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HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH (17TH) CONGRESS
First Regular Session

House Bill No. 3467

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Introduced by: Rep. BERNADETTE R. HERRERA-DY

THE REVISED ANTI-HAZING LAW

EXPLANATORY NOTE

With the death of Marvin Reglos and the Supreme Court ruling on the Lenny Villa case, the issue of hazing has once again come to the forefront of national dialogue. Hazing has been, and continues to present, a serious problem in the Philippines and in countries across the world, including Indonesia, Russia, India, and the United States. A 2008 study on hazing in American universities found that fifty-five percent of college students involved in clubs, teams, or organizations have experienced hazing, forty percent of athletes noted that their coaches or advisers were aware of the hazing activities and over twenty percent reported involvement by the coach, and eighty-two percent of deaths from hazing involved alcohol.¹ Though similar statistics for the Philippines are unavailable, anecdotal evidence suggests a problem of like magnitude. More must be done to correct such ubiquitous and institutionalized activity as hazing has become.

The Villa case highlights a number of issues with anti-hazing legislation, some of which have already been corrected between the time of the incident and the Supreme Court's final ruling. The Court, however, has flagged other issues as not yet adequately handled in current legislation. This Bill incorporates both the suggested corrections by the Supreme Court in the Lenny Villa case as well as additional changes based on similarly devastating incidents and subsequent legislation from the United States.

This Amendment makes all hazing illegal, instead of just regulating hazing, with penalties ranging from fines to life imprisonment, depending on the seriousness of the hazing incident, and makes any crimes committed by the victim as a result of the hazing attach to the perpetrator. Importantly, this Act also expands the definition of hazing beyond just incidences related to gaining membership in an organization.

¹ Elizabeth J. Allan and Mary Madden, *Hazing in View: College Students At Risk* (2008), available at: http://www.hazingstudy.org/publications/hazing_in_view_web.pdf.

Furthermore, psychological suffering is recognized in addition to physical suffering. This Act also opens perpetrators up to civil, as well as criminal, liability for their participation in hazing activities, and ensures that perpetrators are vulnerable to the most severe criminal liability available, either through this Act or an alternate criminal penalty calling for even more severe punishment. Additional aggravating circumstances are included to ensure maximum sentences in the most egregious cases. Finally, anti-hazing policies are now mandated for institutions receiving public assistance and enforcement mechanisms for those policies are also required.

For anti-hazing policies to truly take effect, more must be done on the local level to inform about the dangers of these activities and to stay vigilant in enforcing anti-hazing regulations. However, stricter legislation criminalizing all forms of hazing, increasing penalties, and requiring enforcement at the institutional level will give stronger tools in the fight against hazing. The urgent approval of this bill is earnestly sought.



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

1 **Section 1. Definitions.**— Hazing, as used in this Act, is an intentional,
2 knowing, or reckless act by a person acting alone or acting with others that is directed
3 against an individual and that the person knew or should have known endangers the
4 physical health or safety of the individual, and that is done for purposes including, but
5 not limited to, pledging, being initiated into, affiliating with, participating in, holding
6 office in, or maintaining membership in any organization. "Hazing" includes, but is
7 not limited to, pressuring or coercing the individual into violating the law, any
8 brutality of a physical nature, such as whipping, beating, striking, branding, electronic
9 shocking, placing of a harmful substance on the body, or similar activity, exposure to
10 the elements, forced consumption of any food, liquor, drug, or other substance, or
11 other forced physical activity that subjects the individual to an unreasonable risk of
12 harm or that could adversely affect the physical health or safety of the individual, and
13 also includes any activity that would subject the individual to extreme mental stress,
14 such as sleep deprivation, forced confinement in a small space, forced exclusion from
15 social contact, forced conduct that could result in extreme embarrassment, or other
16 forced activity that could adversely affect the mental health or dignity of the
17 individual.

18 The term "organization" shall include fraternities, sororities, clubs, or the
19 Armed Forces of the Philippines, Philippine National Police, Philippine Military
20 Academy, or officer and cadet corp of the Citizen's Military Training and Citizen's
21 Army Training. The physical, mental and psychological testing and training procedure
22 and practices to determine and enhance the physical, mental and psychological fitness
23 of prospective regular members of the Armed Forces of the Philippines and the
24 Philippine National Police as approved by the Secretary of National Defense and the
25 National Police Commission duly recommended by the Chief of Staff, Armed Forces

1 of the Philippines and the Director General of the Philippine National Police shall not
2 be considered as hazing for the purposes of this Act, nor shall customary athletic
3 events or other similar contests or competitions or any activity or conduct that furthers
4 a legal and legitimate objective.

5 **Section 2. Notice.**— No initiation rites in any form or manner by an
6 organization shall be allowed without prior written notice to the school authorities or
7 head of organization seven (7) days before the conduct of such initiation. The written
8 notice shall indicate the period of the initiation activities which shall not exceed three
9 (3) days, shall include the names of those to be subjected to such activities, and shall
10 further contain an undertaking that no harm of a kind defined by the first paragraph of
11 Section 1 shall be committed by anybody during such initiation rites.

12 **Section 3. Representatives.**— The head of the school or organization or their
13 representatives must assign at least two (2) representatives of the school or
14 organization, as the case may be, to be present during the initiation. It is the duty of
15 such representative to see to it that no harm of a kind as here above defined shall be
16 inflicted upon a recruit, neophyte or applicant.

17 **Section 4. Prohibited Acts.**— If the person subjected to hazing or other forms
18 of initiation rites suffers any physical or psychological injury or dies as a result
19 thereof, the officers and members of the organization who actually participated in the
20 *infliction of physical harm shall be liable as principals. The person or persons who*
21 *participated in the hazing shall suffer:*

22 1. The penalty of reclusion perpetua (life imprisonment) if death (including
23 suicide), rape, sodomy or mutilation results there from.

24 2. The penalty of reclusion temporal in its maximum period (17 years, 4
25 months and 1 day to 20 years) if in consequence of the hazing the victim shall
26 become insane, imbecile, impotent or blind.

27 3. The penalty of reclusion temporal in its medium period (14 years, 8 months
28 and one day to 17 years and 4 months) if in consequence of the hazing the
29 victim shall have lost the use of speech or the power to hear or to smell, or
30 shall have lost an eye, a hand, a foot, an arm or a leg or shall have lost the use
31 of any such member or shall have become ill or incapacitated for the activity
32 or work in which he was habitually engaged.

33 4. The penalty of reclusion temporal in its minimum period (12 years and one
34 day to 14 years and 8 months) if in consequence of the hazing the victim shall
35 become deformed or shall have lost any other part of his body, or shall have
36 lost the use thereof, or shall have been ill or incapacitated for the performance
37 on the activity or work in which he was habitually engaged for a period of
38 more than ninety (90) days.

39 5. The penalty of prison mayor in its maximum period (10 years and one day
40 to 12 years) if in consequence of the hazing the victim shall have been ill or

1 incapacitated for the performance on the activity or work in which he was
2 habitually engaged for a period of more than thirty (30) days.

3 6. The penalty of prison mayor in its medium period (8 years and one day to
4 10 years) if in consequence of the hazing the victim shall have been ill or
5 incapacitated for the performance on the activity or work in which he was
6 habitually engaged for a period of ten (10) days or more, or that the injury
7 sustained shall require medical assistance for the same period.

8 7. The penalty of prison mayor in its minimum period (6 years and one day to
9 8 years) if in consequence of the hazing the victim shall have been ill or
10 incapacitated for the performance on the activity or work in which he was
11 habitually engaged from one (1) to nine (9) days, or that the injury sustained
12 shall require medical assistance for the same period.

13 8. The penalty of prison correccional in its maximum period (4 years, 2
14 months and one day to 6 years) if in consequence of the hazing the victim
15 sustained physical injuries, which do not prevent him from engaging in his
16 habitual activity or work nor require medical attendance.

17 9. The penalty of prison correccional in its minimum period (6 months and one
18 day to 2 years and 4 months) if in consequence of the hazing the victim was
19 subject to substantial risk of physical injury or death, but did not sustain actual
20 physical injuries.

21 10. The penalty of a fine not to exceed FIFTY THOUSAND PESOS
22 (P50,000.00) if in consequence of the hazing the victim did not sustain and
23 was not subject to substantial risk of physical injury or death.

24 The maximum penalty herein provided shall be imposed in any of the
25 following instances:

26 (a) when the recruitment is accompanied by force, violence, threat,
27 intimidation or deceit on the person of the recruit who refuses to join;

28 (b) when the recruit, neophyte or applicant initially consents to join but upon
29 learning that hazing will be committed on his person, is prevented from
30 quitting;

31 (c) when the recruit, neophyte or applicant having undergone hazing is
32 prevented from reporting the unlawful act to his parents or guardians, to the
33 proper school authorities, or to the police authorities, through force, violence,
34 threat or intimidation;

35 (d) when the hazing is committed outside of the school or institution;

36 (e) when the victim is below twelve (12) years of age at the time of the hazing;

37 (f) when the hazing involves the operation or other use of a motor vehicle;

38 (g) when the hazing involves the consumption of an alcoholic product;

1 (h) when the hazing involves the consumption of a drug or other illegal
2 substance;

3 (i) when the hazing involves the use of a dangerous weapon; or

4 (j) when non-resident or alumni organization members are present,
5 irrespective of active participation in the hazing activities.

6 **Section 5. Other Conditions.**— As a condition of any sentence imposed
7 pursuant to Section 4, the court shall order the defendant to attend and complete a 4-
8 hour hazing education course and may also impose a condition of drug or alcohol
9 probation.

10 **Section 6. Other Principals, Accessories, and Accomplices.**— The owner of
11 the place where hazing is conducted shall be liable as an accomplice, when he has
12 actual knowledge of the hazing conducted therein but failed to take any action to
13 prevent the same from occurring. If the hazing is held in the home of one of the
14 officers or members of the organization, the parents shall be held liable as principals
15 when they have actual knowledge of the hazing conducted therein but failed to take
16 any action to prevent the same from occurring.

17 The school authorities including faculty members who consent to the hazing
18 or who have actual knowledge thereof, but failed to take any action to prevent the
19 same from occurring shall be punished as accomplices for the acts of hazing
20 committed by the perpetrators.

21 The officers, former officers, or alumni of the organization who actually
22 planned the hazing although not present when the acts constituting the hazing were
23 committed shall be liable as principals. An organization's adviser who is present when
24 the acts constituting the hazing were committed and failed to take action to prevent
25 the same from occurring shall be liable as principal.

26 The presence of any person during the hazing is prima facie evidence of
27 participation therein as principal unless he prevented the commission of the acts
28 punishable herein.

29 This Section shall apply to the president, manager, director or other
30 responsible officer of a corporation engaged in hazing as a requirement for
31 employment in the manner provided herein.

32 **Section 7. Impermissible Defenses.**— It is not a defense to a charge of hazing
33 that:

34 (a) The consent of the victim had been obtained;

35 (b) The conduct or activity was not part of an official organizational event or
36 was not otherwise sanctioned or approved by the organization; or

37 (c) The conduct or activity was not done as a condition of membership to an
38 organization.

1 Any person charged under this Act shall not be entitled to the mitigating
2 circumstance that there was no intention to commit so grave a wrong.

3 **Section 8. *Victim.***— This Act does not apply to an individual who is the
4 subject of the hazing, regardless of whether the individual voluntarily allowed himself
5 or herself to be hazed.

6 **Section 9. *Liability for Other Offenses.***— A prosecution under this Act does
7 not bar a prosecution of the defendant for:

8 (a) any other offense for which the defendant may be liable as a party for
9 conduct committed by the person hazed; or

10
11 (b) any offense, caused in the course of the hazing, that the defendant commits
12 against the person who is hazed.
13

14 Under Section (9)(a), a person may be separately punished, both for the hazing
15 offense and the conduct committed by the person hazed.

16 Under Section (9)(b), a person may not be punished both for hazing and for
17 the other offense, but shall be punished for the offense carrying the greater maximum
18 penalty.

19 **Section 10. *Suits by the Victim.***— The person against whom the hazing is
20 directed may commence a civil action for injury or damages. The action may be
21 brought against any participants in the hazing, or any organization to which the
22 individual is seeking membership whose agents, directors, trustees, managers, or
23 officers authorized, requested, commanded, participated in, or ratified the hazing.
24 Wrongful death suits may be brought in instances where the victim of hazing has died
25 as a result.

26 **Section 11. *Administrative Sanctions.***— The responsible officials of the
27 school or of the police, military or citizen's army training organization, may impose
28 the appropriate administrative sanctions on the person or the persons charged under
29 this provision even before their conviction.

30 **Section 12. *Anti-hazing Policy Requirement.***— Institutions that receive, or
31 whose students receive, government financial assistance, and that house any of the
32 organizations as defined in this Act, must adopt a written anti-hazing policy and under
33 such policy must adopt rules prohibiting individuals or other persons associated with
34 any organization from engaging in hazing. Such institutions must provide a program
35 for the enforcement of such rules and must adopt appropriate penalties for violations
36 of such rules, to be administered by the person at the institution responsible for the
37 sanctioning of such organizations.

38 Such penalties may include the imposition of fines; the withholding of
39 diplomas or transcripts pending compliance with the rules or pending payment of
40 fines; and the imposition of probation, suspension, or dismissal.

1 In the case of an organization that authorizes hazing in blatant disregard of
2 such rules, penalties may also include rescission of permission for that organization to
3 operate under the sanction of the institution.

4 All penalties imposed under the authority of this Section shall be in addition to
5 any penalty imposed for violation of any criminal laws or for violation of any other
6 rule of the institution to which the violator may be subject.

7 Upon approval of the anti-hazing policy and of the rules and penalties adopted
8 pursuant thereto, the institution shall provide a copy of such policy, rules, and
9 penalties to each individual at that institution and shall require the inclusion of such
10 policy, rules, and penalties in the bylaws of every organization operating under the
11 sanction of the institution.

12 **Section 13. *Separability Clause.***— In the event that any provision of this Act
13 is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or
14 legality of the remainder of the provisions of this Act shall not be affected thereby.

15 **Section 14. *Repealing Clause.*** Republic Act No. 8049, as amended, is hereby
16 repealed. All laws, presidential decrees, letters of instructions, executive orders,
17 administrative orders, rules, regulations, and other issuances or parts thereof which
18 are contrary to or inconsistent with the provisions of this Act are hereby revoked,
19 repealed or modified accordingly.

20 **Section 15. *Effectivity.*** This Act shall take effect fifteen (15) days following
21 the completion of its publication in any two (2) national newspapers of general
22 circulation.

23
24 *Approved,...*
25