

RECORD OF THE SENATE

FRIDAY, JUNE 2, 1995

RESUMPTION OF THE SESSION

At 6:22 p.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.

The President: The session is resumed.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

Senator Romulo: Mr. President, we have several Bicameral Conference Committee Reports that have already been submitted.

CONFERENCE COMMITTEE REPORT ON S. NO. 1977/H. NO. 11614 (National Youth Commission)

May I move that we now consider the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1977 and House Bill No. 11614, entitled "AN ACT CREATING THE NATIONAL YOUTH COMMISSION, ESTABLISHING A NATIONAL COMPREHENSIVE AND COORDINATED PROGRAM ON YOUTH DEVELOPMENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES."

Mr. President, the Conference Committee Report has been recommended for the approval and acceptance by both the Senate and the House panels voting in the majority for the approval of this bill.

For the Senate panel, Mr. President, we have the Chairman, Senator Webb. May I ask that he be recognized to render a fuller report.

The President: Senator Webb is recognized.

Senator Webb: This Representation, Mr. President, is honored to seek the support and ratification by this Chamber of an Act that seeks to empower our nation's youth and enable them to realize their sector's vital role in nation-building.

The proposals brought forth to this Chamber's approval were among the four-point policy proposals submitted by the First *Konsultahang Kabataan* National Youth Conference in 1987. Since then, the youth has, time and again, showed potential as a force for change and progress. It is time that we, in Government, give the youth the means and resources to

genuinely take part in our Nation's stride to national development.

The Youth in Nation-Building Act seeks to establish a National Comprehensive and Coordinated Program for Youth Development which shall give direction and vision to the Nation's youth development efforts. The proposed Development Program, Mr. President, was adopted from the Senate version.

We have defined the age of the clientele of this Development Program as those persons between the ages 15 to 30 years old, adopting the House of Representatives' definition to allow more young people to benefit from this legislative act.

This Act also seeks to create a National Youth Commission that shall be the implementing agency for this development program. To enable the Youth Commission to realize its mandate, we have given it the necessary powers, projects, and resources to properly serve our youth.

We have also recognized the maturity needed to enable a youth leader to deal with the government's senior officials and the bureaucracy, fixing the maximum age of the members of the Commission to 40, and 45 years for the Chairman, thereby adopting the Senate version.

This Act also seeks to institutionalize a national Youth Parliament that will serve as a consultative and dialogue mechanism between youth organizations and the Government, as defined in the Senate version. The Youth Parliament shall seek to continue what the *Konsultahang Kabataan* National Youth Conference has started.

Mr. President, together with the *Sangguniang Kabataan* that represents our youth at the local government level, the provisions of this Act shall provide the youth sector with the means to participate in the task of nation-building and progress, as recognized in our Constitution.

I therefore urge my distinguished Colleagues to join the Members of the Senate panel in the approval of the Bicameral Committee Report for the Youth in Nation-Building Act.

Thank you, Mr. President.

APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1977 AND H. NO. 11614

Senator Romulo: Mr. President, I move that we vote on the Conference Report on Senate Bill No. 1977 and House Bill No. 11614.

21. Section 21 (Separability Clause) is common to both bills;

22. Section 22 (Repealing Clause) is Sections 14 and 20 of the Senate and House bills;

23. Section 23 (Effectivity Clause) is Section 15 of the Senate bill, taking into consideration Section 22 of the House bill;

and hereby recommend the approval of the attached reconciled version of the bills, entitled

AN ACT CREATING THE NATIONAL YOUTH COMMISSION, ESTABLISHING A NATIONAL COMPREHENSIVE AND COORDINATED PROGRAM ON YOUTH DEVELOPMENT APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

In case of conflict between the statements/ amendments herein stated and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

*CONFEREES ON THE PART OF THE
SENATE*

(Sgd.) HON. FREDDIE N. WEBB

(Sgd.) HON. VICENTE C. SOTTO III

(Sgd.) HON. LETICIA RAMOS SHAHANI

(Sgd.) HON. SANTANINA T. RASUL

(Sgd.) HON. HEHERSON T. ALVAREZ

(Sgd.) HON. ERNESTO M. MACEDA

*CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES*

(Sgd.) HON. RAMON D. DURANO III

(Sgd.) HON. MANUEL A. ROXAS

(Sgd.) HON. ROILO GOLEZ

(Sgd.) HON. CESAR P. CHAVEZ

(Sgd.) HON. LICURGO P. TIRADOR

(Sgd.) HON. JAIME C. LOPEZ

HON. DANTE V. LIBAN

(Sgd.) HON. RAMON S. BAGATSING, JR.

(Sgd.) HON. EMMANUEL B. PIMENTEL

CONFERENCE COMMITTEE ON S. NO. 176/H. NO. 12401
(Regulating Hazing and Other Forms of Initiation Rites)

Senator Romulo: Mr. President, the Conference Committee Report on the disagreeing provisions of the Senate and House Bill on "An Act Regulating Hazing and Other Forms of Initiation Rites in Fraternities, Sororities, and Organizations in Schools and Providing Penalties Therefor," has also been filed with the Senate. The Senate panel, headed by the distinguished Gentleman from Bicol, Senator Roco, has recommended the approval and the acceptance of this Conference Committee Report. All the Members of the Senate panel have signed in favor of the recommendations. Also, Mr. President, the Members of the House panel have also signed, recommending the approval and acceptance of this Bicameral Conference Committee Report.

May I ask that the Chairman of the panel and the Chairman of the Committee on Justice and Human Rights, Senator Roco, be recognized.

The President: Senator Roco is recognized.

Senator Roco: Thank you, Mr. President.

We just took over the work here because our Colleague, Senator Lina, is now preparing for his governorship in Laguna. There were some differences between the Senate version and the House version. First, the Senate version was in the nature of an amendatory law to the Penal Code while the House version was in the nature of a special law as recommended by the House.

Second, the Senate version was more comprehensive since it covered acts that were penalized or all acts of hazing in all organizations; the House version treated hazing only in schools and that is what was accepted.

The following were adopted from the House version:

1. The definition of hazing; and

2. The requirement that hazing in schools before it is undertaken must be with some kind of permission from the school authorities and there must be some representatives of the school authorities when the hazing is committed.

Those then, Mr. President, are essentially what have been accepted by our Bicameral Conference Committee. We hope these meet with the approval of the Chamber.

Thank you, Mr. President.

The President: Is there any comment? [Silence]

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 176/H. NO. 12401

We shall now vote on the Bicameral Conference Committee Report. As many as are in favor of the Conference Committee Report on the Act Instituting the Crime of Hazing, please say *Aye*. [Several Senators: *Aye*] Those against, please say *Nay*. [Silence]

The Conference Committee Report is hereby approved.

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of Senate Bill No. 176, 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 House Bill No. 12401, entitled

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

after having met and fully discussed the subject matter in a conference on May 31, 1995, has come to an agreement, and the conferees hereby report to their respective Houses the following, that:

1. Paragraph 1 of Section 1 of the reconciled version was taken from Section 1 of the House bill but with amendments to read as follows:

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 similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.

2. Paragraph 2 of Section 1 of the reconciled version was taken from the second paragraph of the Senate version but with amendments to read as follows:

The term organization shall include any club or the Armed Forces of the Philippines, Philippine National Police, Philippine Military Academy, or officer and cadet corps of the Citizen's Military Training, or 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.

3. Section 2 of the House bill was adopted as Section 2 of the reconciled version subject to the amendment that the phrase "or head of organization" was inserted between the words "authorities" and "seven" found on page 2, line 3 of the House bill.

4. Section 3 of the House bill was amended to read as follows:

SEC. 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 may be, to be present during the initiation. It is the duty of such representative to see to it that no physical harm or any kind shall be inflicted upon a recruit, neophyte or applicant."

5. Section 4 of the reconciled bill is a consolidation of Section 4 of both versions. It shall now read as follows:

SEC. 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* if death, rape, sodomy or mutilation results therefrom;

2. The penalty of *reclusion temporal* in its maximum period 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 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 was habitually engaged;

4. The penalty of *reclusion temporal* in its minimum period 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 of the activity or work in which he was habitually engaged for a period of more than ninety (90) days;

5. The penalty of *prision mayor* in its maximum period if in consequence of the hazing the victim shall have been ill or incapacitated for the performance of the activity or work in which he was habitually engaged for more than thirty (30) days;

6. The penalty of *prision mayor* in its medium period if in consequence of the hazing the victim shall have been ill or incapacitated for the performance of the activity or work in which he was habitually engaged for ten (10) days or more, or that the injury sustained shall require medical attendance for the same period;

7. The penalty of *prision mayor* in its minimum period if in consequence of the hazing the victim shall have been ill or incapacitated for the performance of 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 attendance for the same period; and

8. The penalty of *prision correccional* 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.

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, 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 hazing were committed shall be liable as principals. Officers or members of the organization, group, fraternity or sorority who knowingly cooperated in carrying out the hazing by inducing the victim to be present thereat shall be liable as principals. A fraternity or sorority's adviser who is present when the acts

constituting hazing were committed and failed to take any 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 a 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.

6. Section 5 of the reconciled bill was lifted from Section 5 of the House version.

7. Section 6 of the House version was adopted as Section 6 of the reconciled version.

8. Section 7 House version was made as Section 7 of the reconciled version.

9. The title of the reconciled bill shall read as follows:

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

The Committee further recommends the approval of the attached bill as reconciled and approved by the conferees.

In case of conflict between the conference committee report and the provisions of the reconciled Bill, the latter shall prevail.

Approved,

CONFEREES ON THE PART OF THE SENATE

(Sgd.) HON. RAUL S. ROCO

(Sgd.) HON. HEHERSON T. ALVAREZ

(Sgd.) HON. ERNESTO M. MACEDA

CONFEREES ON THE PART OF THE HOUSE OF REPRESENTATIVES

(Sgd.) HON. DAISY A. FUENTES

(Sgd.) HON. ISIDRO C. ZARRAGA

(Sgd.) HON. LALLY LAUREL TRINIDAD

HON. ALFREDO AMOR E. ABUEG, JR.

HON. RAMON S. BAGATSING, JR.

CONFERENCE COMMITTEE REPORT ON S. NO. 2065/H. NO. 14601 (Synchronized Elections)

Senator Romulo: Mr. President, we have the Conference Committee Report on the Senate and House reconciliation of the Senate and House versions on the bill amending Section 27 of Republic Act No. 7166, otherwise known as the Synchronized Elections and Electoral Reform Law of 1991.

The Senate panel, Mr. President, headed by the Chairman, Senator Tolentino, recommends the approval and acceptance of the Conference Committee Report on the proposed bill. Likewise, the House panel has recommended the approval and acceptance of this bill.

Mr. President, the Chairman, Senator Tolentino, has asked this Representation to make the report. May I ask the permission of the Chair?

The President: Please do so.

Senator Romulo: Mr. President, this is the bill which was filed to provide a sixth copy to a citizens-arm authorized by the Commission on Election to conduct an unofficial count. Both the House and the Senate panels agreed to the furnishing of a sixth copy to a citizens arm.

In the Conference Committee, Mr. President, it was provided that an additional provision be included, which reads:

Provided, further, That such citizens' arm previously authorized by the Commission before the effectivity of this Act shall not be qualified for accreditation.