



## SECTION 3.1

### Student Related Government and Administrative Acts and Implementing Guidelines

*An Addendum to the Undergraduate Student Handbook of the Ateneo  
de Manila Loyola Schools*

# Excerpt from the Education Act of 1982

## Students' Responsibilities

*Section 15. Duties and Responsibilities of Students.* In addition to those provided for under existing laws, every student shall:

1. Exert his utmost to develop his potentialities for service, particularly by undergoing an education suited to his abilities, in order that he may become an asset to his family and to society.
2. Uphold the academic integrity of the school, endeavor to achieve academic excellence and abide by the rules and regulations governing his academic responsibilities and moral integrity.
3. Promote and maintain the peace and tranquility of the school by observing the rules and discipline, and by exerting efforts to attain harmonious relationships with fellow students, the teaching and academic staff and other school personnel.
4. Participate actively in civic affairs and in the promotion of the general welfare, particularly in the social, economic and cultural development of his community and in the attainment of a just, compassionate and orderly society.
5. Exercise his rights responsibly in the knowledge that he is answerable for any infringement or violation of the public welfare and of the rights of others.

# National Service Training Program Act [Republic Act No. 9163]

## AN ACT ESTABLISHING THE NATIONAL SERVICE TRAINING PROGRAM (NSTP) FOR TERTIARY LEVEL STUDENTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7077 AND PRESIDENTIAL DECREE NO. 1706, AND FOR OTHER PURPOSES

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

*Section 1. Short Title.* This Act shall be known as the “National Service Training Program (NSTP) Act of 2001.”

*Section 2. Declaration of Policy.* It is hereby affirmed the prime duty of the government to serve and protect its citizens. In turn, it shall be the responsibility of all citizens to defend the security of the State and in fulfillment thereof, the government may require each citizen to render personal, military or civil service.

Recognizing the youth’s vital role in nation-building, the State shall promote civic consciousness among the youth and shall develop their physical, moral, spiritual, intellectual, and social wellbeing. It shall inculcate in the youth patriotism, nationalism, and advance their involvement in public and civic affairs.

In pursuit of these goals, the youth, the most valuable resource of the nation, shall be motivated, trained, organized, and mobilized in military training, literacy, civic welfare, and other similar endeavors in the service of the nation.

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

- a. “National Service Training Program (NSTP)” is a program aimed at enhancing civic consciousness and defense preparedness in the youth by developing the ethics of service and patriotism while undergoing training in any of its three (3) program components. Its various components are specially designed to enhance the youth’s active contribution to the general welfare.
- b. “Reserve Officer’s Training Corps (ROTC)” is a program institutionalized under Sections 38 and 39 of Republic Act No. 7077 designed to provide military training to tertiary level students in order to motivate, train, organize, and mobilize them for national defense preparedness.
- c. “Literacy Training Service” is a program designed to train students to become teachers of literacy and numeracy skills to school children, out of school youth, and other segments of society in need of their service.
- d. “Civil Welfare Training Service” refers to programs of activities contributory to the general welfare and the betterment of life for the members of the community or the enhancement of its facilities, especially those devoted to improving health, education, environment, entrepreneurship, safety, recreation, and morals of the citizenry.
- e. “Program component” shall refer to the service components of the NSTP as enumerated in Section 4 of this Act.

*Section 4. Establishment of the National Service Training Program.* There is hereby established a National Service Training Program (NSTP), which shall form part of the curricula of all baccalaureate degree courses and of at least two (2)-year technical-vocational courses and is a requisite for graduation, consisting of the following service components:

1. The Reserve Officer's Training Corps (ROTC), which is hereby made optional and voluntary upon the effectivity of this Act
2. The Literacy Training Service
3. The Civic Welfare Training Service.

The ROTC under the NSTP shall instill patriotism, moral virtues, respect for rights of civilians, and adherence to the Constitution, among others. Citizenship training shall be given emphasis in all three (3) program components. The Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA), in consultation with the Department of National Defense (DND), Philippine Association of State Universities and Colleges (PASUC), Coordinating Council of Private Educational Associations (COCOPEA) and other concerned government agencies may design and implement such other program components as may be necessary in consonance with the provisions of this Act.

*Section 5. Coverage.* Students, male and female, of any baccalaureate degree course or at two (2)- year technical-vocational courses in public and private educational institutions shall be required to complete one (1) of the NSTP components as requisite for graduation.

*Section 6. Duration and Equivalent Course Unit.* Each of the aforementioned NSTP program components shall be undertaken for an academic period of two (2) semesters.

In lieu of the two (2)-semester program for any of the components of the NSTP, a one (1) summer program may be designed, formulated and adopted by the DND, CHED and TESDA.

*Section 7. NSTP Offering in Higher and Technical-Vocational Educational Institutions.* All higher and technical-vocational institutions, public and private, must offer at least one (1) of the program components: Provided, That State Universities and Colleges shall offer the ROTC component and at least one (1) other component as provided herein: provided, further, that private higher and technical vocational education institutions may also offer the ROTC if they have at least three hundred and fifty (350) cadet students.

In offering the NSTP whether during the semestral or summer periods, clustering of affected students from different educational institutions maybe done, taking into account logistics, branch of service and geographical considerations. Schools that do not meet the required number of students to maintain the optional ROTC and any of the NSTP components shall allow their students to cross-enroll to other schools irrespective of whether or not the NSTP components in said schools are being administered by the same or another branch of service of the Armed Forces of the Philippines (AFP), CHED and TESDA to which schools are identified.

*Section 8. Fees and Incentives.* Higher and technical vocational institutions shall not collect any fee for any of the NSTP components except basic tuition fees, which shall not be more than fifty

percent (50%) of what is currently charged by schools per unit. In the case of the ROTC, the DND shall formulate and adopt a program of assistance and/or incentive to those students who will take the said component. The school authorities concerned, CHED and TESDA shall ensure that group insurance for health and accident shall be provided for students enrolled in any of the NSTP components.

*Section 9. Scholarships.* There is hereby created a Special Scholarship Program for qualified students taking the NSTP, which shall be administered by the CHED and TESDA. Funds for this purpose shall be included in the annual regular appropriations of the CHED and TESDA.

*Section 10. Management of the NSTP Components.* The school authorities shall exercise academic and administrative supervision over the design, formulation, adoption and implementation of the different NSTP components in their respective schools: provided, that in case CHED or TESDA-accredited non-government organization (NGO) has been contracted to formulate and administer a training module for any of the NSTP components, such academic and administrative supervision shall be exercised jointly with that accredited NGO. Provided, further, that such training module shall be accredited by the CHED and TESDA. The CHED and TESDA regional offices shall oversee and monitor the implementation of the NSTP under their jurisdiction to determine if the trainings are being conducted in consonance with the objectives of the Act. Periodic reports shall be submitted to the CHED, TESDA and DND in this regard.

*Section 11. Creation of the National Service Reserve Corps.* There is hereby created a National Service Reserve Corps, to be composed of the graduates of the non-ROTC components. Members of this Corps may be tapped by the State for literacy and civic welfare activities through the joint effort of DND, CHED and TESDA. Graduates of the ROTC shall form part of the Citizens Armed Force pursuant to Republic Act No. 7077.

*Section 12. Implementing Rules.* The DND, CHED and TESDA shall have the joint responsibility for the adoption of the implementing rules of this Act within sixty (60) days from the approval of this Act. These three (3) agencies shall consult with other concerned government agencies, the PASCU and COCOPEA, NGOs and recognized student organizations in drafting the implementing rules. The implementing rules shall include guidelines for the adoption of the appropriate curriculum for each of the NSTP components as well as for the accreditation of the same.

*Section 13. Transitory Provisions.* Students who have yet to complete the Basic ROTC except those falling under Section 14 of this Act, may either continue in the program component they are currently enrolled in or shift to any of the other program components of their choice. Provided, that in case he shifts to another program component, the basic ROTC courses he has completed shall be counted for the purpose of completing the NSTP requirement; Provided, further, that once he has shifted to another program component, he shall complete the NSTP in that component.

*Section 14. **Suspension of ROTC Requirement.*** The completion of ROTC training as a requisite for graduation is hereby set aside for those students who despite completing all their academic units as of the effectivity of this Act have not been allowed to graduate.

*Section 15. **Separability Clause.*** If any section or provision of this Act shall be declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

*Section 16. **Amendatory Clause.*** Section 35 of Commonwealth Act. No. 1, Executive Order No. 207 of 1939, Sections 2 and 3 of Presidential Decree No. 1706, and Sections 38 and 39 of Republic Act No. 7077, as well as all laws, decrees, orders, rules and regulations and other issuances inconsistent with the provisions of this Act are hereby deemed amended and modified accordingly.

*Section 17. **Effectivity.*** This Act shall take effect fifteen (15) days after its publication in two(2) newspapers of national circulation, but the implementation of this Act shall commence in the school year 2002-2003.

# **The Campus Journalism Act of 1991**

## **[Republic Act No. 7079]**

### **ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF CAMPUS JOURNALISM AND FOR OTHER PURPOSES**

Be it enacted by the Senate and by the 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 a declared policy of the State to uphold and protect the freedom of the press even on 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 the students concerned and promoting responsible and free journalism.

*Section 3. Definition of terms.*

**School** — An institution for learning in the elementary, secondary or tertiary level comprised of the studentry, administration, faculty, and non-faculty personnel.

**Student Publication** — The issue of any printed material that is independently published by, and which meets the needs and interests of the studentry.

**Student Journalists** — Any bonafide student enrolled for the current semester or term who has passed or met the qualifications and standard of the editorial board. He must likewise maintain a satisfactory academic standing.

**Editorial Board** — In the tertiary level, the editorial board shall be composed of student Journalists who have qualified in the placement examinations. In the case of the elementary and high school levels, the editorial 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.

**Editorial Policies** — A set of guidelines by which a student publication is operated and managed, taking into account any pertinent laws as well as the school administration policies. Said guidelines shall determine the frequency of publication, the manner of selecting the articles and features and other similar matters.

*Section 4. **Student Publications.*** A student publication is published by 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 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 schools and other sources intended for the student publication. Subscription 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 other 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 performance of his or her duties in the student publication.

*Section 8. **Press Conferences 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 publications in the elementary, secondary and tertiary levels shall participate. Such competitions, conferences, and seminars shall be held at the institutional, divisional and regional levels, culminating with the holding of the annual national elementary, secondary, or tertiary School Press Conference in 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, and tertiary organizations or official advisers of student publications, together with journalists at the tertiary level and existing organizations of student journalists, shall promulgate the rules and regulations necessary for the implementation of this act.

# **The Anti-Hazing Law**

## **[Republic Act No. 8049]**

### **AN ACT REGULATING HAZING AND OTHER FORMS OF INITIATION RITES IN FRATERNITIES, SORORITIES AND OTHER ORGANIZATIONS AND PROVIDING PENALTIES THEREFOR**

*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 to do menial, silly, foolish and other similar tasks or activities or otherwise subjecting him 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 officer and cadet corp. of the Citizen’s Military Training and 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 Police Commission duly recommended by the Chief of Staff, Armed Forces of the Philippines and the Director General of the Philippine National Police shall not be considered as hazing for the purposes 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 initiation. 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 or their representatives must assign at least two (2) representatives of the school or organization, as the case maybe, to be present during the 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:

1. The penalty of reclusion perpetua (life imprisonment) if death, rape, sodomy or mutilation results there from.
2. The penalty of reclusion temporal in its maximum period (17 years, 4 months and 1 day to 20 years) if in consequence of the hazing the victim shall become insane, imbecile, impotent or blind.
3. The penalty of reclusion temporal in its medium period (14 years, 8 months and one day to 17 years and 4 months) if in consequence of the hazing the victim shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm or a leg or shall have lost the use of any such member shall have become incapacitated for the activity or work in which he we habitually engaged.
4. The penalty of reclusion temporal in its minimum period (12 years and one day to 14 years and 8 months) if in consequence of the hazing the victim shall become deformed or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of more than ninety (90) days.
5. The penalty of prison mayor in its maximum period (10 years and one day to 12 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of more than thirty (30) days.
6. The penalty of prison mayor in its medium period (8 years and one day to 10 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on the activity or work in which he was habitually engaged for a period of ten (10) days or more, or that the injury sustained shall require medical assistance for the same period.
7. The penalty of prison mayor in its minimum period (6 years and one day to 8 years) if in consequence of the hazing the victim shall have been ill or incapacitated for the performance on 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 assistance for the same period.
8. The penalty of prison correccional in its maximum period (4 years, 2months and one day to 6 years) if in consequence of the hazing the victim sustained physical injuries, which do not prevent him 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 the 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 the hazing. The owner of the place where hazing is conducted shall be liable as an accomplice, when he 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, group, or organization, the parents shall be held liable as principals when they have actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring. 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. A fraternity or sorority's adviser who is present when the acts constituting the hazing were committed and failed to take action to prevent the same from occurring shall be liable as principal. The presence of any person during the hazing is prima facie evidence of participation therein as principal unless he prevented the commission of the acts punishable herein. Any person charged under this provision shall not be entitled to the mitigating circumstance 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 provisions thereof shall remain valid and effective.

*Section 6.* All laws, orders, rules or 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) calendar days after its publication in at least two (2) national newspapers of general circulation.

Approved: June 7, 1995

## **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 aggrupations. The CHED supports firmly this position of universities and all institutions of higher education.

Towards this, the CHED would make available to these organizations fora to harness their potentials as development agents in campuses, specifically, and in society generally. These fora would similarly serve to discuss, settle differences, and differing organizations and students views to transform these organizations into constructive and productive entities.

# **Ateneo de Manila University Presidential Regulation on Organizations and Societies**

*Whereas*, in the history of Jesuit schools there is a tradition of organizations or societies whose goals include the promotion of excellence on Christian life and various lines of endeavor;

*Whereas*, there are organizations or societies in the Philippine school system which have the practice of making prospective members undergo initiation rites entailing physical or moral violence on the person of neophytes or affronts on the dignity of the human person;

*Whereas*, such organizations or societies constitute a serious obstacle to the attainment of the goals of Jesuit and Christian education;

NOW THEREFORE, after having assessed the potential obstacles to the implementation of a regulation on the subject and confident in the moral strength and support of the Ateneo de Manila University community, I hereby promulgate the following disciplinary regulation:

1. After the promulgation of this regulation, any student who knowingly and by overt acts becomes a member, or remains a member of, or recruits prospective members for, any organization or society, whether open or secret, which requires tolerant acts of violence or affronts to personal dignity in any form on any person as part of the initiation rites or of other organization or society activities, or which 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 dismissed from the Ateneo de Manila University or denied re-enrollment.
2. Every faculty or staff member of the University is expected, as part of his or her responsibility, to respect this regulation and assist in its faithful implementation.
3. Nothing in this regulation shall be interpreted as a restriction on the right of the students to form unions, associations or societies for purposes not contrary to laws and to the ideals and regulations of the University.
4. The school unit heads are hereby instructed to formulate whatever supplemental regulations they may deem needed for purposes of faithful and effective implementation.
5. This regulation shall take effect today, February 28, 1991.

## **Code of Discipline**

Furthermore, pursuant to Article 63, Code of Discipline of the College Student Handbook, which is quoted below, activities of fraternities and sororities are strongly prohibited:

The activities of groups or organizations such as fraternities/sororities which:

- a. make use of violence, or
- b. maintain secrecy of existence and of activities, or
- c. are by nature cliquish or expressed through disrespect for non-members are prohibited in campus from using school property for their activities such as recruitment, initiation, etc., and from using the University's name in any manner.

# [REPUBLIC ACT NO. 9262]

Excerpts from

## **AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

**Republic of the Philippines  
Congress of the Philippines  
Metro Manila Twelfth Congress  
Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand and three

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

SECTION 1. Short Title.- This Act shall be known as the "Anti-Violence Against Women and Their Children Act of 2004".

- A. "Physical Violence" refers to acts that include bodily or physical harm;
- B. "Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
  - a. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
  - b. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
  - c. Prostituting the woman or child.

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SEC. 5. Acts of Violence Against Women and Their Children.- The crime of violence against women and their children is committed through any of the following acts:

- a. Causing physical harm to the woman or her child;
- b. Threatening to cause the woman or her child physical harm;
- c. Attempting to cause the woman or her child physical harm;
- d. Placing the woman or her child in fear of imminent physical harm;
- e. Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:
  - 1. Threatening to deprive or actually depriving the woman or her child of custody to her/his family;
  - 2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
  - 3. Depriving or threatening to deprive the woman or her child of a legal right;
  - 4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- f. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- g. Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- h. Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:
  - 1. Stalking or following the woman or her child in public or private places;
  - 2. Peering in the window or lingering outside the residence of the woman or her child;
  - 3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
  - 4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
  - 5. Engaging in any form of harassment or violence;

- i. Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

SEC. 6. Penalties.- The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

- a. Acts falling under Section 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code.

If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prision mayor; those constituting less serious physical injuries shall be punished by prision correccional; and those constituting slight physical injuries shall be punished by arresto mayor.

Acts falling under Section 5(b) shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor.

- b. Acts falling under Section 5(c) and 5(d) shall be punished by arresto mayor;
- c. Acts falling under Section 5(e) shall be punished by prision correccional;
- d. Acts falling under Section 5(f) shall be punished by arresto mayor;
- e. Acts falling under Section 5(g) shall be punished by prision mayor;
- f. Acts falling under Section 5(h) and Section 5(i) shall be punished by prision mayor.

If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty prescribed in the section.

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

# **The Anti-Sexual Harassment Act of 1995**

## **[Republic Act No. 7877]**

### **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 is 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, trainer, 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, reemployment 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 therefore.

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.

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 solitarily 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. Seperability 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.

Approved:

(Sgd.) EDGARDO J. ANGARA  
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.  
Speaker of the House of Representatives

Approved: February 14, 1995

# Ateneo de Manila University's Implementing Rules and Regulations on the Anti-Sexual Harassment Act of 1995

## Policy Statement on Sexual Harassment

The Loyola Schools of the Ateneo de Manila University believes that every member of the academic community must be treated with respect and dignity in accordance with Christian values. Sexual harassment impairs the pursuit of the ideals of the Loyola Schools of the Ateneo de Manila University. The Ateneo University regards sexual harassment as unacceptable behavior, because it is a violation of the foregoing policy and the Sexual Harassment Act of 1995.

Any administrator, faculty member, employee, or student who engages in sexual harassment is subject to disciplinary action, which may include termination of employment or dismissal.

## Rules and Regulations Implementing the Anti-Sexual Harassment Act of 1995

Pursuant to the provision of Section 4 of Republic Act No. 7877 entitled “Anti-Sexual Harassment Act of 1995”, the following rules and regulations are hereby promulgated for the purpose of prescribing the proper decorum for administrators, faculty members, employees, and students of Loyola Schools of the Ateneo de Manila University and for the resolution, settlement, and disposition of cases of sexual harassment.

### RULE I.

*Section 1. Definition of Terms.* As used in the Rules and Regulations, the following terms shall mean and be understood as indicated below:

- a. **Loyola Schools** refers to the College and Graduate School of the Loyola Schools of the Ateneo de Manila University.
- b. **Vice President** refers to the Vice President for the Loyola Schools of the Ateneo de Manila University.
- c. **Administrator** refers to the Vice President, Deans, Associate Deans, Heads of Administrative Offices, Department Chairs, and Program Directors.
- d. **Faculty Member** refers to any member of the faculty of Loyola Schools of the Ateneo de Manila University, whether on a full-time or part-time basis, and shall include any lecturer in classes entrusted with the supervision or training of students.
- e. **Professional** refers to non-teaching personnel of the Loyola Schools that are responsible for providing specific student services for the needs and welfare of the students.
- f. **Employee** refers to the non-teaching personnel belonging to the administrative, secretarial, and maintenance staff of the Loyola Schools including casuals, contractuels, etc.
- g. **Student** refers to any person officially enrolled in Loyola Schools of the Ateneo de Manila University either as a student in the regular/special course, whether in a credit or audit basis, part-time or full-time, or thesis writer.

- h. **Applicant Employee** refers to a person seeking employment in Loyola Schools of the Ateneo de Manila University.
- i. **Applicant Student** refers to a person seeking admission in the Loyola Schools of the Ateneo de Manila University as a student in the regular and special courses.
- j. **Complainant** refers to any administrator, faculty member, employee, applicant employee, student or applicant student who claims that an act of sexual harassment has been committed.

## RULE II. COVERAGE

*Section 1.* **Officials and Employees.** These Rules and Regulations shall apply to any administrator, faculty member, non-teaching personnel, or applicant employee of the Loyola Schools who complains of or against whom a complaint for sexual harassment is filed.

*Section 2.* **Students and Applicant Students.** These Rules and Regulations shall also apply to students and student applicants who complain of sexual harassment committed by any administrator, faculty member, employee, or student.

*Section 3.* If it is the Vice President who complains of or against whom a complaint for sexual harassment is filed, the case shall be referred to the University President.

## RULE III. SEXUAL HARASSMENT

*Section 1.* **Persons Liable.** Sexual harassment is committed by an administrator, faculty member, student, or against someone over whom he or she has authority, influence or moral ascendancy, whether or not the demand, request, or requirement for submission to any act of sexual harassment is accepted by the alleged victim.

*Section 2.* **Other Parties Liable.** Any person who directs or induces another to commit any act of sexual harassment under Section I or who cooperates in the commission of any such act, without which such act would not have been committed, shall also be liable for sexual harassment.

*Section 3.* **Acts of Sexual Harassment in Employment.** Sexual harassment is committed in a work-related environment whether or not the demand, request, or requirement for submission is accepted by the alleged victim, when:

- a. A sexual favor is made as a condition in hiring or in the employment, re-employment, or continued employment, or in granting favorable compensation, terms, conditions, promotion, or privilege, and any other terms or condition of employment
- b. The refusal to grant a sexual favor, demand, request or requirement results in limiting, segregating, or classifying an administrator, faculty member, employee or applicant employee which in any way will discriminate against, deprive or diminish the employment opportunities or otherwise adversely affect the alleged victim

- c. The above acts will violate or impair the rights or privileges of the victim under existing labor laws
- d. The above acts will result in an intimidating, hostile, or offensive environment for the victim.

**Section 4. Sexual Harassment against Students and Applicant Students.** Sexual harassment is committed against a student or applicant student, whether or not the demand, request, or requirement for submission is accepted by the victim, when:

- a. The act of sexual harassment is committed against one who is under the care, custody, or supervision of the offender
- b. The act of sexual harassment is committed against one whose education, training, apprenticeship, or tutorship is entrusted to the offender
- c. A sexual favor is made a condition for admission to the school's regular or special courses; to the giving of a passing grade, or a higher grade; granting of honors and scholarships; the payment of a stipend; allowance or other benefits, privilege or consideration; the recommendation or appointment of a student as an officer of a student organization engaged in extracurricular activities; or for graduate studies or for employment; the approval of a thesis or the recommendation that a grade of a student be considered
- d. The above acts will result in an intimidating, hostile or offensive environment for the victim.

**Section 5. Place of Commission.** Sexual Harassment may be committed in any work or education environment. It may include, but is not limited to, the acts of sexual harassment committed:

- a. Within or outside the campus
- b. At the school or training-related or education-related social functions
- c. In the course of work assignments or course assignments outside the campus
- d. During work-related, training-related or education-related conference, seminars, studies or sessions
- e. During work-related, training related, or education-related travel.

#### RULE IV. FORMS OF SEXUAL HARASSMENT

**Acts of sexual harassment.** Sexual harassment may be committed in any of the following forms:

- a. Overt sexual advances
- b. Unwelcome or improper gestures of affection
- c. Request or demand for sexual favors including but not limited to going out on dates, outings, or the like for the same purpose
- d. Any other act or conduct of a sexual nature or for purposes of sexual gratification.

RULE V.  
PROCEDURE

*Section 1.* The Office of the Vice President for the Loyola Schools will receive all complaints regarding alleged sexual harassment in the Loyola Schools, subject to the limitation of Section 3 of Rule II.

*Section 2.* The Vice President will then constitute a Committee to investigate and hear the case, to prepare and submit reports, and to recommend a course of action. The Committee shall have at least five members representing the different sectors of the LS Community.

*Section 3.* The Committee shall promptly, thoroughly and fairly investigate the complaint, submit a report and recommend a course of action to the Vice President.

*Section 4.* The Vice President shall decide on the case.

*Section 5.* The decision of the Vice President may be appealed to the President of the Ateneo de Manila University whose decision shall be considered final.

*Section 6.* The proceedings of all sexual harassment cases shall be private and confidential.

RULE VI.  
EFFECTIVITY

These Rules and Regulations shall take effect upon approval of the Vice President.

# Special Protection of Children against Abuse, Exploitation and Discrimination Act [Republic Act No. 7610]

## Excerpts from

### AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES

#### ARTICLE I.

#### TITLE, POLICY, PRINCIPLES, AND DEFINITIONS OF TERMS

*Section 1. Title.* This Act shall be known as the “Special Protection of Children against Abuse, Exploitation and Discrimination Act.”

*Section 2. Declaration of State Policy and Principles.* It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation, and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation, and discrimination or when such acts against the child are committed by the said parent, guardian, teacher, or person having care and custody of the same. It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.

*Section 3. Definition of Terms.*

- a. “Children” refers to persons below eighteen (18) years of age or those over, but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- b. “Child abuse” refers to the maltreatment, whether habitual or not, of the child, which includes any of the following:

1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment
  2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being
  3. Unreasonable deprivation of his basic needs for survival, such as food and shelter, or
  4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
- c. “Circumstances which gravely threaten or endanger the survival and normal development of children” include, but are not limited to, the following:
1. Being in a community where there is armed conflict or being affected by armed conflict-related activities
  2. Working under conditions hazardous to life, safety, and normal development which unduly interfere with their normal development
  3. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life
  4. Being a member of a indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life
  5. Being a victim of a man-made or natural disaster or calamity, or
  6. Circumstances analogous to those above-stated which endanger the life, safety, or normal development of children
- d. “Comprehensive program against child abuse, exploitation, and discrimination” refers to the coordinated program of services and facilities to protect children against:
1. Child Prostitution and other sexual abuse
  2. Child trafficking
  3. Obscene publications and indecent shows
  4. Other acts of abuses
  5. Circumstances which threaten or endanger the survival and normal development of children.

## ARTICLE II.

### PROGRAM ON CHILD ABUSE, EXPLOITATION, AND DISCRIMINATION

*Section 4. Formulation of the Program.* There shall be a comprehensive program to be formulated by the Department of Justice and the Department of Social Welfare and Development, in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of this Act, to protect children against child prostitution and other sexual abuse; child trafficking, obscene publications and indecent shows; other acts of abuse; and circumstances which endanger child survival and normal development.

## ARTICLE III.

### CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

*Section 5. Child Prostitution and Other Sexual Abuse.* Children, whether male or female, who for money, profit, or any other consideration, or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

*Section 6. Attempt to Commit Child Prostitution.* There is an attempt to commit child prostitution under Section 5, paragraph (a) hereof when any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances, which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

...

## ARTICLE VI. OTHER ACTS OF ABUSE

*Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.*

- a. Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prison mayor* in its minimum period.
- d. Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of *prison mayor* in its medium period and a fine of not less than Fifty thousand pesos (P50,000.00), and the loss of the license to operate such a place or establishment.

## ARTICLE X. CHILDREN IN SITUATIONS OF ARMED CONFLICT

*Section 22. Children as Zones of Peace.* Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace. To attain this objective, the following policies shall be observed.

- a. Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane, or degrading treatment.

...

- c. Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered.

...

- e. Public infrastructure such as schools, hospitals, and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.

...

ARTICLE XI.  
REMEDIAL PROCEDURES

*Section 27. Who May File a Complaint.* Complaints on cases of unlawful acts committed against the children as enumerated herein may be filed by the following:

- a. Offended party
- b. Parents or guardians
- c. Ascendant or collateral relative within the third degree of consanguinity
- d. Officer, social worker, or representative of a licensed child-caring institution
- e. Officer or social worker of the Department of Social Welfare and Development
- f. Barangay chairman, or
- g. At least three (3) concerned responsible citizens where the violation occurred.

*Section 28. Protective Custody of the Child.* The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

*Section 29. Confidentiality.* At the instance of the offended party, his name may be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter, or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

*Section 30. Special Court Proceedings.* Cases involving violations of this Act shall be heard in the chambers of the judge of the Regional Trial Court duly designated as Juvenile and Domestic Court. Any provision of existing law to the contrary notwithstanding and with the exception of habeas corpus, election cases, and cases involving detention prisoners and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing or disposition of cases involving violation of this Act.

Approved: June 17, 1992

# Students' Right against Unreasonable Searches and Seizures

Except for the following instances, no search and seizures of students shall be deemed valid:

- a. Searches made at the point of ingress and egress in the University and in the buildings of the University by authorized personnel of the school
- b. Searches and seizures of the illegal articles as defined by the Revised Penal Code and other related penal laws and the Student Handbook
- c. Searches and seizures of articles falling in plain view of duly authorized personnel
- d. Searches made when the student is attempting to commit, is committing, has just committed, or has been committing a crime or a serious infraction of the school's rules and regulations
- e. Searches made with a valid search warrant
- f. Searches under any circumstance conducted on reasonable grounds.

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## NOTES

- a. U.S. v. Arceo, 3 Phil. 381
- b. Revised Penal Code and Pertinent Penal Statutes.
- c. Roan v. Gonzales, 145 SCRA 687 and People v. Alfonso, 219 SCRA 102
- d. People v. Delos Santos, 200 SCRA 431, and People v. Gerente, 219 SCRA 756
- e. Alvaro v. Dizon, 76 Phil. 837; Rules of Court, Rule 113
- f. Terry v. Ohio

# **[Republic Act No. 8792 of Philippines]**

## **Excerpts from the**

### **Electronic Commerce Act of 2000**

#### **by the Senate and House of Representatives of the Republic of the Philippines**

An act providing for the recognition and use of electronic commercial and non-commercial transactions and documents, penalties for unlawful use thereof and for other purposes

Be it enacted by the senate and house of representatives of the republic of the Philippines in congress assembled:

#### **PART I**

#### **SHORT TITLE AND DECLARATION OF POLICY**

Sec. 1. Short Title. - This Act shall be known as the "Electronic Commerce Act of 2000".

Sec. 2. Declaration of Policy. - The State recognizes the vital role of information and communications technology (ICT) in nation-building; the need to create an information-friendly environment which supports and ensures the availability, diversity and affordability of ICT products and services; the primary responsibility of the private sector in contributing investments and services in telecommunications and information technology; the need to develop, with appropriate training programs and institutional policy changes, human resources for the information technology age, a labor force skilled in the use of ICT and a population capable of operating and utilizing electronic appliances and computers; its obligation to facilitate the transfer and promotion of adaptation technology, to ensure network security, connectivity and neutrality of technology for the national benefit; and the need to marshal, organize and deploy national information infrastructures, comprising in both telecommunications network and strategic information services, including their interconnection to the global information networks, with the necessary and appropriate legal, financial, diplomatic and technical framework, systems and facilities. chanrobles law firm

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SEC. 31. Lawful Access. - Access to an electronic file, or an electronic signature of an electronic data message or electronic document shall only be authorized and enforced in favor of the individual or entity having a legal right to the possession or the use of the plaintext, electronic signature or file and solely for the authorized purposes. The electronic key for identity or integrity shall not be made available to any person or party without the consent of the individual or entity in lawful possession of that electronic key.

SEC. 32. Obligation of Confidentiality. - Except for the purposes authorized under this Act, any person who obtained access to any electronic key, electronic data message, or electronic document, book, register, correspondence, information, or other material pursuant to any powers conferred under this Act, shall not convey to or share the same with any other person.

SEC. 33. Penalties. - The following Acts shall be penalized by fine and/or imprisonment, as follows:

(a) Hacking or cracking which refers to unauthorized access into or interference in a computer system/server or information and communication system; or any access in order to corrupt, alter, steal, or destroy using a computer or other similar information and communication devices, without the knowledge and consent of the owner of the computer or information and communications system, including the introduction of computer viruses and the like, resulting in the corruption, destruction, alteration, theft or loss of electronic data messages or electronic document shall be punished by a minimum fine of one hundred thousand pesos (P100,000.00) and a maximum commensurate to the damage incurred and a mandatory imprisonment of six (6) months to three (3) years

# Comprehensive Dangerous Drugs Act of 2002 [Republic Act No. 9165]

## Excerpts from

### 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 assembled:

*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 and 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 and 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 reintegrate 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.

...

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 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.

...

- a. *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.

...

- a. *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.

...

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*, *bhanga*, *guaza*, *churrus*, and *ganjab*, and embraces every kind, class, 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 species *Papaver somniferum L.*, *Papaver sentigerum DC*, *Papaver orientale*, *Papaver bracteatum* and *Papaver rhoeas*, which include the seeds, straws, branches, leaves, or any part thereof, or substances derived therefrom, even for fl oral, 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.

...

- ee. *Protector/Coddler* – Any person who knowingly and willfully consents to the unlawful acts provided for in this Act, and uses his/her infl, power or position in shielding, screening or facilitating the escape of any person he/she knows, or has reasonable grounds to believe in 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 traffi cking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, e-mail, 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, any of the dangerous drugs.

...

**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 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. Ten (10) grams or more of opium
2. Ten (10) grams or more of morphine
3. Ten (10) grams or more of heroin
4. Ten (10) grams or more of cocaine or cocaine hydrochloride
5. Fifty (50) grams or more of methamphetamine hydrochloride or “shabu”
6. Ten (10) grams or more of marijuana resin or marijuana resin oil
7. Five hundred (500) grams or more of marijuana
8. Ten (10) grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDMA) or “ecstasy”, paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (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 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 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 requirements; or three hundred (300) grams or more but less than five (500) grams of marijuana
3. Imprisonment of twelve (12) years and one 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 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 party, or at social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties provided for in the Sec. 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 to one 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 his/her possession such quantity of any dangerous drug provided under Section 11 of this Act, in which case the provisions stated therein shall apply.

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 and which may be used for other purposes. The following shall be subjected to undergo drug testing:

...

b. Students of secondary and tertiary schools.- Students of secondary and tertiary schools shall, pursuant to be 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 private or public schools under this Section will be borne by the government.

...

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
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 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 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 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 students, the faculty, the parents, and the community.

*Section 46. **Special Drug Education Center.*** With the assistance of the Board, the Department of 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 offices a special education drug center for out-of-school youth and street children. Such Center, which shall be headed by the Provincial Social 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 orphanage and existing special centers for street children.

Approved: June 7, 2002

# [REPUBLIC ACT NO. 9211]

## Excerpts from

### **AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES**

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

Section 1. Short Title. – This Act shall be known as the Tobacco Regulation Act of 2003.

Sec.2. Policy. – It is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interests of tobacco farmers, growers, workers and stakeholders are not adversely compromised.

Sec.3. Purpose. – It is the main thrust of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with cigarette smoking and tobacco use;
- c. Regulate and subsequently ban all tobacco advertisements and sponsorships;
- d. Regulate the labeling of tobacco products;
- e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- f. Assist and encourage Filipino tobacco farmers to cultivate alternative agricultural crops to prevent economic dislocation; and
- g. Create an Inter-Agency Committee on Tobacco (IAC- Tobacco) to oversee the implementation of the provisions of this Act.

Sec.4. Definition of Terms – As used in this Act:

- a. “Advertisement” – refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images or any other means through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as but not limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as tobacco advertisement.

- b. “Advertising” – refers to the business of conceptualizing presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit.

For the purpose of this Act, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer’s names;

- c. “Advertiser” – refers to a person or entity on whose account or for whom an advertisement is prepared and disseminated by the advertising agency, which is a service established and operated for the purpose of counseling or creating and producing and/or implementing advertising programs in various forms of media;
- d. “Cigarette” - refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;
- e. “Distributor”- refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;
- f. “Mass Media” – refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to the internet;
- g. “Minor” - refers to any person below eighteen (18) years old;
- h. “Manufacturer” – refers to any person or entity, including a re-packer, who makes, fabricates, assembles, processes, or labels a finished product;
- i. “Package” – refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;
- j. “Person” – refers to an individual, partnership, corporation or any other business or legal entity;
- k. “Point-of-Sale” – refers to any location at which individual can purchase or otherwise obtain tobacco products;
- l. “Promotion” – refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of tobacco product or manufacturer’s name, trademark, logo, etc. on non-tobacco

products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For the purpose of this Act, promotion shall be understood as tobacco promotion;

- m. “Public Conveyances” – refer to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeeps, light rail transits, tricycles, and similar vehicles;
- n. “Public Places” – refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;
- o. “Retailer” – refers to any person who or entity that sells tobacco products to individuals for personal consumption;
- p. “Smoking” – refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;
- q. “Sponsorship” – refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution. For the purpose of this Act, sponsorship shall be understood as tobacco sponsorship;
- r. “Tobacco” – refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;
- s. “Tobacco Product” – refers to any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products;
- t. “Tobacco Grower” – refers to any person who plants tobacco before the enactment of this Act and classified as such by the National Tobacco Administration (NTA); and
- u. “Warning” – refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.

## **HEALTHFUL ENVIRONMENT**

Sec 5. Smoking Ban in Public Places. – Smoking shall be absolutely prohibited in the following public places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old;
- b. Elevators and stairwells;
- c. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- f. Food preparation areas.

Sec.6. Designated Smoking and Non-smoking Areas. - In all enclosed places that are open to the general public, private workplaces and other **places not covered under the preceding section**, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as non-smoking area.

All designated smoking areas shall have at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-smoking areas shall likewise have at least one (1) legible and visible sign, namely: "NON-SMOKING AREA" or "NO SMOKING."

## **PENAL PROVISIONS**

Sec. 32. Penalties. – The following penalties shall apply:

- a. Violation of Sections 5 and 6. On the first offense, a fine of not less than Five hundred pesos (Php500.00) but not more than One thousand pesos (Php1,000.00) shall be imposed.

On the second offense, a fine of not less than One thousand pesos (Php1,000.00) but not more than Five thousand pesos (Php5,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than Five thousand pesos (Php5,000.00) but not more than Ten thousand pesos (Php10,000.00), the business permits and licenses to operate shall be cancelled or revoked.

## **PROGRAMS AND PROJECTS**

Sec. 33. Programs and Projects. – For a period not exceeding five (5) years, the National Government and the concerned departments and agencies shall provide the following programs and projects:

- h. Withdrawal Clinics – The DOH shall establish smoking withdrawal clinics to provide counseling regarding the hazardous health effects of tobacco/cigarette smoking and to rehabilitate smokers from the hazardous effects of such products.

If a smoker-minor voluntarily submits himself for treatment, counseling, or rehabilitation in a smoking withdrawal clinic located in any medical institution in the Philippines, or through his parent/guardian, the expenses incurred shall be a reimbursable outpatient service of the Philippine Health Insurance Corporation.

## **INFORMATION PROGRAM**

Sec. 34. Information Drive. – Consistent with the provisions of this Act, the DOH shall, in cooperation with the DepEd and with the assistance of the Philippine Information Agency (PIA), undertake a continuous information program on the harmful effects of smoking.

The DOH shall enlist the active participation of the public and private sectors in the national effort to discourage the unhealthy habit of smoking.

Sec.35. Instruction on the Hazardous Effect of Smoking as Part of School Curricula. – Instruction on the adverse effects of cigarette/tobacco smoking, including their health, environmental and economic implications, shall be integrated into the existing curricula of all public and private elementary and high schools.

The DepEd Secretary shall promulgate such rules and regulations as may be necessary to carry out the abovestated policy hereof, and, with the assistance of the Secretary of Health, and with the approval of the IAC-Tobacco, shall cause the publication and distribution of materials on unhealthy effects of smoking to students and the general public.

Approved,

JOSE DE VENECIA JR.  
Speaker of the House of Representatives

FRANKLIN M. DRILON  
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1859 and House Bill No. 5950 was finally passed by the Senate and the House of Representatives on June 3, 2003 and June 2, 2003, respectively.

**ROBERTO NAZARENO**  
Secretary General  
House of Representative

**OSCAR G. YABES**  
Secretary of the Senate

**GLORIA MACAPAGAL-ARROYO**  
President of the Philippines

# [REPUBLIC ACT NO. 7277]

## Excerpts from

### **AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES.**

#### **TITLE I GENERAL PROVISIONS**

##### **CHAPTER I BASIC PRINCIPLE**

Section 1. Title. — This Act shall be known and cited as the "*Magna Carta for Disabled Persons.*" - *Chan Robles Virtual Law Library*

Sec. 2. Declaration of Policy — The grant of the rights and privileges for disabled persons shall be guided by the following principles:

- (a) Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.
- (b) Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone — the family, community and all government and nongovernment organizations. Disabled persons' rights must never be perceived as welfare services by the Government.
- (c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community based programs, that will ensure full participation of different sectors as supported by national and local government agencies.

## **CHAPTER II EDUCATION**

Sec. 12. Access to Quality Education. — The State shall ensure that disabled persons are provided with access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

The State shall also promote the provision by learning institutions, especially higher learning institutions of auxiliary services that will facilitate the learning process for disabled persons. *virtual law library*

Sec. 13. Assistance to Disabled Students. — The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial Assistance Program created by virtue of R.A. 6725 shall be set aside for disabled students pursuing vocational or technical and degree courses.

# **[Philippine Republic Act No.9003]**

## **Excerpts from**

### **AN ACT PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

#### **CHAPTER I BASIC POLICIES**

##### Article 1 General Provisions

Section 1. Short Title - This Act shall be known as the "Ecological Solid Waste Management Act of 2000."

Section 2. Declaration of Policies - It is hereby declared the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- (a) Ensure the protection of the public health and environment;
- (b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;
- (c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities in accordance with ecologically sustainable development principles;
- (d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration;
- (e) Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery;
- (f) Encourage greater private sector participation in solid waste management;

- (g) Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non- government organizations, and the private sector;
- (h) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- (i) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive, and ecological waste management programs; and
- (j) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

## Article 2 Definition of Terms

### Section 3. Definition of Terms - For the purposes of this Act:

- (a) Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
- (b) Bulky wastes shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items;
- (c) Bureau shall refer to the Environmental Management Bureau;
- (d) Buy-back center shall refer to a recycling center that purchases of otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
- (e) Collection shall refer to the act of removing solid waste from the source or from a communal storage point;
- (f) Composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
- (g) Consumer electronics shall refer to special waste that includes worn-out, broken, and other discarded items such as radios, stereos, and TV sets;
- (h) Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
- (i) Department shall refer to the Department of Environment and Natural Resources;
- (j) Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in an land;

- (k) Disposal site shall refer to a site where solid waste is finally discharged and deposited;
- (l) Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;
- (m) Environmentally acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
- (n) Generation shall refer to the act or process of producing solid waste;
- (o) Generator shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
- (p) Hazardous waste shall refer to solid waste management or combination of solid waste which because of its quantity, concentration or physical, chemical or infectious characteristics may:
- (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

January 26, 2001