

## **Section 26**

### **ACCORD OF UNDERSTANDING**

The ACCORD of UNDERSTANDING entered into by the De La Salle University-Dasmariñas and among students is hereby incorporated to form part and parcel of the Student Handbook.

Desirous of harmonizing the distinct view on the duties and responsibilities of all parties as regards the exercise of the fundamental rights to free expression and to peaceful assembly for the redress of legitimate grievances, and cognizant that these rights must be freely exercised by all citizens, particularly the students, in the campus, with utmost government and University authorities' tolerance, understanding and guarantee from any of unlawful interference and intrusion when done within the bounds and limits of the law.

#### **DO HEREBY ESTABLISH AND STIPULATE**

##### **Article I – Purpose and Coverage**

Given the reality of the school campus in many schools as providing for the proper venue and suitable climate for the expression of the concerns and aspirations of all students on issues of national interest, this Accord seeks to protect students from any form of unlawful interference and intrusion in their activities particularly those conducted inside school campuses.

1. The purpose of this Accord is to harmonize the views of the Commission on Human Rights, Commission on Higher Education (CHED), the Department of National Defense, and Students National Organization, under the umbrella of and as herein represented by the National Union of Students of the Philippines (NUSP), on the duties and responsibilities of the students in the free exercise of their rights to free expression and to peaceably assemble for redress of legitimate grievances.
2. This Accord shall encompass all bona fide students in all school campuses throughout the country who seek to exercise the democratic rights to free expression and to peaceful assembly, and other related rights. It likewise defines the concurrent duties and responsibilities of the respective parties hereto, as regards the exercise of these rights.

##### **Article II – Definition of Terms**

Unless the context otherwise requires, the following terms shall be defined as follows:

1. Student assembly – shall refer to any gathering, rally, demonstration, parade, or other forms of mass action, conducted by *bona fide* students in a peaceful manner inside school campuses, in a private property, in a public place or thoroughfare for the purpose of presenting/articulating a legitimate, lawful concern or grievance.
2. Peaceful Assembly – means that the assembly is peaceful when no actual criminal acts and/or organized acts of disorder or violence are committed by the demonstrators to indicate an intention on their part to sow public disorder, or defy public authority.
3. Detachment – an organization unit of duly constituted authorities, whether military or police, assigned in a fixed place, for the enforcement of the law or the discharge of their duties in the maintenance of peace and order within a designated area of authority.
4. Military – refers to the regular members of any of the major branches of service of the Armed Forces of the Philippines, namely: Philippine Army, Philippine Air Force, and Philippine Navy, who are responsible for the internal and external security of the Nation.
5. Police – refers to members of local police authorities charged with the enforcement of the laws and the maintenance of public order.
6. Student – refers to any person officially enrolled in any recognized educational institution in formal or non-formal education classes in secondary, collegiate, graduate, and postgraduate courses.
7. Student Organization – refers to any organization of students, duly organized pursuant to law, rules or regulations, in the educational institution where it maintains membership.
8. Permit – means any approved application for permission or authority from the school administration, or the local government authorities, as the case may require, to sponsor, hold or undertake an assembly, rally gathering or mass action of students in any place as authorized.
9. School Campus – means the principal place of operation of an educational institution and all the contiguous areas and buildings, facilities and the perimeter structures erected thereon, and the premises thereof designated by the school authorities in appropriate school rules and regulations.

### **Article III – Declaration of Basic Rights**

The basic constitutional rights of citizens, particularly students, including but not limited to, the following are hereby restated and affirmed.

1. Students have the right to peaceful assembly for the redress of legitimate grievances and to petition the school administration for the redress of legitimate student grievances.
2. Students have the right to due process, fair play in disciplinary proceedings, and to freedom from self-incrimination.

3. Students have the right to freedom from unwarranted or unlawful interference and intrusion while inside school campuses in the pursuit of their academic freedom.
4. Students have the right to freedom from any form of harassment or unreasonable restraint by teachers and school authorities.

## **Article IV – Duties and Responsibilities of Students**

In the exercise of the rights to peaceful assembly, students should see to it that the following duties and responsibilities are complied with:

1. Students shall conduct mass actions peacefully and in an orderly manner and shall be responsible for maintaining order and discipline within their ranks.
2. Student leaders, organizers and participants should police their own ranks, and assure the lawful activities of the assembly.
3. Student leaders and organizers should take positive measures so that the assembly will not molest any person or unduly interfere with the rights of others who are participating in the public assembly.
4. Student leaders and organizers should respect the rights of others, particularly students, who decide not to participate in student assemblies.
5. Student leaders, organizers and participants in student assemblies shall refrain from committing acts which unduly disrupt and prevent the holding of regular classes.

## **Article V – Implementing Guidelines**

In implementing the provisions hereof, the following basic guidelines shall be followed:

### ***A. As regards permit and notification***

1. Student shall be required to apply three (3) working days in advance for the use of school facilities such as but not limited to, the auditorium, gymnasium and conference room, including the use of open spaces within the campus, provided no action is taken within the three-day period or in case of disapproval, an appeal may be taken to the Secretary of Commission on Higher Education.

### ***B. As regards hearing of student cases arising from public assembly***

1. Any student shall be informed of the charge/s filed against him and be offered the opportunity to answer the same within a period of not less than five (5) working days from receipt of the charge/s. All formal investigations shall be conducted after due notice to the parties who shall be heard and may present

- evidence on their behalf, if any, and may avail of the assistance of counsel.
2. Any student shall have the right to be heard by an impartial body composed of three (3) members of the academic community to be selected by the school administration; another to be selected by as follows: one to be selected by school administration; another to be selected by the student party in interest; and the third to be appointed by the CHED. The Dean of Student Services shall not be a member of the said tribunal but shall convene the tribunal which shall elect its Chairperson from among the members. No case shall be allowed to drag to the prejudice of any party in litigation.
  3. Either party shall have the right to appeal. The students shall have the right to appeal to the University Head or Board of Trustees within five (5) working days from receipt of the decision of the tribunal. Either party shall have the final appeal to the CHED with ten (10) working days. Otherwise, the decision shall be deemed final and executory.

**C. As regards detachment/military personnel**

1. Law enforcement detachments of any type or form shall not be installed anywhere inside the school campuses. Within a reasonable period of time as may be determined by the monitoring body, existing ones currently located within the school campuses shall be retained to enforce law and order and to protect members of the educational community and school property against criminal elements.
2. Only properly uniformed police enforcers shall be allowed entry into school campuses to perform law enforcement functions. However, detectives following up suspects of common crimes may be allowed entry only upon prior coordination with school authorities and when armed with specific mission orders and notice, thereof given to duly authorized student representatives.
3. Any military or police personnel enrolled as regular students shall comply strictly with pertinent existing rules and regulations especially with respect to the possession and carrying of firearms.

**D. As regards campus arrests**

1. No police authorities shall enter the school premises, whether on patrol or otherwise. Such police authorities shall not interfere with peaceful and orderly student protest actions inside school campuses; except in cases of hot pursuit, or in dealing with common crimes actually being committed or about to be

committed, or upon the written request of duly authorized student representative/s and school authorities.

**E. As regards searches and custodial investigations**

1. Searches or arrest of students shall be made in accordance with law. School authorities and duly authorized student representatives shall be notified of all lawful arrests and any student officer or school official may accompany an arrested student to the place of investigation/detention.
2. Only accredited school security guards, properly uniformed, are to be employed or assigned to school campuses. As a general rule, security guards are not vested with police powers, and therefore are not allowed to detain or interrogate students nor to disperse student assemblies. Upon effecting a citizen's arrest on a student for an offense, security guards shall forthwith immediately inform the duly authorized student representatives and school officials before turning over such student to the police authorities. Upon receipt of the information, the student representatives and/or school officials concerned shall have the right to accompany the arrested student to the place of detention and investigation.
3. No student shall be subjected to custodial investigation or any form of investigation without having received prior notice except in cases of "citizen arrest" or in *flagrante delicto* and no such investigation shall take place except in the presence of a counsel of student's choice, or counsel appointed by the official student council, union or student government.
4. In cases of school-related activities where students perform guard duties as part of their CMT requirements, only students of the same school shall be allowed to perform guard duties.
5. School security guards or police authorities shall exercise maximum tolerance in handling student protest actions.
6. Only properly identified law enforcers with names, ranks and respective units conspicuously displayed on their uniforms, shall be employed to deal with public assemblies.
7. The organizers of the assemblies shall exercise their right to make citizen's arrest of agent provocateurs or anybody inflicting injuries on participants or committing any other criminal or disruptive acts.

## **Article VI – Disciplinary Sanctions**

1. Any law enforcer who violates the terms and conditions of this Accord shall be subjected to criminal/administrative prosecution & sanctions in accordance with law.
2. Any student who violates the terms and conditions of this Accord shall likewise be subjected to disciplinary action by the school authorities or the Department of Education, or the Commission on Higher Education, and, if warranted, to criminal prosecution.

## **Article VII – National Accord Review Board**

There is hereby created a National Accord Review Board (NARB) to be composed of the Chairperson of the Commission on Human Rights and signatories herein or their authorized representatives or their successors to office with the following functions:

1. To promulgate the implementing guidelines of this Accord;
2. To ensure faithful compliance with the provisions of this Accord;
3. To set-up a monitoring and reporting system;
4. To take cognizance of such cases as shall be brought to their attention arising from this Accord.

NCR and regional units are also hereby created to assist NARB in the performance of its functions, to be composed of the duly authorized representatives in the regions of the Commission on Human Rights, Commission on Higher Education, Department of National Defense, and National Union of Students of the Philippines.

The Chairperson of NARB shall be the Chairperson of the Commission on Human Rights.

The Regional Field Officers of the Commission on Human Rights are hereby designated as the Chairmen at the Regional level.