

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

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SENATE
S. B. No. 2912

RECEIVED BY: *J*

Introduced by SENATOR LOREN LEGARDA

**AN ACT
PROHIBITING HAZING AND REGULATING OTHER FORMS OF INITIATION
RITES OF FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS,
AND PROVIDING PENALTIES FOR VIOLATION THEREOF, REPEALING
FOR THE PURPOSE REPUBLIC ACT NO. 8049**

EXPLANATORY NOTE

As part of government efforts to ensure and promote a safe environment for students in schools and universities, this proposed measure seeks to prohibit hazing and regulate other forms of initiations rites of fraternities, sororities and other school-based organizations. This is in response to the inadequacy of Republic Act 8049 which actually allows hazing provided there is prior written notice to school authorities seven days before the conduct of the said initiation.

Apart from the outright prohibition on hazing, this bill requires educational institutions to be more involved in the regulation of fraternities, sororities and organizations, whether existing or newly established. These groups must submit requirements before any initiation rite takes places and the rites can only run for a maximum of three days. Schools must approve or deny applications based on established guidelines and at least two representatives from the school must be present when the hazing is conducted.

An inter-agency committee will also be established with members from the Commission on Higher Education (CHED), Department of Education (DepEd), Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), and the National Youth Commission (NYC) to promulgate guidelines and implementing rules and regulations in order to effectively carry out the provisions of this Act.

The bill also revises the penalties on erring school, fraternity and sorority officers and other involved individuals, ranging from a fine of one million pesos and *reclusion temporal* to three million pesos and *reclusion*

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

Fraternities and sororities aid in fostering community in the educational setting but they are only beneficial if they contribute to a student's personal growth and development.

The tradition of hazing as a ritual, which individuals believe they must undergo to solidify respect for and membership in an organization, is primitive, archaic, and in many reported cases, murderous. The law must protect young people from being lured by the groups who play on their desires to fit-in.

According to reports from the Homicide Division of the Philippine National Police (PNP), the victims of hazing are people aged 16 to 25 years old. From 2000 to 2008, 13 people have died from this ritual and at least one death has been recorded annually since 2009.

For the above-cited reasons, the passage of this bill is urgently sought.


LOREN LEGARDA
Senator *LN*

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rites OF FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS,
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THE PURPOSE REPUBLIC ACT NO. 8049

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

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

3
4 SEC. 2. **Prohibition on Hazing.** - Any physical or psychological
5 suffering, harm or injury inflicted on a recruit, member, neophyte or applicant
6 as a form of an initiation rite or practice made as a prerequisite for admission
7 or a requirement for continuing membership in a fraternity, sorority or
8 organization shall be considered as hazing and is hereby prohibited. Hazing
9 shall also include any activity, intentionally made or otherwise, by one person
10 alone or acting with others, that tends to humiliate or embarrass, degrade,
11 abuse or endanger, by requiring a recruit, member, neophyte or applicant to do
12 menial, silly, or foolish tasks. All forms of hazing shall be prohibited at
13 whatever stage of the initiation rites or practice.

14
15 Fraternities, sororities, and organizations not based in schools such as
16 those which are community based are likewise covered by the prohibition
17 under this Section.

18
19 As used in this Act, the term "school" shall include colleges, universities,
20 and all other educational institutions, while the term "organization" shall
21 include but is not limited to any club, association or group as well as the officer
22 and cadet corps of the Citizens' Military Training and Citizens' Army Training.
23

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

- 5 a. That a written application to conduct the same shall be made to the
6 proper authorities of the school not later than seven (7) days prior to
7 the scheduled initiation date;
- 8 b. That the written application shall indicate the place and date of the
9 initiation rites and the names of the recruit, neophyte or applicant to
10 be initiated;
- 11 c. That the initiation rites shall not last more than three (3) days;
- 12 d. The application shall contain the names of the incumbent officers of
13 the fraternity, sorority or organization and any person or persons that
14 will take charge in the conduct of the initiation rites;
- 15 e. The application shall be under oath with a declaration that it has
16 been posted in the official school bulletin board, the bulletin board of
17 the office of the fraternity, sorority, or organization, and two other
18 conspicuous places in the school or in the premises of the
19 organization;
- 20 f. The application shall be posted from the time of submission of the
21 written notice to the school authorities or head of organization and
22 shall only be removed from its posting three (3) days after the conduct
23 of the initiation rites;
- 24

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

27

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

36

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

44

45 In case the written application for the conduct of initiation rites contains
46 false or inaccurate information, appropriate disciplinary sanctions shall be

1 imposed, after due notice and summary hearing, against the person who
2 prepared the application or supplied the false and inaccurate information and
3 to the head and other officers of the fraternity, sorority, or organization
4 concerned.

5
6 SEC. 4. **Monitoring of Initiation Rites.** – The head of the school or an
7 authorized representative must assign at least two (2) representatives of the
8 school to be present during the initiation. It is the duty of the school
9 representatives to see to it that no hazing is conducted during the initiation
10 rites. The representatives of the school who were present during the initiation
11 shall make a report to the appropriate officials of the school regarding the
12 conduct of the initiation.

13
14 SEC. 5. **Registration of Fraternities, Sororities, and Other**
15 **Organizations.** – All existing fraternities, sororities, and other organizations
16 otherwise not created or organized by the school but has existing members who
17 are students or plans to recruit students to be its members shall be required to
18 register with the proper authorities of the school before it conducts activities
19 whether on or off-campus including recruitment of members.

20
21 A newly established fraternity, sorority, or organization in a school shall
22 immediately register with the proper authorities of the school during the
23 semester or trimester in which it was established or organized: *Provided*, That
24 the new fraternity, sorority, or organization has complied with the
25 requirements prescribed by the school in establishing a fraternity, sorority, or
26 organization: *Provided, further*, That schools shall promulgate their guidelines
27 in the registration of fraternities, sororities, and organizations within their
28 jurisdiction not later than sixty (60) days from the approval of this Act.

29
30 Upon registration, all fraternities, sororities, and organizations shall
31 submit a comprehensive list of members, which shall be updated not later than
32 thirty (30) days from the start of every semester or trimester, depending on the
33 academic calendar of the school.

34
35 School officials shall have the authority to impose, after due notice and
36 summary hearings, disciplinary penalties to the head and other officers of the
37 fraternity, sorority, or organization who fails to register or update their roster of
38 members as required under this Section.

39
40 SEC. 6. **Faculty Adviser.** – All fraternities, sororities, and organizations
41 must be assigned a faculty adviser responsible for monitoring the activities of
42 the fraternity, sorority, or organization. The faculty adviser must be a duly
43 recognized active member, in good standing, of the faculty at the school in
44 which the fraternity, sorority, or organization is registered.

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

5
6 An orientation program relating to membership in a fraternity, sorority,
7 or organization shall also be conducted by schools at the start of every
8 semester or trimester.

9
10 Schools shall encourage fraternities, sororities, and organizations to
11 engage in undertakings that foster holistic personal growth and development
12 and activities that contribute to solving relevant and pressing issues of society.

13
14 SEC.8. **Registration of community based fraternities, sororities, or**
15 **organizations.** – All new and existing community based fraternities, sororities,
16 or organizations shall register with the barangay or municipality or city
17 wherein it is primarily based.

18
19 Upon registration, all community based fraternities, sororities, or
20 organizations shall submit a comprehensive list of members and officers which
21 shall be updated yearly from the date of registration.

22
23 Sec. 9. **Regulation of initiation rights for community based**
24 **fraternities, sororities, or organizations.** – Only initiation rites or practices
25 which do not inflict direct or indirect physical or psychological suffering, harm,
26 or injury to the recruit, neophyte, or applicant of a fraternity, sorority, or
27 organization shall be allowed. Provided;

- 28 a. That a written application to conduct the same shall be made to the
29 barangay captain in the barangay or the municipal or city mayor in
30 the city or municipality where the community based fraternity,
31 sorority, or organization is based not later than seven (7) days prior to
32 the scheduled initiation date;
- 33 b. That the written application shall indicate the place and date of the
34 initiation rites and the names of the recruit, neophyte or applicant to
35 be initiated;
- 36 c. That the initiation rites shall not last more than three (3) days;
- 37 d. The application shall contain the names of the incumbent officers of
38 the community based fraternity, sorority or organization and any
39 person or persons that will take charge in the conduct of the initiation
40 rites;
- 41 e. The application shall be under oath with a declaration that it has
42 been posted in the official bulletin board of the barangay hall or the
43 municipal or city hall where the community based fraternity, sorority,
44 or organization is based and the bulletin board of the office of the
45 community based fraternity, sorority, or organization,

1 f. The application shall be posted from the time of submission of the
2 written notice to the barangay captain or municipal or city mayor and
3 shall only be removed from its posting three (3) days after the conduct
4 of the initiation rites.
5

6 **SEC. 10. *Monitoring of initiation rites of community based***
7 ***fraternities, sororities, or organizations.*** – The barangay captain of the
8 barangay or the municipal or city mayor of the municipality or city where the
9 community based fraternity, sorority, or organization is based must assign at
10 least two (2) barangay or municipal or city officials to be present during the
11 initiation. It shall be their duty to see to it that no hazing is conducted during
12 the initiation rites. The representatives who were present during the initiation
13 shall make a report to the barangay captain, or the municipal or city mayor
14 regarding the conduct of the initiation.
15

16 **SEC. 11. *Nullity of Waiver and Consent.*** – Any form of approval,
17 consent or agreement, whether written or otherwise, or of an express waiver of
18 the right to object to the initiation rite or proceeding which consists of hazing
19 as defined in this act made by a recruit, neophyte or applicant prior to an
20 initiation rite that involves inflicting physical or psychological suffering, harm
21 or injury shall be void and without any binding effect on the parties.
22

23 The defense that the recruit, neophyte or applicant consented to being
24 subjected to hazing shall not be available to persons prosecuted under this Act.
25

26 **SEC. 12. *The Inter Agency Committee Against Hazing.*** – The
27 Commission on Higher Education (CHED), Department of Education (DepEd),
28 Department of Justice (DOJ), Philippine National Police (PNP), Armed Forces of
29 the Philippines (AFP), Department of Interior and Local Government (DILG),
30 Department of Social Welfare and Development (DSWD), National Youth
31 Commission (NYC) and an organization representing educational institutions,
32 schools, colleges and universities shall create an inter-agency committee that
33 shall promulgate guidelines and implementing rules and regulations in order to
34 carry out the provisions of this act.
35

36 **SEC. 13. *Administrative Sanctions.*** – The responsible officials of the
37 school or of the police or military may impose the appropriate administrative
38 sanctions, after due notice and summary hearing, on the person or the persons
39 charged under this Act even before their conviction.
40

41 **SEC. 14. *Penalties and Liability of Those Involved in Hazing.*** – The
42 following penalties shall be imposed:

43 1) The penalty of *reclusion temporal* and a fine of one million pesos
44 (P1,000,000.000) shall be imposed upon the participating officers and members
45 of the fraternity, sorority or organization involved in the hazing.

46 2) The penalty of *reclusion perpetua* and a fine of two million pesos
(P2,000,000.00) shall be imposed upon the members of the fraternity, sorority

1 or organization who were intoxicated or under the influence of alcohol or illegal
2 drugs when they actually participated in the hazing. The same penalty shall be
3 imposed upon the non-resident or alumni members of the fraternity, sorority or
4 organization who actually participated in the hazing.

5
6 3) The penalty of *reclusion perpetua* and a fine of three million pesos
7 (P3,000,000.00) shall be imposed upon those who actually participated in the
8 hazing if, as a consequence of the hazing, death, rape, sodomy or mutilation
9 results therefrom;

10
11 4) A fine of one million pesos (P1,000,000.00) shall be imposed on the
12 school if the fraternity, sorority or organization filed a written application to
13 conduct an initiation which was subsequently approved by the school and
14 hazing occurred during the initiation rites or when no representatives from the
15 school were present during the initiation as provided under Section 4 of this
16 Act.

17
18 5) It shall be unlawful for any person to intimidate, threaten, force, or to
19 employ, or administer any form of vexation against another person for the
20 purpose of recruitment in joining or promoting a particular fraternity, sorority,
21 or organization. The persistent and repeated proposal or invitation made to a
22 person who had twice refused to participate or join the proposed fraternity,
23 sorority, or organization shall be *prima facie* vexation for purposes of this
24 section. Provided further, that violation of this section shall be punished by
25 *prision correccional* in its minimum period.

26
27 6) The owner of the place where hazing is conducted shall be liable as a
28 principal when he has actual knowledge of the hazing conducted therein but
29 failed to take any action to prevent the same from occurring or failed to
30 promptly report the same to the law enforcement authorities if he can do so
31 without peril to himself or his family. If the hazing is held in the home of one of
32 the officers or members of the fraternity, sorority, or organization, the parents
33 shall be held liable as principals when they have actual knowledge of the
34 hazing conducted therein but failed to take any action to prevent the same
35 from occurring or failed to promptly report the same to the law enforcement
36 authorities if he can do so without peril to himself or his family.

37
38 7) The school authorities including faculty members as well as barangay,
39 municipal or city officials shall be held administratively liable for hazing
40 conducted by fraternities, sororities and other organizations if it can be shown
41 that the school or barangay, municipal or city official allowed or consented to
42 the conduct of hazing or where there is actual knowledge of hazing, but failed
43 to take any action to prevent the same from occurring or failed to promptly
44 report to the law enforcement authorities if the same can be done without peril
45 to the person reporting or his/her family.

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

9
10 9) The presence of any person during the hazing is *prima facie* evidence
11 of participation therein as principal unless he prevented the commission of the
12 acts punishable herein or promptly reported the same to the law enforcement
13 authorities if he can do so without peril to himself or his family.

14
15 10) The incumbent officers of the fraternity, sorority or organization
16 concerned shall be jointly liable with those members who actually participated
17 in the hazing. The *prima facie* presumption that arises herein shall be rebutted
18 only by the individual defense of desistance and renunciation by the accused.

19
20 11) Any person charged under this Act shall not be entitled to the
21 mitigating circumstance that there was no intention to commit so grave a
22 wrong.

23
24 12) This Section shall apply to the president, manager, director or other
25 responsible officer of a corporation engaged in hazing as a requirement for
26 employment in the manner provided herein.

27
28 13) Any judgment of final conviction shall be reflected in the scholastic
29 record, personal or employment record of the person convicted, regardless of
30 when the conviction is arrived at.

31
32 **SEC. 15. *Separability Clause.*** – If any provision or part of this Act is
33 declared invalid or unconstitutional, the remaining parts or provisions not
34 affected thereby shall remain in full force and effect.

35
36 **SEC. 16. *Repealing Clause.*** – Republic Act No. 8049 is hereby repealed.
37 All other laws, decreed, executive orders, proclamations, rules and regulations,
38 or parts thereof inconsistent with the provisions of this Act are hereby
39 amended, repealed or modified accordingly.

40
41 **SEC. 17. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
42 after its publication in the *Official Gazette* or in any newspaper of general
43 circulation.

44
45 *Approved,*