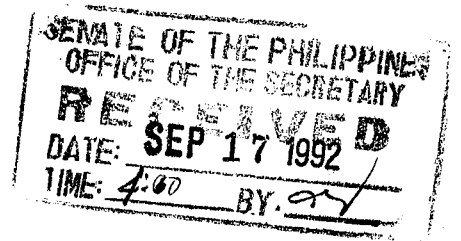


Congress of the Philippines)  
First Regular Session )

S E N A T E

COMMITTEE REPORT No. 18



Submitted by the Committee on Constitutional Amendments, Revision  
of Codes and Laws on September **SEP 17 1992**.

Re: S. No. 176

Recommending its approval in consolidation with S. No. 667.

Sponsors: Senators Lina, Jr. and Coseteng.

MR. PRESIDENT:

The Committee on Constitutional Amendments, Revision of  
Codes and Laws, to which were referred S. No. 176, introduced by  
Senator Lina, Jr. entitled:

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

and S. No. 667, introduced by Senator Coseteng, entitled:

AN ACT DECLARING HAZING A CRIME

has considered the same and has the honor to report them back to  
the Senate with the recommendation that S.No. 176, in  
consolidation with S. No. 667, be approved without amendment,  
with Senators Lina, Jr. and Coseteng, as authors thereof.

Respectfully submitted:

*[Signature]*  
JOSE D. LINA, JR.  
Chairman

*[Signature]*  
ERNESTO M. MACEDA  
Vice-Chairman  
President Pro-Tempore

*[Signature]*  
RAUL S. ROCO  
Vice-Chairman

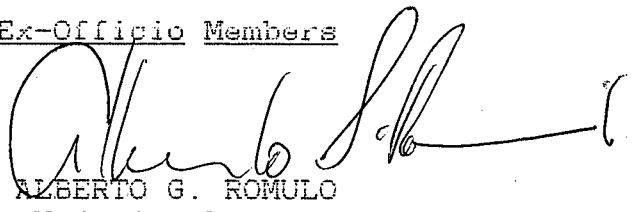
Members



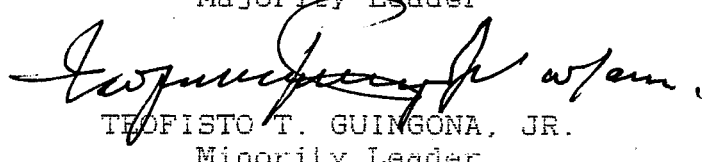
WIGBERTO E. TARADA

ARTURO M. TOLENTINO

Ex-Officio Members



ALBERTO G. ROMULO  
Majority Leader



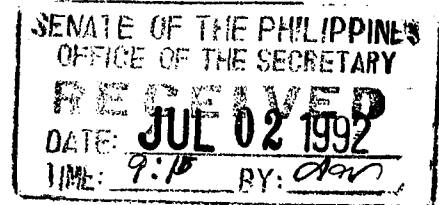
TEOFISTO T. GUINGONA, JR.  
Minority Leader

The Honorable  
NEPTALI A. GONZALES  
Senate President

Congress of the Philippines)  
First Regular Session )

S E N A T E

S. No. 176



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Introduced by Senator Lina, Jr.

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#### EXPLANATORY NOTE

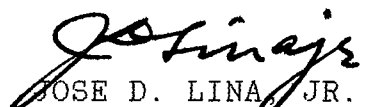
Hazing is an undesirable practice which has found its evil way into our schools and institutions through fraternities, sororities or other groups and is practised on those who enter military training schools or undergo citizens army training as a requirement for membership. Those who are now leaders or alumni of these groups who underwent hazing as a requirement for membership now impose these bloody and painful rites on new recruits on the reasoning that what they had suffered must also be suffered by initiates. With hazing goes a corrupted sense of values that brotherhood or sisterhood must be bound by the spilling of blood and the infliction of pain between the victim(s) and his tormentors. Some mistakenly believe hazing is a way to "prove" manhood. The brotherhood code of silence serves as a deterrent to conviction of the culprits and so hazing itself as an evil, criminal practice and a corrupter of moral values must be criminalized and made a crime against society itself.

Many have been injured permanently in body or mind, some have died, and many youth have had to drop out of school due to hazing. Practitioners of hazing are now waiting for the new batch of students and recruits who have entered our school system by school year 1992-93 and may face death, injuries or pain if they are forced, persuaded or pressured into being hazed.

Hazers commit crimes in the guise of hazing and must be punished for the crimes committed and for hazing.

This measure institutes hazing as a crime. To plan or conspire to inflict hazing is punishable. When crimes are committed as part of hazing or death, mutilation or even rape the penalty imposed is reclusion perpetua. This bill imposes the maximum penalty for crimes committed as a result of hazing. It also pinpoints those who participate in the crime of hazing as principals or accomplices and punishes "alumni" of these groups who inflict pain and suffering and those who participate in these gory, inhuman and dehumanizing rites as tormentors by inducement of those tasked to inflict pain. Members of other groups who persuade recruits to attend the hazing as initiation are liable as principals through their cooperation. In hazing the tragedy is two-fold. The victim and his grieving family when the hazed recruit dies or is permanently disabled in body or mind, suffer a life-long tragedy. The victimizer who is convicted of the crime committed during and as a result of hazing is imprisoned and his future life is also a tragedy for himself and his family.

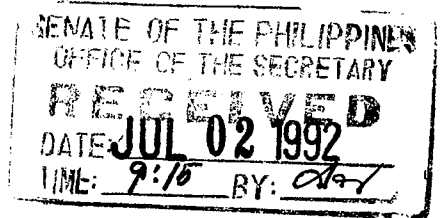
This measure carries the message that hazing is ignoble and criminal and can no longer be used as a veil to mask criminal acts which are punishable under the Revised Penal Code. To prevent and deter hazing among groups and to give justice to the victims of hazing and their families, with the opening of the school year 1992-1993, approval of this measure to criminalize hazing is urgent and necessary.

  
JOSE D. LINA, JR.  
Senator

CONGRESS OF THE PHILIPPINES)  
First Regular Session )

S E N A T E

S. No. 176



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Introduced by Sen. Lina, Jr.  
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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  
2 Act No. 3815, as amended, otherwise known as the Revised  
3 Penal Code, is hereby amended by adding a new Article to read as  
4 follows:

5 "ART. 252-A. HAZING. ANY PERSON OR PERSONS  
6 COMPOSING AN ORGANIZATION, GROUP, FRATERNITY OR SORORITY,  
7 WHO INFLICT PHYSICAL, MENTAL OR PSYCHOLOGICAL PAIN AND  
8 SUFFERING, OR A COMBINATION THEREOF, ON ANY PERSON,  
9 INCLUDING RECRUITS OF THE ARMED FORCES OF THE PHILIPPINES,  
10 PHILIPPINE MILITARY ACADEMY, PHILIPPINE NATIONAL POLICE,  
11 CITIZENS MILITARY TRAINING, OR CITIZENS ARMY TRAINING, AS  
12 PART OF INITIATION RITES, TRAINING, OR AS A REQUIREMENT FOR  
13 MEMBERSHIP IN SUCH ORGANIZATION, GROUP, FRATERNITY OR  
14 SORORITY, WHICH RESULTS IN DEATH, MUTILATION, SERIOUS  
15 PHYSICAL INJURIES, INSANITY OR PSYCHOLOGICAL DISORDER,  
16 SEXUAL ABUSE, SODOMY, OR LASCIVIOUS ACTS, OR OTHER INJURIES  
17 AS HEREIN PROVIDED, SHALL BE GUILTY OF HAZING. THE CRIME OF  
18 HAZING AS HEREIN DEFINED SHALL BE PUNISHED AS FOLLOWS:

19 "1. WHEN DEATH, RAPE, MUTILATION, PERMANENT INSANITY OR  
20 MENTAL ILLNESS, OR PERMANENT PHYSICAL DISABILITY OR  
21 DEFORMITY RESULT FROM SAID HAZING, THE PERSON OR PERSONS WHO  
22 PARTICIPATED THEREIN SHALL SUFFER THE PENALTY OF RECLUSION  
23 PERPETUA, AND AN INDEMNITY OF AT LEAST FIFTY THOUSAND PESOS

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1 (P50,000.00), WITH IMMEDIATE DISMISSAL FROM THE SCHOOL OR  
2 INSTITUTION IN WHICH THEY ARE ENROLLED, OR FROM THE POLICE  
3 OR MILITARY SERVICE IN WHICH THEY BELONG, AS THE CASE MAY  
4 BE, AT THE TIME OF THE HAZING.

5 "2. WHEN SERIOUS PHYSICAL INJURIES, TEMPORARY  
6 INSANITY OR MENTAL ILLNESS, OR SODOMY RESULT FROM SAID  
7 HAZING, THE PERSON OR PERSONS WHO PARTICIPATED THEREIN SHALL  
8 SUFFER THE PENALTY OF RECLUSION TEMPORAL, IN ITS MAXIMUM  
9 PERIOD AND AN INDEMNITY OF AT LEAST THIRTY THOUSAND PESOS  
10 (P30,000.00), WITH IMMEDIATE DISMISSAL FROM THE SCHOOL OR  
11 INSTITUTION IN WHICH THEY ARE ENROLLED, OR FROM THE POLICE  
12 OR MILITARY SERVICE IN WHICH THEY BELONG, AS THE CASE MAY  
13 BE, AT THE TIME OF THE HAZING.

14 "3. WHEN LASCIVIOUS ACTS ARE COMMITTED OR THE  
15 PHYSICAL INJURIES INFLICTED ARE OF LESS SERIOUS OR SLIGHT  
16 NATURE, THE PERSON OR PERSONS WHO PARTICIPATED IN THE  
17 HAZING SHALL SUFFER THE PENALTY OF PRISION MAYOR IN ITS  
18 MEDIUM AND MAXIMUM PERIODS AND AN INDEMNITY OF AT LEAST  
19 TWENTY THOUSAND PESOS (P20,000.00) WITH IMMEDIATE DISMISSAL  
20 FROM THE SCHOOL OR INSTITUTION IN WHICH THEY ARE ENROLLED,  
21 OR FROM THE POLICE OR MILITARY SERVICE TO WHICH THEY BELONG,  
22 AS THE CASE MAY BE, AT THE TIME OF THE HAZING.

23 "4. THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED  
24 WHEN THE VICTIM IS BELOW TWELVE (12) YEARS OF AGE AT THE  
25 TIME OF HAZING.

26 "5. CONSPIRACY TO COMMIT THE CRIME OF HAZING SHALL BE  
27 PUNISHED WITH PRISION CORRECCIONAL, IN ITS MAXIMUM PERIOD TO  
28 PRISION MAYOR, IN ITS MINIMUM PERIOD, EVEN IF NO ACTUAL  
29 INJURY OCCURS TO THE NEOPHYTE OR MEMBER WHO WILL BE HAZED,  
30 OR THE HAZING ITSELF IS PREVENTED BY REASON OF CAUSES  
31 INDEPENDENT OF THE WILL OF THE PERPETRATORS.

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1 "THE MAXIMUM PENALTY HEREIN PROVIDED SHALL BE IMPOSED  
2 IN ANY OF THE FOLLOWING INSTANCES:

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

6 "(B) WHEN THE RECRUIT INITIALLY CONSENTS TO JOIN BUT  
7 UPON LEARNING THAT HAZING WILL BE COMMITTED ON HIS PERSON,  
8 IS PREVENTED FROM QUITTING AND IS MADE TO UNDERGO HAZING  
9 THROUGH FORCE, VIOLENCE, THREAT OR INTIMIDATION;

10 "(C) WHEN THE RECRUIT, HAVING UNDERGONE HAZING IS  
11 PREVENTED FROM REPORTING THE UNLAWFUL ACT TO HIS PARENTS OR  
12 GUARDIANS, TO THE PROPER SCHOOL AUTHORITIES, OR TO THE  
13 POLICE AUTHORITIES, THROUGH FORCE, VIOLENCE, THREAT OR  
14 INTIMIDATION;

15 "(D) WHEN THE HAZING IS COMMITTED OUTSIDE OF THE  
16 SCHOOL OR INSTITUTION; OR

17 "(E) WHEN THE VICTIM IS OVER TWELVE (12), BUT UNDER  
18 EIGHTEEN (18) YEARS OF AGE.

19 THE OWNER OF THE PLACE WHERE THE HAZING IS CONDUCTED  
20 SHALL BE LIABLE AS AN ACCOMPLICE, WHEN HE HAS, EXPRESSLY OR  
21 IMPLIEDLY, GIVEN PERMISSION FOR SAID HAZING TO BE CONDUCTED  
22 THEREIN. IF THE HAZING IS HELD IN THE HOME OF ONE OF THE  
23 OFFICERS OR MEMBERS OF THE FRATERNITY, GROUP, OR  
24 ORGANIZATION, THE PARENTS SHALL BE HELD LIABLE AS PRINCIPALS  
25 WHEN THEY HAVE, EXPRESSLY OR IMPLIEDLY, GIVEN PERMISSION FOR  
26 SAID HAZING TO BE CONDUCTED THEREIN.

27 THE SCHOOL AUTHORITIES WHO CONSENT TO THE HAZING OR WHO  
28 HAVE KNOWLEDGE THEREOF BUT FAILED TO TAKE ANY ACTION TO  
29 PREVENT THE SAME FROM OCCURRING SHALL BE PUNISHED  
30 AS ACCOMPLICES FOR THE ACTS OF HAZING COMMITTED BY  
31 THE PERPETRATORS. THE OFFICERS, FORMER OFFICERS, OR ALUMNI  
32 OF THE ORGANIZATION, GROUP, FRATERNITY OR SORORITY, WHO

1 ACTUALLY PLANNED THE HAZING, ALTHOUGH NOT PRESENT AT THE  
2 TIME OF THE HAZING, SHALL BE LIABLE AS PRINCIPALS. THE  
3 PRESENCE OF ANY PERSON DURING THE HAZING IS PRIMA FACIE  
4 EVIDENCE OF PARTICIPATION THEREIN AS A PRINCIPAL. A  
5 FRATERNITY OR SORORITY ADVISER WHO IS PRESENT AT THE HAZING  
6 SHALL BE LIABLE AS PRINCIPAL."

7 "OFFICERS OR MEMBERS OF ANOTHER ORGANIZATION, GROUP,  
8 FRATERNITY OR SORORITY WHO KNOWINGLY COOPERATED IN CARRYING  
9 OUT THE HAZING BY INDUCING THE VICTIM TO BE PRESENT THEREAT  
10 SHALL BE LIABLE AS PRINCIPALS."

11 "FOR PURPOSES OF THIS ACT, OFFICERS-IN-CHARGE OF THE  
12 TRAINING OF RECRUITS OF THE ARMED FORCES OF THE PHILIPPINES,  
13 THE PHILIPPINE NATIONAL POLICE, THE CITIZENS MILITARY  
14 TRAINING OR CITIZENS ARMY TRAINING SHALL NOT BE ENTITLED TO  
15 THE MITIGATING CIRCUMSTANCE THAT THERE WAS NO INTENTION TO  
16 COMMIT SO GRAVE A WRONG."

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

Approved,