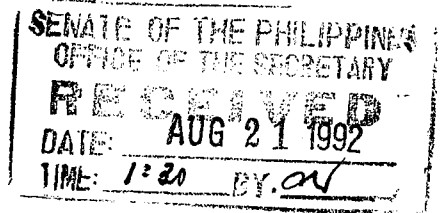


NINTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES
SENATE, MANILA



First Regular Session

PANUKALANG BATAS BILANG 667

Panukala ni Senador Anna Dominique M. L. Coseteng

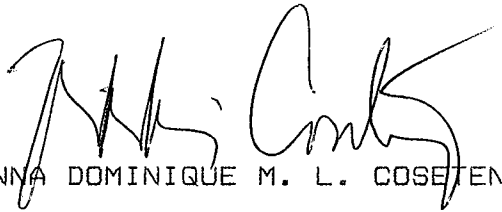
PALIWANAG

Napakarami nang kaso ng hazing ang naiulat sa mga pahayagan subalit hanggang ngayon ay wala pa ring batas na napagtibay na kinokondena ang mismong akto ng hazing. Ito ay dulot marahil ng kaisipang ningas-kugon ng ating mga kapatid, pagsang-ayon ng kinauukulan dahil na din sa malayang pagpapaubaya niya na danasin ang hazing, o ang simpleng kawalan ng pagpapahalaga na halos maipagpapalagay na pagtanggap sa gawaing ito na kasing-tanda na mismo ng tao bilang isang nilalang na dapat munang sumailalim sa ritwal bago maging kasapi ng isang grupo o samahan.

Samantalang ang representasyong ito ay naniniwala na ang ritwal ay mahalagang kondisyon sa pagsapi sa anumang samahan, ako ay naniniwala din na ang anumang ritwal na nagdudulot ng kamatayan o pinsala sa katawan at iba pang kapinsalaan sa tao ay dapat na ipagbawal sapagkat ang kapakanan ng mamamayan ay hindi nito napagsisilbihan. Sa kasalukuyan nating mga batas, maaring banggitin ang Artikulo 253, 256 (3), at 258 ng Binagong Kodigo Penal ng Pilipinas. Sa mga nabanggit na halimbawa, ang pangkaraniwang nangingibabaw na elemento ay ang pagsang-ayon o consent ng "biktima" ngunit ang ibang lumahok sa pagsasagawa ng mga krimeng ito ay pinarurusahan. Maihahalintulad din ang akto ng hazing sa mga krimeng ito na kung saan ang biktima ay may pagsang-ayon sa pagpapahirap sa kaniya.

Ito ang layunin ng batas na ito. Parusahan mismo ang akto ng hazing kasama ang mga kasabwat sa paggawa nito kahit na ang kasakitan o pinsalang dulot nito ay pinarurusahan na upang mapigilan ang makahayop na gawaing ito na isinasagawa sa panahon ng ritwal sa pagtanggap ng kasapi sa anumang samahan. Ang Estado ay

dapat igiit ang kaniyang katungkulan bilang tagapag-
bantay sa kapakanan ng mamamayan o parens patriae
upang proteksiyunan and karapatang pangtao kahit na ang
kapinsalaan ay dahil na rin sa sarili niyang
kagustuhan.



(SGD.) ANNA DOMINIQUE M. L. COSETENG

ADC/B-HAZING/EPA 8.12.92

NINTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES
SENATE, MANILA

First Regular Session

SENATE BILL NO. 667

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: AUG 21 1992
TIME: 1:27 BY: 94

Introduced by Honorable Anna Dominique M. L. Coseteng

AN ACT DECLARING HAZING A CRIME

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

SECTION 1. This Act shall be known as the "The
Anti - Hazing Law".

SEC. 2. Hazing as used in this Act shall mean the
infliction of physical, mental or psychological pain and
suffering, or a combination thereof, by or upon orders of
the officers and/or members of any fraternity, sorority
or organization on any applicant for membership therein.
It also means requiring such applicant to commit immoral
acts by or upon orders of the same persons referred to
above.

SEC. 3. Hazing is hereby prohibited and any person
who commits it shall be punished as hereunder provided.

SEC. 4. Hazing that results in the death, insanity,
rape or permanent physical disability of any person
shall be punishable by life imprisonment or death. The
maximum penalty herein provided shall also be imposed
when the recruit is prevented from quitting and is made



to undergo hazing through force, violence, threat or intimidation, or when the victim is under eighteen (18) years of age. Hazing that results in serious, slight or other injuries shall be subject to the corresponding penalties therefore as provided under Chapter Two, Title VIII, Book II of the Revised Penal Code. Hazing that results in sexual abuse shall be subject to the corresponding penalties therefore as provided under Chapter Two, Title XI, Book II of the Revised Penal Code.

Conspiracy to commit the crime of hazing shall be punished by the penalty of prision correccional in the maximum period to prision mayor in its minimum period even if no actual injury occurs to the neophyte or member who will be hazed, or the hazing itself is prevented by reason of causes independent of the will of the perpetrators.

Sec. 5. Where any three, provided that subparagraph (c) is present, of the following circumstances concur, a disputable presumption of hazing shall arise:

(a) Existence of a fraternity, sorority or other similar organization;

(b) Occurrence of the initiation rites or activities;

(c) Corpus delicti or body of the crime/damage or injury to person(s);

(d) Silence of the victim or members of the fraternity, sorority or organization; and

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(e) Failure to prosecute on the part of the victim, his parents or guardian.

Where members of a fraternity, sorority or organization are present in the initiation rites or activities, and circumstances (c), (d) and (e) above are present, the disputable presumption of conspiracy to commit hazing arises.

Sec. 6. Officers or members of a fraternity, sorority or organization or any member of the faculty or personnel of the school to which such fraternity, sorority or organization belongs or any government official who allows hazing or who being present does not prevent its commission or fails to report the same to government and/or school authorities within twenty four (24) hours from knowledge of its commission shall be subject to the same penalties to be imposed on those who have actually participated in the hazing. Actual participants and those referred to above shall also be immediately dismissed from the school or institution in which they are enrolled, or from the police of military service to which they belong, as the case may be, at the time of the hazing.

If a government official is involved in hazing, he shall furthermore be dismissed from the service. The owner of the place where the hazing is conducted shall be liable as an accomplice if he has, expressly or impliedly, given permission for the hazing to be conducted therein. If the hazing is held in the house of

one of the officers or member of the fraternity, group or organization, their parents shall be held liable as principals when they have, expressly or impliedly, given permission for the hazing to be conducted therein.

For purposes of this Act, the circumstances that there was no intention to commit so grave a wrong shall not be considered as a mitigating circumstance.

Sec. 7. No fraternity, sorority or organization shall be allowed to operate unless it is duly accredited or registered with the school authorities concerned in accordance with the existing rules and regulations of the Department of Education, Culture and Sports or the University of the Philippines, as the case may be.

Sec. 8. A fraternity, sorority or organization seeking accreditation or registration with school authorities must file with the latter its constitution and bylaws and other pertinent documents and papers that the school authorities may require before it is allowed to operate.

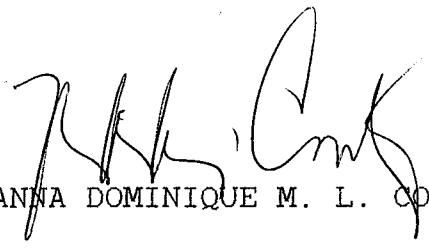
Sec. 9. No initiation by a fraternity, sorority or organization shall be allowed without previous written notice, which shall indicate the period of initiation not exceeding three (3) days, to the school authorities of the department secretary concerned or his representative who must assign, in that case, at least two (2) faculty members or department representatives, as the case may be, to be present during the initiation. It is the duty

of the faculty members or representatives not to allow hazing during the initiation rites. Failure to comply with this provision shall be a ground for the suspension or revocation of the accreditation of the fraternity, sorority or organization, or the license or authority of the school or organization to operate, as the case may be, and for disciplinary action against the officers and members of the fraternity, sorority or organization, or the faculty members or department representatives concerned.

Sec. 10. Any provision or part thereof of this Act which may be declared as unconstitutional shall not affect the other parts thereof which shall remain valid and binding.

Sec. 11. All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Sec. 12. This Act shall take effect 15 days after its publication in Filipino and English in at least two newspapers of general circulation.



(SGD.) ANNA DOMINIQUE M. L. COSETENG