

Congress of the Philippines }
First Regular Session

SENATE

S. NO. 176

INTRODUCED BY SENATORS LINA, JR., COSETENG, BIAZON,
AQUINO AND WEBB

AN ACT INSTITUTING THE CRIME OF HAZING AND
AMENDING FOR THAT PURPOSE SECTION ONE,
CHAPTER ONE, TITLE EIGHT OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE

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

1 SECTION 1. Section One, Chapter One, Title Eight of Act No.
2 3815, as amended, otherwise known as the "Revised Penal Code", is
3 hereby amended by adding a new Article to read as follows:

4 "ART. 252-A. HAZING. THE CRIME OF HAZING
5 IS COMMITTED BY ANY PERSON OR GROUP OF
6 PERSONS WHO, THROUGH FORCE, VIOLENCE,
7 THREAT, INTIMIDATION, TORTURE OR ANY OTHER
8 MEANS, SHALL CAUSE PHYSICAL HARM OR PSY-
9 CHIATRIC DISORDER UPON ANOTHER PERSON

NOT TO BE TAKEN OUT OF
THE BILLS AND INDEX DIVISION

1 SEEKING MEMBERSHIP IN, OR BEING RECRUITED
2 TO JOIN AN ORGANIZATION.

3 "THE TERM 'ORGANIZATION' SHALL MEAN
4 ANY FRATERNITY, SORORITY, OR CLUB OR THE
5 ARMED FORCES OF THE PHILIPPINES, PHILIPPINE
6 NATIONAL POLICE, PHILIPPINE MILITARY
7 ACADEMY, OR OFFICER AND CADET CORP OF THE
8 CITIZEN'S MILITARY TRAINING, OR CITIZEN'S
9 ARMY TRAINING. THE PHYSICAL, MENTAL AND
10 PSYCHOLOGICAL TESTING AND TRAINING PROCE-
11 DURE AND PRACTICES TO DETERMINE AND
12 ENHANCE THE PHYSICAL, MENTAL AND PSYCHO-
13 LOGICAL FITNESS OF PROSPECTIVE REGULAR
14 MEMBERS OF THE ARMED FORCES OF THE PHILIP-
15 PINES AND THE PHILIPPINE NATIONAL POLICE AS
16 APPROVED BY THE SECRETARY OF NATIONAL
17 DEFENSE AND THE NATIONAL POLICE COMMIS-
18 SION DULY RECOMMENDED BY THE CHIEF OF
19 STAFF, ARMED FORCES OF THE PHILIPPINES, AND
20 THE DIRECTOR GENERAL OF THE PHILIPPINE
21 NATIONAL POLICE SHALL NOT BE CONSIDERED
22 AS HAZING FOR PURPOSES OF THIS ACT.

23 "THE PERSON OR PERSONS WHO PARTICI-
24 PATED IN THE HAZING AS HEREIN DEFINED SHALL
25 SUFFER:

1 "1. THE PENALTY OF *RECLUSION PERPETUA*
 2 IF DEATH, RAPE, SODOMY OR MUTILATION RE-
 3 SULTS THEREFROM.

4 "2. THE PENALTY OF *RECLUSION TEMPORAL*
 5 IN ITS MAXIMUM PERIOD IF IN CONSEQUENCE OF
 6 THE HAZING THE VICTIM SHALL BECOME INSANE,
 7 IMBECILE, IMPOTENT OR BLIND.

8 "3. THE PENALTY OF *RECLUSION TEMPORAL*
 9 IN ITS MEDIUM PERIOD IF IN CONSEQUENCE OF
 10 THE HAZING THE VICTIM SHALL HAVE LOST THE
 11 USE OF SPEECH OR THE POWER TO HEAR OR TO
 12 SMELL, OR SHALL HAVE LOST AN EYE, A HAND, A
 13 FOOT, AN ARM OR A LEG OR SHALL HAVE LOST
 14 THE USE OF ANY SUCH MEMBER OR SHALL HAVE
 15 BECOME INCAPACITATED FOR THE ACTIVITY OR
 16 WORK IN WHICH HE WAS HABITUALLY ENGAGED.

17 "4. THE PENALTY OF *RECLUSION TEMPORAL*
 18 IN ITS MINIMUM PERIOD IF IN CONSEQUENCE OF
 19 THE HAZING THE VICTIM SHALL BECOME
 20 DEFORMED OR SHALL HAVE LOST ANY OTHER
 21 PART OF HIS BODY, OR SHALL HAVE LOST THE
 22 USE THEREOF, OR SHALL HAVE BEEN ILL OR
 23 INCAPACITATED FOR THE PERFORMANCE OF
 24 THE ACTIVITY OR WORK IN WHICH HE WAS
 25 HABITUALLY ENGAGED FOR A PERIOD OF MORE

1 THAN NINETY (90) DAYS.

2 "5. THE PENALTY OF *PRISION MAYOR* IN ITS
3 MAXIMUM PERIOD IF IN CONSEQUENCE OF THE
4 HAZING THE VICTIM SHALL HAVE BEEN ILL OR
5 INCAPACITATED FOR THE PERFORMANCE OF THE
6 ACTIVITY OR WORK IN WHICH HE WAS HABITU-
7 ALLY ENGAGED FOR MORE THAN THIRTY (30)
8 DAYS.

9 "6. THE PENALTY OF *PRISION MAYOR* IN ITS
10 MEDIUM PERIOD IF IN CONSEQUENCE OF THE
11 HAZING THE VICTIM SHALL HAVE BEEN ILL OR
12 INCAPACITATED FOR THE PERFORMANCE OF THE
13 ACTIVITY OR WORK IN WHICH HE WAS HABITU-
14 ALLY ENGAGED FOR TEN (10) DAYS OR MORE, OR
15 THAT THE INJURY SUSTAINED SHALL REQUIRE
16 MEDICAL ATTENDANCE FOR THE SAME PERIOD.

17 "7. THE PENALTY OF *PRISION MAYOR* IN ITS
18 MINIMUM PERIOD IF IN CONSEQUENCE OF THE
19 HAZING THE VICTIM SHALL HAVE BEEN ILL OR
20 INCAPACITATED FOR THE PERFORMANCE OF THE
21 ACTIVITY OR WORK IN WHICH HE WAS HABITU-
22 ALLY ENGAGED FROM ONE (1) TO NINE (9) DAYS,
23 OR THAT THE INJURY SUSTAINED SHALL RE-
24 QUIRE MEDICAL ATTENDANCE FOR THE SAME
25 PERIOD.

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“8. THE PENALTY OF *PRISION CORRECIONAL* IN ITS MAXIMUM PERIOD 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.

“CONSPIRACY TO COMMIT THE CRIME OF HAZING SHALL BE PUNISHED WITH *PRISION CORRECIONAL*, IN ITS MAXIMUM PERIOD TO *PRISION MAYOR*, IN ITS MINIMUM PERIOD.

“THE RESPONSIBLE OFFICIALS OF THE SCHOOL OR OF THE POLICE, MILITARY OR CITIZEN’S ARMY TRAINING ORGANIZATION, MAY IMPOSE THE APPROPRIATE ADMINISTRATIVE SANCTIONS ON THE PERSON OR PERSONS CHARGED UNDER THIS PROVISION EVEN BEFORE THEIR CONVICTION.”

“THE MAXIMUM PENALTY HEREIN PROVIDED SHALL BE IMPOSED IN ANY OF THE FOLLOWING INSTANCES:

“(A) WHEN THE RECRUITMENT IS ACCOMPANIED BY FORCE, VIOLENCE, THREAT, INTIMIDATION OR DECEIT ON THE PERSON OF THE RECRUIT WHO REFUSES TO JOIN;

“(B) WHEN THE RECRUIT INITIALLY CON-

1 SENTS TO JOIN BUT UPON LEARNING THAT
2 HAZING WILL BE COMMITTED ON HIS PERSON, IS
3 PREVENTED FROM QUITTING;

4 “(C) WHEN THE RECRUIT, HAVING UNDER-
5 GONE HAZING IS PREVENTED FROM REPORTING
6 THE UNLAWFUL ACT TO HIS PARENTS OR
7 GUARDIANS, TO THE PROPER SCHOOL AUTHORI-
8 TIES, OR TO THE POLICE AUTHORITIES, THROUGH
9 FORCE, VIOLENCE, THREAT OR INTIMIDATION;

10 “(D) WHEN THE HAZING IS COMMITTED
11 OUTSIDE OF THE SCHOOL OR INSTITUTION; OR

12 “(E) WHEN THE VICTIM IS BELOW TWELVE
13 (12) YEARS OF AGE AT THE TIME OF THE HAZING.

14 “THE OWNER OF THE PLACE WHERE THE
15 HAZING IS CONDUCTED SHALL BE LIABLE AS
16 AN ACCOMPLICE, WHEN HE HAS ACTUAL
17 KNOWLEDGE OF THE HAZING CONDUCTED
18 THEREIN BUT FAILED TO TAKE ANY ACTION TO
19 PREVENT THE SAME FROM OCCURRING. IF THE
20 HAZING IS HELD IN THE HOME OF ONE OF
21 THE OFFICERS OR MEMBERS OF THE
22 FRATERNITY, GROUP, OR ORGANIZATION, THE
23 PARENTS SHALL BE HELD LIABLE AS PRINCI-
24 PALS WHEN THEY HAVE ACTUAL KNOWLEDGE
25 OF THE HAZING CONDUCTED THEREIN BUT FAILED

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1 TO TAKE ANY ACTION TO PREVENT THE SAME
2 FROM OCCURRING.

3 "THE SCHOOL AUTHORITIES INCLUDING
4 FACULTY MEMBERS WHO CONSENT TO THE HAZING
5 OR WHO HAVE ACTUAL KNOWLEDGE THEREOF,
6 BUT FAILED TO TAKE ANY ACTION TO PREVENT
7 THE SAME FROM OCCURRING SHALL BE PUNISHED
8 AS ACCOMPLICES FOR THE ACTS OF HAZING
9 COMMITTED BY THE PERPETRATORS.

10 "THE OFFICERS, FORMER OFFICERS, OR
11 ALUMNI OF THE ORGANIZATION, GROUP, FRATER-
12 NITY OR SORORITY WHO ACTUALLY PLANNED
13 THE HAZING ALTHOUGH NOT PRESENT WHEN
14 THE ACTS CONSTITUTING THE CRIME OF HAZING
15 WERE COMMITTED SHALL BE LIABLE AS PRINCI-
16 PALS. OFFICERS OR MEMBERS OF AN ORGANI-
17 ZATION, GROUP, FRATERNITY OR SORORITY WHO
18 KNOWINGLY COOPERATED IN CARRYING OUT
19 THE HAZING BY INDUCING THE VICTIM TO BE
20 PRESENT THEREAT SHALL BE LIABLE AS
21 PRINCIPALS. A FRATERNITY OR SORORITY'S
22 ADVISER WHO IS PRESENT WHEN THE ACTS
23 CONSTITUTING THE CRIME OF HAZING WERE
24 COMMITTED AND FAILED TO TAKE ANY ACTION
25 TO PREVENT THE SAME FROM OCCURRING SHALL

1 BE LIABLE AS PRINCIPAL.

2 "THE PRESENCE OF ANY PERSON WHEN
3 THE ACTS CONSTITUTING THE CRIME OF HAZING
4 WERE COMMITTED IS *PRIMA FACIE* EVIDENCE OF
5 PARTICIPATION THEREIN AS A PRINCIPAL UNLESS
6 HE PREVENTED THE OCCURRENCE OF THE SAME.

7 "ANY PERSON CHARGED UNDER THIS PROVI-
8 SION SHALL NOT BE ENTITLED TO THE MITIGAT-
9 ING CIRCUMSTANCE THAT THERE WAS NO INTEN-
10 TION TO COMMIT SO GRAVE A WRONG.

11 "THIS ARTICLE SHALL APPLY TO THE PRESI-
12 DENT, MANAGER, DIRECTOR OR OTHER RESPON-
13 SIBLE OFFICER OF A CORPORATION ENGAGED IN
14 HAZING AS A REQUIREMENT FOR EMPLOYMENT
15 IN THE MANNER PROVIDED HEREIN."

16 SEC. 2. This Act shall take effect upon publication in at least
17 one (1) national newspaper of general circulation.

Approved,

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