtain from the personal information controller a copy of such data in an electronic or structured format that is commonly used and allows for further use by the data subject. The exercise of this right shall primarily

take into account the right of data subject to have control over his or her personal data being processed based on consent or contract, for commercial purpose, or through automated means. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities, procedures and other rules for their transfer.

Section 37. Limitation on Rights. The immediately preceding sections shall not be applicable if the processed personal data are used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject: Provided, that the personal data shall be held under strict confidentiality and shall be used only for the declared purpose. The said sections are also not applicable to the processing of personal data gathered for the purpose of investigations in relation to any criminal, administrative or tax liabilities of a data subject. Any limitations on the rights of the data subject shall only be to the minimum extent necessary to achieve the purpose of said research or investigation.

RULE IX. DATA BREACH NOTIFICATION.

Section 38. Data Breach Notification.

- a. The Commission and affected data subjects shall be notified by the personal information controller within seventy-two (72) hours upon knowledge of, or when there is reasonable belief by the personal information controller or personal information processor that, a personal data breach requiring notification has occurred.
- b. Notification of personal data breach shall be required when sensitive personal information or any other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes that such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject.
- c. Depending on the nature of the incident, or if there is delay or failure to notify, the Commission may investigate the circumstances surrounding the personal data breach. Investigations may include on-site examination of systems and procedures.

Section 39. Contents of Notification. The notification shall at least describe the nature of the breach, the personal data possibly involved, and the measures taken by the entity to address the breach. The notification shall also include measures taken to reduce the harm or negative consequences of the breach, the representatives of the personal information controller, including their contact details, from whom the data subject can obtain additional information about the breach, and any assistance to be provided to the affected data subjects.

Section 40. Delay of Notification. Notification may be delayed only to the extent necessary to determine the scope of the breach, to prevent further disclosures, or to restore reasonable integrity to the information and communications system.

- a. In evaluating if notification is unwarranted, the Commission may take into account compliance by the personal information controller with this section and existence of good faith in the acquisition of personal data.
- b. The Commission may exempt a personal information controller from notification where, in its reasonable judgment, such notification would not be in the public interest, or in the interest of the affected data subjects.
- c. The Commission may authorize postponement of notification where it may hinder the progress of a criminal investigation related to a serious breach.

Section 41. Breach Report.

- a. The personal information controller shall notify the Commission by submitting a report, whether written or electronic, containing the required contents of notification. The report shall also include the name of a designated representative of the personal information controller, and his or her contact details.
- b. All security incidents and personal data breaches shall be documented through written reports, including those not covered by the notification requirements. In the case of personal data breaches, a report shall include the facts surrounding an incident, the effects of such incident, and the remedial actions taken by the personal information controller. In other security incidents not involving personal data, a report containing aggregated data shall constitute sufficient documentation. These reports shall be made available when requested by the Commission. A general summary of the reports shall be submitted to the Commission annually.

Section 42. Procedure for Notification. The Procedure for breach notification shall be in accordance with the Act, these Rules, and any other issuance of the Commission.

RULE X. OUTSOURCING AND SUBCONTRACTING AGREEMENTS.

Section 43. Subcontract of Personal Data. A personal information controller may subcontract or outsource the processing of personal data: Provided, that the personal information controller shall use contractual or other reasonable means

to ensure that proper safeguards are in place, to ensure the confidentiality, integrity and availability of the personal data processed, prevent its use for unauthorized purposes, and generally, comply with the requirements of the Act, these Rules, other applicable laws for processing of personal data, and other issuances of the Commission.

Section 44. Agreements for Outsourcing. Processing by a personal information processor shall be governed by a contract or other legal act that binds the personal information processor to the personal information controller.

- a. The contract or legal act shall set out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects, the obligations and rights of the personal information controller, and the geographic location of the processing under the subcontracting agreement.
- b. The contract or other legal act shall stipulate, in particular, that the personal information processor shall:

1. Process the personal data only upon the documented instructions of the personal information controller, including transfers of personal data to another country or an international organization, unless such transfer is authorized by law;
2. Ensure that an obligation of confidentiality is imposed on persons authorized to process the personal data;
3. Implement appropriate security measures and comply with the Act, these Rules, and other issuances of the Commission;
4. Not engage another processor without prior instruction from the personal information controller: Provided, that any such arrangement shall ensure that the same obligations for data protection under the contract or legal act are implemented, taking into account the nature of the processing;
5. Assist the personal information controller, by appropriate technical and organizational measures and to the extent possible, fulfill the obligation to respond to requests by data subjects relative to the exercise of their rights;

6. Assist the personal information controller in ensuring compliance with the Act, these Rules, other relevant laws, and other issuances of the Commission, taking into account the nature of processing and the information available to the personal information processor;
7. At the choice of the personal information controller, delete or return all personal data to the personal information controller after the end of the provision of services relating to the processing: Provided, that this includes deleting existing copies unless storage is authorized by the Act or another law;
8. Make available to the personal information controller all information necessary to demonstrate compliance with the obligations laid down in the Act, and allow for and contribute to audits, including inspections, conducted by the personal information controller or another auditor mandated by the latter;
9. Immediately inform the personal information controller if, in its opinion, an instruction infringes the Act, these Rules, or any other issuance of the Commission.

Section 45. Duty of personal information processor. The personal information processor shall comply with the requirements of the Act, these Rules, other applicable laws, and other issuances of the Commission, in addition to obligations provided in a contract or other legal act with a personal information controller.

RULE XI. REGISTRATION AND COMPLIANCE REQUIREMENTS

Section 46. Enforcement of the Data Privacy Act. Pursuant to the mandate of the Commission to administer and implement the Act, and to ensure the compliance of personal information controllers with its obligations under the law, the Commission requires the following:

- a. Registration of personal data processing systems operating in the country that involves accessing or requiring sensitive personal information of at least one thousand (1,000) individuals, including the personal data processing system of contractors, and their personnel, entering into contracts with government agencies;
- b. Notification of automated processing operations where the processing becomes the sole basis of making decisions that would significantly affect the data subject;
- c. Annual report of the summary of documented security incidents and personal data breaches;
- d. Compliance with other requirements that may be provided in other issuances of the Commission.

Section 47. Registration of Personal Data Processing Systems. The personal information controller or personal information processor that employs fewer than two hundred fifty (250) persons shall not be required to register unless the processing it carries out is likely to pose a risk to the rights and freedoms of data subjects, the processing is not occasional, or the processing includes sensitive personal information of at least one thousand (1,000) individuals.

- a. The contents of registration shall include:
 1. The name and address of the personal information controller or personal information processor, and of its representative, if any, including their contact details;
 2. The purpose or purposes of the processing, and whether processing is being done under an outsourcing or subcontracting agreement;
 3. A description of the category or categories of data subjects, and of the data or categories of data relating to them;
 4. The recipients or categories of recipients to whom the data might be disclosed;
 5. Proposed transfers of personal data outside the Philippines;
 6. A general description of privacy and security measures for data protection;
 7. Brief description of the data processing system;

8. Copy of all policies relating to data governance, data privacy, and information security;
 9. Attestation to all certifications attained that are related to information and communications processing; and
 10. Name and contact details of the compliance or data protection officer, which shall immediately be updated in case of changes.
- b. The procedure for registration shall be in accordance with these Rules and other issuances of the Commission.

Section 48. Notification of Automated Processing Operations. The personal information controller carrying out any wholly or partly automated processing operations or set of such operations intended to serve a single purpose or several related purposes shall notify the Commission when the automated processing becomes the sole basis for making decisions about a data subject, and when the decision would significantly affect the data subject.

- a. The notification shall include the following information:
 1. Purpose of processing;
 2. Categories of personal data to undergo processing;
 3. Category or categories of data subject;
 4. Consent forms or manner of obtaining consent;
 5. The recipients or categories of recipients to whom the data are to be disclosed;
 6. The length of time the data are to be stored;
 7. Methods and logic utilized for automated processing;
 8. Decisions relating to the data subject that would be made on the basis of processed data or that would significantly affect the rights and freedoms of data subject; and
 9. Names and contact details of the compliance or data protection officer.
- b. No decision with legal effects concerning a data subject shall be made solely on the basis of automated processing without the consent of the data subject.

Section 49. Review by the Commission. The following are subject to the review of the Commission, upon its own initiative or upon the filing of a complaint by a data subject:

- a. Compliance by a personal information controller or personal information processor with the Act, these Rules, and other issuances of the Commission;
- b. Compliance by a personal information controller or personal information processor with the requirement of establishing adequate safeguards for data privacy and security;
- c. Any data sharing agreement, outsourcing contract, and similar contracts involving the processing of personal data, and its implementation;
- d. Any off-site or online access to sensitive personal data in government allowed by a head of agency;
- e. Processing of personal data for research purposes, public functions, or commercial activities;
- f. Any reported violation of the rights and freedoms of data subjects;
- g. Other matters necessary to ensure the effective implementation and administration of the Act, these Rules, and other issuances of the Commission.

RULE XII. RULES ON ACCOUNTABILITY

Section 50. Accountability for Transfer of Personal Data. A personal information controller shall be responsible for any personal data under its control or custody, including information that have been outsourced or transferred to a personal information processor or a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

- a. A personal information controller shall be accountable for complying with the requirements of the Act, these Rules, and other issuances of the Commission. It shall use contractual or other

reasonable means to provide a comparable level of protection to the personal data while it is being processed by a personal information processor or third party.

b. A personal information controller shall designate an individual or individuals who are accountable for its compliance with the Act. The identity of the individual or individuals so designated shall be made known to a data subject upon request.

Section 51. Accountability for Violation of the Act, these Rules and Other Issuances of the Commission.

a. Any natural or juridical person, or other body involved in the processing of personal data, who fails to comply with the Act, these Rules, and other issuances of the Commission, shall be liable for such violation, and shall be subject to its corresponding sanction, penalty, or fine, without prejudice to any civil or criminal liability, as may be applicable.

b. In cases where a data subject files a complaint for violation of his or her rights as data subject, and for any injury suffered as a result of the processing of his or her personal data, the Commission may award indemnity on the basis of the applicable provisions of the New Civil Code.

c. In case of criminal acts and their corresponding personal penalties, the person who committed the unlawful act or omission shall be recommended for prosecution by the Commission based on substantial evidence. If the offender is a corporation, partnership, or any juridical person, the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime, shall be recommended for prosecution by the Commission based on substantial evidence.

RULE XIII. PENALTIES

Section 52. Unauthorized Processing of Personal Information and Sensitive Personal Information.

a. A penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under the Act or any existing law.

b. A penalty of imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who process sensitive personal information without the consent of the data subject, or without being authorized under the Act or any existing law.

Section 53. Accessing Personal Information and Sensitive Personal Information Due to Negligence.

a. A penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under the Act or any existing law.

b. A penalty of imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who, due to negligence, provided access to sensitive personal information without being authorized under the Act or any existing law.

Section 54. Improper Disposal of Personal Information and Sensitive Personal Information.

- a. A penalty of imprisonment ranging from six (6) months to two (2) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00) shall be imposed on persons who knowingly or negligently dispose, discard, or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.
- b. A penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the sensitive personal information of an individual in an area accessible to the public or has otherwise placed the sensitive personal information of an individual in its container for trash collection.

Section 55. Processing of Personal Information and Sensitive Personal Information for Unauthorized Purposes.

- a. A penalty of imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons processing personal information for purposes not authorized by the data subject, or otherwise authorized under the Act or under existing laws.
- b. A penalty of imprisonment ranging from two (2) years to seven (7) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons processing sensitive personal information for purposes not authorized by the data subject, or otherwise authorized under the Act or under existing laws.

Section 56. Unauthorized Access or Intentional Breach. A penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who knowingly and unlawfully, or violating data confidentiality and security data systems, breaks in any way into any system where personal and sensitive personal information are stored.

Section 57. Concealment of Security Breaches Involving Sensitive Personal

Information. A penalty of imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who, after having knowledge of a security breach and of the obligation to notify the Commission pursuant to Section 20(f) of the Act, intentionally or by omission conceals the fact of such security breach.

Section 58. Malicious Disclosure. Any personal information controller or personal information processor, or any of its officials, employees or agents, who, with malice or in bad faith, discloses unwarranted or false information relative to any personal information or sensitive personal information obtained by him or her, shall be subject to imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

Section 59. Unauthorized Disclosure.

- a. Any personal information controller or personal information processor, or any of its officials, employees, or agents, who discloses to a third party personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

b. Any personal information controller or personal information processor, or any of its officials, employees or agents, who discloses to a third party sensitive personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from three (3) years to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00).

Section 60. Combination or Series of Acts. Any combination or series of acts as defined in Sections 52 to 59 shall make the person subject to imprisonment ranging from three (3) years to six (6) years and a fine of not less than One million pesos (Php1,000,000.00) but not more than Five million pesos (Php5,000,000.00).

Section 61. Extent of Liability. If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime. Where applicable, the court may also suspend or revoke any of its rights under this Act. If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties prescribed. If the offender is a public official or employee and he or she is found guilty of acts penalized under Sections 54 and 55 of these Rules, he or she shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

Section 62. Large-Scale. The maximum penalty in the corresponding scale of penalties provided for the preceding offenses shall be imposed when the personal data of at least one hundred (100) persons are harmed, affected, or involved, as the result of any of the above-mentioned offenses.

Section 63. Offense Committed by Public Officer. When the offender or the person responsible for the offense is a public officer, as defined in the Administrative Code of 1987, in the exercise of his or her duties, he or she shall likewise suffer an accessory penalty consisting of disqualification to occupy public office for a term double the term of the criminal penalty imposed.

Section 64. Restitution. Pursuant to the exercise of its quasi-judicial functions, the Commission shall award indemnity to an aggrieved party on the basis of the provisions of the New Civil Code. Any complaint filed by a data subject shall be subject to the payment of filing fees, unless the data subject is an indigent.

Section 65. Fines and Penalties. Violations of the Act, these Rules, other issuances and orders of the Commission, shall, upon notice and hearing, be subject to compliance and enforcement orders, cease and desist orders, temporary or permanent ban on the processing of personal data, or payment of fines, in accordance with a schedule to be published by the Commission.

RULE XIV. MISCELLANEOUS PROVISIONS

Section 66. Appeal. Appeal from final decisions of the Commission shall be made to the proper courts in accordance with the Rules of Court, or as may be prescribed by law.

Section 67. Period for Compliance. Any natural or juridical person or other body involved in the processing of personal data shall comply with the personal data processing principles and standards of personal data privacy and security already laid out in the Act.

Personal information controllers and Personal Information processors shall register with the Commission their data processing systems or automated processing operations, subject to notification, within one (1) year after the effectivity of these Rules. Any subsequent issuance of the Commission, including those that

implement specific standards for data portability, encryption, or other security measures shall provide the period for its compliance. For a period of one (1) year from the effectivity of these Rules, a personal information controller or personal information processor may apply for an extension of the period within which to comply with the issuances of the Commission. The Commission may grant such request for good cause shown.

Section 68. Appropriations Clause. The Commission shall be provided with appropriations for the performance of its functions which shall be included in the General Appropriations Act.

Section 69. Interpretation. Any doubt in the interpretation of any provision of this Act shall be liberally interpreted in a manner that would uphold the rights and interests of the individual about whom personal data is processed.

Section 70. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remainder of these Rules or the provision not otherwise affected shall remain valid and subsisting.

Section 71. Repealing Clause. Except as otherwise expressly provided in the Act or these Rules, all other laws, decrees, executive orders, proclamations and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

Section 72. Effectivity Clause. These Rules shall take effect fifteen (15) days after its publication in the Official Gazette.

Appendix I: CHED MEMORANDUM ORDER NO. 19, Series of 2005

REVISED GUIDELINES ON THE SUSPENSION OF CLASSES IN THE TERTIARY LEVEL ON THE OCCASION OF TYPHOON/STORMS, EARTHQUAKES, FLOODS, FIRES AND OTHER NATURAL AND/OR MAN-CAUSED CALAMITIES

In accordance with the pertinent provisions of Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994”, and in the interest of the protecting tertiary students from harm, injury and/or damage wrought by typhoons/storms, earthquakes, floods, fires and other natural and/or man-caused calamities, the following guidelines on the suspension of classes in the tertiary level on the occasion of typhoons/storms, earthquakes, floods, fires and other natural and/or man-caused calamities are hereby adopted and promulgated, thus,

A. Typhoons/Storms

1. When the Philippine Atmospheric, Geophysical and Astronomical Services Administration (hereinafter referred to as “PAGASA” raises Typhoon signal No. 3 or above in particular locally within the Philippine Area of Responsibility (for brevity, PAR), all classes in the tertiary level, including graduate and post-graduate, within the said locality shall be deemed automatically suspended without need of declaration from the Commission and/or any of its officials until PAGASA lowers the said Typhoon Signal(s);
2. In case PAGASA raises Typhoon Signal No.2 of No. 1 only in a particular locality within PAR, classes in the tertiary level, including graduate and post-graduate, shall not be suspended as a matter of policy. However, Presidents/Heads of Higher Education Institutions (HEIs) within the said locality, may, at their own discretion, suspend all, some or any of their classes in the tertiary level, including graduate and post-graduate, until such time the Typhoon Signal (s) shall have been lowered by PAGASA or until the weather improves;
3. However, the aforementioned rules do not prevent the Chairman of the Commission and/or any of the Commission’s Higher Education Regional Office (CHEDRO) Directors from suspending classes in the tertiary level, including graduate and post-graduate, with particular locality if in their opinion suspension is warranted because of inclement weather.

B. Heavy Rains and/or Earthquakes and/or Other Natural Calamities

In case heavy rains and/or floods of fires and/or earthquakes and/or other natural calamities affecting a particular locality which would render holding of classes in the tertiary level, including graduate and post-graduate impractical and dangerous to the students concerned, the subject President/Heads of the HEIs may declare a suspension of classes.

The Chairman of the Commission and/or any of the Commission’s CHEDRO Directors may do so likewise motu proprio.

C. Fires and/or Other Man-caused Calamities

In case of fires and/or other man-caused calamities in a particular locality which would make the holding of classes in the tertiary level, including graduate and post-graduate, impractical and dangerous to the student concerned, the President/Heads of the HEIs affected by the said man-caused calamities may suspend any, some or all classes in the tertiary level, including graduate and post-graduate, as their discretion may deem appropriate.

If understood, however, that the Chairman of the Commission and/or any Commission's CHEDRO Directors may likewise suspend classes in the tertiary level, including graduate and post-graduate, as the need arises.

D. "Calamity" Proportions

In any case, however, if the force majeure, act of God, accident and/or event have reached "calamity" proportions in a particular locality, that is, it is such. It is such as to seriously disturb the normal pace and peace and order situation of the community affects the greater number of residents therein exposing gravely their lives, persons and/or property, classes in the tertiary level, including graduate and post-graduate, shall also be ipso facto suspended until normally returns.

The declaration of resumption of classes shall be made by the Chairman of the Commission and/or any of the Commission's concerned CHEDRO Directors.

Appendix J: INFORMED REFUSAL OF TREATMENT AND/OR TRANSPORT FORM



INFORMED REFUSAL OF TREATMENT AND/OR TRANSPORT

It is sometimes impossible to recognize actual or potential medical problems outside the hospital, thus, we strongly encourage your child to be evaluated, treated if necessary, and transported to the nearest hospital, Makati Medical Center, by iACADEMY health personnel for a more complete examination.

As a parent/ guardian, you have the right to choose for your child/ward ***not to be evaluated, treated or transported*** if you wish; however, there is the possibility that he/she could suffer serious complications or even death from conditions that are not apparent at this time.

By signing below, you are acknowledging that iACADEMY and its personnel have advised you, and that you understand, the potential harm to his/her health that may result from your refusal of the recommended care; and, you release iACADEMY and supporting personnel from liability resulting from your refusal.

PLEASE CHECK THE FOLLOWING THAT APPLY:

- That having received emergency medical treatment, I am refusing further aid or transport to a medical facility.
- That the iACADEMY personnel has recommended transport to **Makati Medical Center** and I refused this.
- My personal preference is to have my child/ward transported to _____ Hospital, but I have been informed and understand **that the iACADEMY emergency vehicle does not transport there.** I refuse to have my child/ward be transported to any other hospital, and will arrange and wait for another vehicle or ambulance service to transport me to the hospital of my choice.

The medical condition of my child/ward as well as the reason for and/or purpose of the recommended test/treatment/transport have been explained to me.

Patient Information

Patient's Printed Name _____ Age _____ Date of Birth _____

Address _____ Phone _____

Signature _____ Date _____

Relationship to patient _____

Witness Signature _____ Date _____

Witness Printed Name _____

**** IF PARENT REFUSES TO SIGN: I attest that the parent/guardian has refused care and/or transportation to Makati Medical Center. The parent/guardian was informed of the risks of this refusal and refused to sign this form when asked.**

Witness Signature _____ Date _____

Witness Printed Name _____

Appendix K: Internship Forms

The digital copy of the following forms are available at

<https://drive.google.com/drive/folders/1USDohluJe2eWYHfyaRA2SRxZiccTHywZ?usp=sharing>

1. Form 2.2 Internship Application Form
2. Form 2.4 Internship Contract
3. Form 2.5 Letter of Acceptance
4. Form 2.6 Parent's Clearance and Waiver Form
5. Form 2.7 Interns Confidentiality Agreement
6. Form 2.8 Code of Professional Conduct
7. Form 2.9 Intern Initial Evaluation Form
8. Form 2.11 Internship Feedback Template
9. Form 2.12 Accomplishment Report Template
10. Form 2.13 Performance Internship Evaluation
11. Form 2.14 Internship Time Sheet
12. Form 2.15 Internship Extension Waiver