

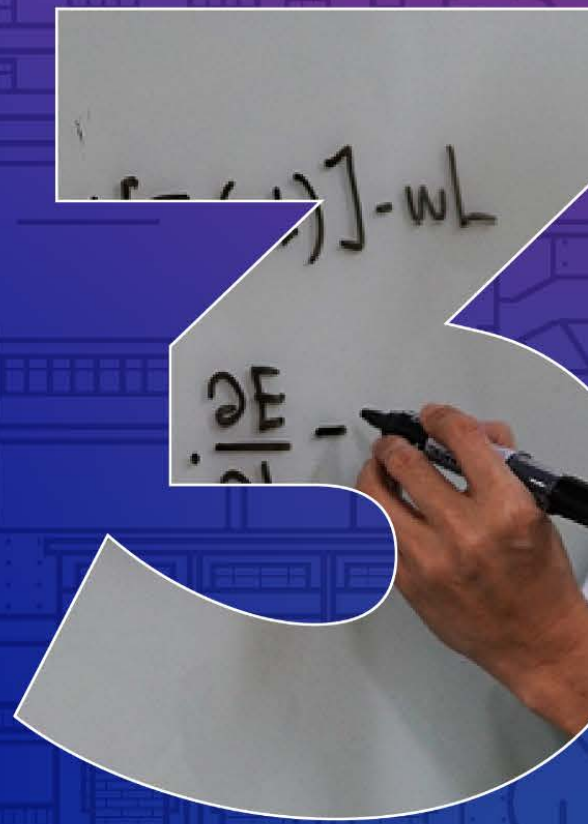


S Ateneo College
T Student-related Laws,
U Ordinances, Memoranda,
Administrative Acts, and
Implementing Guidelines
2023 Edition

HANDBOOK
E VOLUME



ATENEU DE MANILA
UNIVERSITY



ATENEO DE MANILA
COLLEGE STUDENT HANDBOOK
VOLUME **3**

Student-related
Laws,
Ordinances,
Memoranda,
Administrative
Acts, and
Implementing
Guidelines

2023 Edition

Student-related Laws, Ordinances, Memoranda, Administrative Acts, and Implementing Guidelines 2023 Edition

Updated 26 August 2023

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Excerpts from the Anti-Hazing Act of 2018

[REPUBLIC ACT NO. 11053]

AN ACT PROHIBITING HAZING AND REGULATING OTHER FORMS OF INITIATION RITES OF FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8049, ENTITLED "AN ACT REGULATING HAZING AND OTHER FORMS OF INITIATION RITES IN FRATERNITIES SORORITIES, AND ORGANIZATIONS AND PROVIDING PENALTIES THEREFORE."

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

Section 1. A new section to be denominated as Section 1 is hereby inserted in Republic Act No. 8049, to read as follows:

Section 1. Short Title.—This Act shall be known as the "Anti-Hazing Act of 2018".

Section 2. Section 1 of the same Act is hereby amended to read as follows:

Section 2. Definition of Terms.—As used in this Act:

- (a) *Hazing refers to any act that results in physical or psychological suffering, harm, or injury inflicted on a recruit, neophyte, applicant, or member as part of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority, or organization including, but not limited to paddling, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical and psychological health of such recruit, neophyte, applicant, or member. This shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse, or endanger, by requiring a recruit, neophyte, applicant, or member to do menial, silly, or foolish tasks.*
- (b) *Initiation or Initiation Rites refer to ceremonies, practices, rituals, or other acts, weather formal or informal, that a person must perform or take part in order to be accepted into fraternity, sorority, organization as a full-fledged member. It includes ceremonies practices, rituals, and other acts in all stages of membership in a fraternity, sorority, or organization.*
- (c) *Organization refers to an organized body of people which includes, but it is not limited to, any club, association, group, fraternity, and sorority. This term shall include the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Philippine Military Academy (PMA), the Philippine National Police Academy (PNPA), and other similar uniformed service learning institutions.*

- (d) *Schools refer to colleges, universities, and other educational institutions.*

Section 3. A new section to be denominated as Section 3 is hereby inserted in the same Act to read as follows:

Section 3. Prohibition on Hazing.—All forms of hazing shall be prohibited in fraternities, sororities, and organizations in schools, including citizens' military training and citizens' army training. This prohibition shall likewise apply to all other fraternities, sororities, and organizations that are not school-based, such as community-based and other similar fraternities, sororities and organizations: Provide, That the physical, mental, and practices to determine and enhance the physical, mental, and psychological fitness of prospective regular members of the AFP and the PNP as approved by the Secretary of National Defense and National Police Commission, duly recommended by the Chief of Staff of the AFP and Director General of the PNP, shall not be considered as hazing purposes of this Act: Provided, further, That the exemption provided herein shall likewise apply to similar procedures and practices approved by the respective heads of other uniformed learning institutions as to their prospective members, nor shall this provision apply to any customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective, subject to prior submission of a medical clearance or certificate.

In no case shall hazing be made a requirement for employment in any business or corporation.

Section 4. Section 2 of the same Act is hereby amended to read as follows:

Section 4. Regulation of School-Based Initiation Rites. Only initiation rites or practices that do not constitute hazing shall be allowed: Provided, That:

- (a) *A written application to conduct initiation rites shall be made to the proper authorities of the school not later than seven (7) days prior to scheduled initiation date;*
- (b) *The written application shall indicate the place and date of the initiation rites and the names of the recruits, neophytes, or applicants to be initiated and the manner by which they will conduct the initiation rites;*
- (d) *The initiation rites shall not last more than three (3) days;*
- (e) *The application shall contain the names of the incumbent officers of the fraternity, sorority, or organization and any person or persons who will take charge in the conduct of the initiation rites;*
- (f) *The application shall be under oath with a declaration that it has been posted in the official school bulletin board, the bulletin board of the office of the fraternity, sorority, or organization, and two(2) other conspicuous places in the school or in the premises of the organization; and*
- (g) *The application shall be posted from the time of submission of the written notice to the school authorities or head of organization and shall only be removed from its posting three (3) days after the conduct of the initiation rites.*

The school, fraternity, sorority, or organization shall provide for their respective bulletin boards for purposes of this section.

Guidelines for the approval or denial of the application to conduct initiation rites by a registered fraternity, sorority, organization shall be promulgated by the appropriate school official not later than sixty (60) days after the approval of this Act. The appropriate school authorities shall have the obligation to disapprove the application to conduct initiation rites that do not conform with any of the requirements of this section, and in unequivocal terms in a formal advice to the fraternity, sorority, or organization concerned, taking into consideration the safety and security of participants in the activity.

School officials shall have the authority to impose after due notice and summary hearing, disciplinary sanctions, in accordance with the school's guidelines and regulations on the matter, which shall include, but shall not be limited to, reprimand, suspension, exclusion, or expulsion, to the head and all other officers of the fraternity, sorority and organization which conducts an initiation without first securing the necessary approval of the school as required under this section. All members of the fraternity, sorority, or organization, who participated in the unauthorized initiation rites, even if no hazing was conducted, shall also be punished accordingly.

In case the written application for the conduct of initiation rites contains false or inaccurate information, appropriate disciplinary sanctions in accordance with the school's guidelines and regulations on the matter ranging from reprimand to expulsion shall be imposed, after due notice and summary hearing, against the person who prepared the application or supplied the false and inaccurate information and to the head and other officers of the fraternity, sorority, or organization concerned.

Section 5. Section 3 of the same Act is hereby amended to read as follows:

Section 5. Monitoring of Initiation Rites.—The head of the school or an authorized representative must assign at least two (2) representatives of the school to be present during the initiation. It is the duty of the school representatives to see to it that no hazing is conducted during the initiation rites and to document the entire proceedings. Thereafter, said representatives who were present during the initiation shall make a report of the initiation rites to the appropriate officials of the school regarding the conduct of the said initiation: Provided, That if hazing is still committed despite their presence, no liability shall attach to them unless it is proven that they failed to perform an overt act to prevent or stop the commission thereof.

The Campus Journalism Act of 1991

[REPUBLIC ACT NO. 7079]

ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF CAMPUS JOURNALISM AND FOR OTHER PURPOSES

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

Section 1. Title. This act shall be known and referred to as the "Campus Journalism Act of 1991."

Section 2. Declaration of Policy. It is a declared policy of the State to uphold and protect the freedom of the press even on the campus level and promote the development and growth of campus journalism as a means of strengthening ethical values, encouraging critical and creative thinking, and developing moral character and personal discipline of the Filipino youth. In furtherance of this policy, the State shall undertake various programs and projects aimed at improving the journalistic skills of the students concerned and promoting responsible and free journalism.

Section 3. Definition of terms.

School—An institution for learning in the elementary, secondary or tertiary level comprised of the studentry, administration, faculty, and non-faculty personnel.

Student Publication—The issue of any printed material that is independently published by, and which meets the needs and interests of the studentry.

Student Journalists—Any bonafide student enrolled for the current semester or teen who has passed or met the qualifications and standard of the editorial board. He must likewise maintain a satisfactory academic standing.

Editorial Board—In the tertiary level, the editorial board shall be composed of student Journalists who have qualified in

the placement examinations. In the case of the elementary and high school levels, the editorial board shall be composed of a duly appointed faculty adviser, the editor who qualified and a representative of the Parents-Teachers Association, who will determine the editorial policies to be implemented by the editor and staff members of the student publication concerned. At the tertiary level, the editorial board may include a publication adviser at the option of its members.

Editorial Policies—A set of guidelines by which a student publication is operated and managed, taking into account any pertinent laws as well as the school administration policies. Said guidelines shall determine the frequency of publication, the manner of selecting the articles and features and other similar matters.

Section 4. Student Publications. A student publication is published by the student body through an editorial board and publication staff composed of students selected by fair and competitive examinations. Once the publication is established, its editorial board shall freely determine its editorial policies and manage the publication funds.

Section 5. Funding of Student Publication. Funding for the student publication may include the savings of the respective school's appropriations, student subscriptions, donations and other sources of funds. In no instance shall the Department of Education, Culture and Sports or the school administration concerned withhold the release of funds sourced from the savings of the appropriations of the respective schools and other sources intended for the student publication. Subscription fees collected by the school administration shall be released automatically to the student publication concerned.

Section 6. Publication Adviser. The publication adviser shall be selected by the school administration from a list of recommendations submitted by the publication staff. The

function of the adviser shall be limited to one of technical guidance.

Section 7. Security of Tenure. A member of the publication staff must maintain his other status as a student in order to retain membership in the publication staff. A student shall not be expelled or suspended solely on the basis of articles he or she has written, or on the basis of performance of his or her duties in the student publication.

Section 8. Press Conferences and Training Seminars. The Department of Education, Culture and Sports shall sponsor periodic competitions, press conferences, and training seminars in which student editors/writers and teacher advisers of student publications in the elementary, secondary and tertiary levels shall participate. Such

competitions, conferences, and seminars shall be held at the institutional, divisional and regional levels, culminating with the holding of the annual national elementary, secondary, or tertiary School Press Conference in places of historical and/or cultural interest in the country.

Section 9. Rules and Regulations. The Department of Education, Culture and Sports, in coordination with the officers of the national elementary, secondary, and tertiary organizations or official advisers of student publications, together with journalists at the tertiary level and existing organizations of student journalists, shall promulgate the rules and regulations necessary for the implementation of this act.

Excerpts from the Anti-Violence Against Women and Their Children Act of 2004

[REPUBLIC ACT NO. 9262]

AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES

Section 1. Short Title. This Act shall be known as the "Anti-Violence Against Women and Their Children Act of 2004".

- A. "Physical Violence" refers to acts that include bodily or physical harm;
- B. "Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
 - a. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
 - b. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - c. Prostituting the woman or child.

Section 5. Acts of Violence Against Women and Their Children. The crime of violence against women and their children is committed through any of the following acts:

- a. Causing physical harm to the woman or her child;
- b. Threatening to cause the woman or her child physical harm;
- c. Attempting to cause the woman or her child physical harm;
- d. Placing the woman or her child in fear of imminent physical harm;

- e. Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:
 - 1. Threatening to deprive or actually depriving the woman or her child of custody to her/his family;
 - 2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
 - 3. Depriving or threatening to deprive the woman or her child of a legal right;
 - 4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- f. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- g. Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- h. Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:
 - 1. Stalking or following the woman or her child in public or private places;
 - 2. Peering in the window or lingering outside the residence of the woman or her child;

3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
 4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
 5. Engaging in any form of harassment or violence;
- i. Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.
- Section 6. Penalties.** The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:
- a. Acts falling under Section 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code.
If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prison mayor; those constituting less serious physical injuries shall be punished by prison correccional; and those constituting slight physical injuries shall be punished by arresto mayor.
 - b. Acts falling under Section 5(b) shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor.
 - c. Acts falling under Section 5(c) and 5(d) shall be punished by arresto mayor;
 - d. Acts falling under Section 5(e) shall be punished by prison correccional;
 - e. Acts falling under Section 5(f) shall be punished by arresto mayor;
 - f. Acts falling under Section 5(g) shall be punished by prison mayor;
 - g. Acts falling under Section 5(h) and Section 5(i) shall be punished by prison mayor.
 - h. If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty prescribed in the section.
 - i. In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

Excerpts from the Anti-Sexual Harassment Act of 1995

[REPUBLIC ACT NO. 7877]

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

Section 1. Title. This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

Section 2. Declaration of Policy. The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction, or education. Towards this end, all forms of sexual harassment in the employment, education, or training environment is hereby declared unlawful.

Section 3. Work, Education, or Training-Related, Sexual Harassment Defined. Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

- a. In a work-related or employment environment, sexual harassment is committed when:
 1. The sexual favor is made as a condition in the hiring or in the employment, reemployment or continued

employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee, which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee

2. The above acts would impair the employee's rights or privileges under existing labor laws, or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.
- b. In an education or training environment, sexual harassment is committed:
 1. Against one who is under the care, custody, or supervision of the offender
 2. Against one whose education, training, apprenticeship, or tutorship is entrusted to the offender
 3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration, or
 4. When the sexual advances result in an intimidating, hostile, or offensive environment for the student, trainee, or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another, without

which it would not have been committed, shall also be held liable under this Act.

Section 4. Duty of the Employer or Head of Office in a Work-related, Education, or Training Environment. It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement, or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- a. Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefore.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment. The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment. The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

- b. Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, instructors, professors, or coaches, and students or trainees, as the case may be.

The employer or head of office, educational, or training institution shall disseminate or post a copy of this Act for the information of all concerned.

Section 5. Liability of the Employer, Head of Office, Educational, or Training Institution. The employer or head of office, educational, or training institution shall be solitarily liable for damages arising from the acts of sexual harassment committed in the employment, education, or training environment, if the employer or head of office, educational, or training institution is informed of such acts by the offended party and no immediate action is taken.

Section 6. Independent Action for Damages. Nothing in this Act shall preclude the victim of work, education, or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

Section 7. Penalties. Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court. Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

Section 10. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved: February 14, 1995

Special Protection of Children Against Abuse, Exploitation and Discrimination Act

[REPUBLIC ACT NO. 7610]

AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES

ARTICLE I.

TITLE, POLICY, PRINCIPLES, AND DEFINITIONS OF TERMS

Section 1. Title. This Act shall be known as the "Special Protection of Children against Abuse, Exploitation and Discrimination Act."

Section 2. Declaration of State Policy and Principles. It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation, and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation, and discrimination or when such acts against the child are committed by the said parent, guardian, teacher, or person having care and custody of the same. It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.

Section 3. Definition of Terms.

01. "Children" refers to persons below eighteen (18) years of age or those over, but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
02. "Child abuse" refers to the maltreatment, whether habitual or not, of the child, which includes any of the following:
 - i. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment
 - ii. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being
 - iii. Unreasonable deprivation of his basic needs for survival, such as food and shelter, or
 - iv. Failure to immediately give medical treatment to an injured child resulting in serious impairment of

his growth and development or in his permanent incapacity or death.

03. "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following:
 - i. Being in a community where there is armed conflict or being affected by armed conflict-related activities
 - ii. Working under conditions hazardous to life, safety, and normal development which unduly interfere with their normal development
 - iii. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life
 - iv. Being a member of a indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life
 - v. Being a victim of a man-made or natural disaster or calamity, or
 - vi. Circumstances analogous to those above-stated which endanger the life, safety, or normal development of children
04. "Comprehensive program against child abuse, exploitation, and discrimination" refers to the coordinated program of services and facilities to protect children against:
 - i. Child Prostitution and other sexual abuse
 - ii. Child trafficking
 - iii. Obscene publications and indecent shows
 - iv. Other acts of abuses
 - v. Circumstances which threaten or endanger the survival and normal development of children.

ARTICLE II.

PROGRAM ON CHILD ABUSE, EXPLOITATION, AND DISCRIMINATION

Section 4. Formulation of the Program. There shall be a comprehensive program to be formulated by the Department of Justice and the Department of Social Welfare and Development, in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of this Act, to protect children against child prostitution and other sexual abuse; child trafficking, obscene publications and indecent shows; other acts of abuse; and circumstances which endanger child survival and normal development.

ARTICLE III.

CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

Section 5. Child Prostitution and Other Sexual Abuse.

Children, whether male or female, who for money, profit, or any other consideration, or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

Section 6. Attempt to Commit Child Prostitution. There is an attempt to commit child prostitution under Section 5, paragraph (a) hereof when any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances, which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

ARTICLE VI.

OTHER ACTS OF ABUSE

Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.

- a. Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prison mayor in its minimum period.
- b. Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of prison mayor in its medium period and a fine of not less than Fifty thousand pesos (P50,000.00), and the loss of the license to operate such a place or establishment.

ARTICLE X.

CHILDREN IN SITUATIONS OF ARMED CONFLICT

- a. **Section 22. Children as Zones of Peace.** Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace. To attain this objective, the following policies shall be observed.
- b. Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane, or degrading treatment.
- c. Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered.

- ...
- d. Public infrastructure such as schools, hospitals, and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.
- ...

ARTICLE XI. REMEDIAL PROCEDURES

Section 27. Who May File a Complaint. Complaints on cases of unlawful acts committed against the children as enumerated herein may be filed by the following:

- a. Offended party
- b. Parents or guardians
- c. Ascendant or collateral relative within the third degree of consanguinity
- d. Officer, social worker, or representative of a licensed child-caring institution
- e. Officer or social worker of the Department of Social Welfare and Development
- f. Barangay chairman, or
- g. At least three (3) concerned responsible citizens where the violation occurred.

Section 28. Protective Custody of the Child. The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

Section 29. Confidentiality. At the instance of the offended party, his name may be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter, or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party

Section 30. Special Court Proceedings. Cases involving violations of this Act shall be heard in the chambers of the judge of the Regional Trial Court duly designated as Juvenile and Domestic Court. Any provision of existing law to the contrary notwithstanding and with the exception of habeas corpus, election cases, and cases involving detention prisoners and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing or disposition of cases involving violation of this Act.

Approved: June 17, 1992

Excerpts from the Safe Spaces Act

[Republic Act 11313]

AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFORE

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

Section 1. Short Title. This Act shall be known as the "Safe Spaces Act".

Section 2. Declaration of Policies. It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

Section 3. Definition of Terms. As used in this Act;

- (a) Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- (b) Employee refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- (c) Employer refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;
- (d) Gender refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
- (e) Gender-based online sexual harassment refers to an on the conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
- (f) Gender identity and/or expression refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;
- (g) Public spaces refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation

terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

- (h) Stalking refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

ARTICLE I GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

Section 4. Gender-Based Streets and Public Spaces Sexual Harassment. The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

Section 5. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public. Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints.

Security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto and are required to immediately coordinate with local authorities.

Section 6. Gender-Based Sexual Harassment in Public Utility Vehicles. In addition to the penalties in this Act, the Land

Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

Section 7. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

Section 8. Duties of Local Government Units (LGUs).

Local government units (LGUs) shall bear prim ary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

- (a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- (b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- (c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;
- (e) Create an anti-sexual harassment hotline; and
- (f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

Section 9. Role of the DILG. The DILG shall ensure the full implementation of this Act by:

- (a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;
- (b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and
- (c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

Section Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.

The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: Provided, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

Section 11. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces. The following acts are unlawful and shall be penalized as follows:

- (a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety—
 - (1) The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by arresto menor (6 to 10 days) or a fine of Three thousand pesos (P3,000.00)
 - (3) The third offense shall be punished by arresto menor (11 to 30 days) and a fine of Ten thousand pesos (P10,000.00).
- (b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions—
 - (1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by arresto menor (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);

- (3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).
- (c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b)–
- (1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);
 - (3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (P 100,000.00)

ARTICLE II GENDER-BASED ONLINE SEXUAL HARASSMENT

Section 12. Gender-Based Online Sexual Harassment.

Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

Section 13. Implementing Bodies for Gender-Based Online Sexual Harassment. For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

Section 14. Penalties for Gender-Based Online Sexual Harassment. The penalty of *prision correccional* in its medium

period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

Section 15. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.

The penalty next higher in degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

Excerpts from the Data Privacy Act of 2012

[REPUBLIC ACT NO. 10173]

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE

GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

Section 1. Short Title. This Act shall be known as the "Data Privacy Act of 2012".

Section 2. Declaration of Policy. It is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

Section 3. Definition of Terms. Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

- (a) Commission shall refer to the National Privacy Commission created by virtue of this Act.
- (b) Consent of the data subject refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.
- (c) Data subject refers to an individual whose personal information is processed.
- (d) Direct marketing refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals.
- (e) Filing system refers to any act of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible.
- (f) Information and Communications System refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar device by or which data is recorded, transmitted or stored and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document.
- (g) Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
- (h) Personal information controller refers to a person or organization who controls the collection, holding, processing or use of personal information, including a

person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

- (1) A person or organization who performs such functions as instructed by another person or organization; and
 - (2) An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.
- (i) Personal information processor refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.
 - (j) Processing refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.
 - (k) Privileged information refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.
 - (l) Sensitive personal information refers to personal information:
 - (1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - (2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - (4) Specifically established by an executive order or an act of Congress to be kept classified.

Section 4. Scope. This Act applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines subject to the immediately succeeding paragraph: Provided, That the requirements of Section 5 are complied with.

This Act does not apply to the following:

- (a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:
 - (1) The fact that the individual is or was an officer or employee of the government institution;
 - (2) The title, business address and office telephone number of the individual;

- (3) The classification, salary range and responsibilities of the position held by the individual; and
- (4) The name of the individual on a document prepared by the individual in the course of employment with the government;
- (b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;
- (c) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit;
- (d) Personal information processed for journalistic, artistic, literary or research purposes;
- (e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);
- (f) Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and
- (g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

CHAPTER III

PROCESSING OF PERSONAL INFORMATION

Section 11. General Data Privacy Principles. The processing of personal information shall be allowed, subject to compliance with the requirements of this Act and other laws allowing disclosure of information to the public and adherence to the principles of transparency, legitimate purpose and proportionality.

Personal information must be;

- (a) Collected for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only;
- (b) Processed fairly and lawfully;
- (c) Accurate, relevant and, where necessary for purposes for which it is to be used the processing of personal information, kept up to date; inaccurate or incomplete

data must be rectified, supplemented, destroyed or their further processing restricted;

- (d) Adequate and not excessive in relation to the purposes for which they are collected and processed;
- (e) Retained only for as long as necessary for the fulfillment of the purposes for which the data was obtained or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law; and
- (f) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected and processed: Provided, That personal information collected for other purposes may lie processed for historical, statistical or scientific purposes, and in cases laid down in law may be stored for longer periods: Provided, further, That adequate safeguards are guaranteed by said laws authorizing their processing. The personal information controller must ensure implementation of personal information processing principles set out herein.

Section 12. Criteria for Lawful Processing of Personal Information. The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

- (a) The data subject has given his or her consent;
- (b) The processing of personal information is necessary and is related to the fulfillment of a contract with the data subject or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;
- (d) The processing is necessary to protect vitally important interests of the data subject, including life and health;
- (e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate; or
- (f) The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

Section 13. Sensitive Personal Information and Privileged Information. The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

- (a) The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;
- (b) The processing of the same is provided for by existing laws and regulations: Provided, That such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, That the consent of the data subjects are not required by law or regulation permitting the

processing of the sensitive personal information or the privileged information;

- (c) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;
- (d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations: Provided, That such processing is only confined and related to the bona fide members of these organizations or their associations: Provided, further, That the sensitive personal information are not transferred to third parties: Provided, finally, That consent of the data subject was obtained prior to processing;
- (e) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

- (f) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.

Section 14. Subcontract of Personal Information. A personal information controller may subcontract the processing of personal information: Provided, That the personal information controller shall be responsible for ensuring that proper safeguards are in place to ensure the confidentiality of the personal information processed, prevent its use for unauthorized purposes, and generally, comply with the requirements of this Act and other laws for processing of personal information. The personal information processor shall comply with all the requirements of this Act and other applicable laws.

Students' Right Against Unreasonable Searches and Seizures

Except for the following instances, no search and seizures of students shall be deemed valid:

- a. Searches made at the point of ingress and egress in the University and in the buildings of the University by authorized personnel of the school
- b. Searches and seizures of the illegal articles as defined by the Revised Penal Code and other related penal laws and the Student Handbook
- c. Searches and seizures of articles falling in plain view of duly authorized personnel
- d. Searches made when the student is attempting to commit, is committing, has just committed, or has been committing a crime or a serious infraction of the school's rules and regulations
- e. Searches made with a valid search warrant
- f. Searches under any circumstance conducted on reasonable grounds.

NOTES

- a. U.S. v. Arceo, 3 Phil. 381
- b. Revised Penal Code and Pertinent Penal Statutes.
- c. Roan v. Gonzales, 145 SCRA 687 and People v. Alfonso, 219 SCRA 102
- d. People v. Delos Santos, 200 SCRA 431, and People v. Gerente, 219 SCRA 756 e. Alvaro v. Dizon, 76 Phil. 837; Rules of Court, Rule 113
- e. Terry v. Ohio

Excerpts from the Comprehensive Dangerous Drugs Act of 2002

[Republic Act No. 9165]

AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Section 1. Short Title. This Act shall be known and cited as the "Comprehensive Dangerous Drugs Act of 2002."

Section 2. Declaration of Policy. It is the policy of the State to safeguard and integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills. Toward this end, the government shall pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning and implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs. It is further declared the policy of the State to provide effective

mechanisms or measures to reintegrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.

ARTICLE I. DEFINITION OF TERMS

Section 3. Definitions. As used in this Act, the following terms shall mean:

- a. *Administer*—Any act of introducing any dangerous drug into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means, or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.
- b. *Board*—Refers to the Dangerous Drugs Board under Section 77, Article IX of this Act.
- c. *Centers*—Any of the treatment and rehabilitation centers for drug dependents referred to in Section 34, Article VIII of this Act.
- ...
- f. *Confirmatory Test*—An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.
- g. *Controlled Delivery*.—The investigative technique of allowing an unlawful or suspect consignment of any dangerous drug and/or controlled precursor and essential chemical, equipment or paraphernalia, or

- property believed to be derived directly or indirectly from any offense, to pass into, through or out of the country under the supervision of an authorized officer, with a view to gathering evidence to identify any person involved in any dangerous drugs related offense, or to facilitate prosecution of that offense.
- h. *Controlled Precursors and Essential Chemicals*.—Include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the attached annex, which is an integral part of this Act.
- ...
- j. *Dangerous Drugs*.—Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of this Act.
- k. *Deliver*.—Any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration.
- l. *Den, Dive or Resort*.—A place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form.
- m. *Dispense*.—Any act of giving away, selling or distributing medicine or any dangerous drug with or without the use of prescription.
- n. *Drug Dependence*.—As based on the World Health Organization definition, it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use.
- o. *Drug Syndicate*.—Any organized group of two (2) or more persons forming or joining together with the intention of committing any offense prescribed under this Act.
- ...
- q. *Financier*.—Any person who pays for, raises or supplies money for, or underwrites any of the illegal activities prescribed under this Act.
- s. *Instrument*.—Any thing that is used in or intended to be used in any manner in the commission of illegal drug trafficking or related offenses.
- ...
- v. *Cannabis or commonly known as "Marijuana" or "Indian Hemp" or by its any other name*.—Embraces every kind, class, genus, or specie of the plant *Cannabis sativa L.* including, but not limited to, *Cannabis americana*, *hashish*, *bang*, *guaza*, *churrus* and *ganjab*, and embraces every kind, class and character of marijuana, whether dried or fresh and flowering, flowering or fruiting tops, or any part or portion of the plant and seeds thereof, and all its geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever.
- w. *Methylenedioxymethamphetamine (MDMA) or commonly known as "Ecstasy", or by its any other name*.—Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.
- x. *Methamphetamine Hydrochloride or commonly known as "Shabu", "Ice", "Meth", or by its any other name*.—Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.
- y. *Opium*.—Refers to the coagulated juice of the opium poppy (*Papaver somniferum L.*) and embraces every kind, class and character of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not.
- z. *Opium Poppy*.—Refers to any part of the plant of the species *Papaver somniferum L.*, *Papaver setigerum DC.*, *Papaver orientale*, *Papaver bracteatum* and *Papaver rhoeas*, which includes the seeds, straws, branches, leaves or any part thereof, or substances derived therefrom, even for floral, decorative and culinary purposes.
- aa. *PDEA*.—Refers to the Philippine Drug Enforcement Agency under Section 82, Article IX of this Act.
- ...
- cc. *Planting of Evidence*.—The willful act by any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person, house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of this Act.
- dd. *Practitioner*.—Any person who is a licensed physician, dentist, chemist, medical technologist, nurse, midwife, veterinarian or pharmacist in the Philippines.
- ee. *Protector/Coddler*.—Any person who knowingly and willfully consents to the unlawful acts provided for in this Act and uses his/her influence, power or position in shielding, harboring, screening or facilitating the escape of any person he/she knows, or has reasonable grounds to believe on or suspects, has violated the provisions of this Act in order to prevent the arrest, prosecution and conviction of the violator.
- ff. *Pusher*.—Any person who sells, trades, administers, dispenses, delivers or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports dangerous drugs or who acts as a broker in any of such transactions, in violation of this Act.
- gg. *School*.—Any educational institution, private or public, undertaking educational operation for pupils/students pursuing certain studies at defined levels, receiving instructions from teachers, usually located in a building or a group of buildings in a particular physical or cyber site.
- hh. *Screening Test*.—A rapid test performed to establish potential/presumptive positive result.
- ii. *Sell*.—Any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration.

jj. *Trading.*—Transactions involving the illegal trafficking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, email, mobile or landlines, two-way radios, internet, instant messengers and chat rooms or acting as a broker in any of such transactions whether for money or any other consideration in violation of this Act.

kk. *Use.*—Any act of injecting, intravenously or intramuscularly, of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body, and of the dangerous drugs.

Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.

The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions. If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case. For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case. If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section. The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 11. Possession of Dangerous Drugs. The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

1. Ten (10) grams or more of opium
2. Ten (10) grams or more of morphine
3. Ten (10) grams or more of heroin
4. Ten (10) grams or more of cocaine or cocaine hydrochloride
5. Fifty (50) grams or more of methamphetamine hydrochloride or “shabu”
6. Ten (10) grams or more of marijuana resin or marijuana resin oil
7. Five hundred (500) grams or more of marijuana
8. Ten (10) grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDMA) or “ecstasy”, paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

1. Life imprisonment and fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or “shabu” is ten (10) grams or more but less than fifty (50) grams
2. Imprisonment of twenty (20) years and one day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic requirements; or three hundred (300) grams or more but less than five (500) grams of marijuana
3. Imprisonment of twelve (12) years and one day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin, or marijuana resin oil, methamphetamine hydrochloride or “shabu” or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

Section 12. Possession of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs.

The penalty of imprisonment ranging from six (6) months and one day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand

pesos(P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus, and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: Provided, That in the case of medical practitioners and various professionals who are required to carry such equipment instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof. The possession of such equipment, instrument, apparatus, and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be prima facie evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

Section 13. Possession of Dangerous Drugs during Parties, Social Gatherings or Meetings. Any person found possessing any dangerous drug during party, or at social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties provided for in the Section 11 of this Act, regardless of the quantity and purity of such dangerous drugs.

Section 14. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs during Parties, Social Gatherings or Meetings.—The maximum penalty provided for in Section 12 of this Act shall be imposed upon any person who shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body, during parties, social gatherings or meetings, or in the proximate company of at least two(2) persons.

Section 15. Use of Dangerous Drugs. A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/shall suffer the penalty of imprisonment ranging from six (6) years to one day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00):Provided, That this section shall not be applicable where the person tested is also found to have his/her possession such quantity of any dangerous drug provided under Section 11 of this Act, in which case the provisions stated therein shall apply.

ARTICLE III.

DANGEROUS DRUGS TEST AND RECORD REQUIREMENTS

Section 36. Authorized Drug Testing. Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ, among others, two (2) testing methods, the screening test, which will determine the positive result as well as the type of the drug used, and the confirmatory test, which will confirm a positive screening test. Drug test certificates issued by accredited drug testing

centers shall be valid for a one-year period from the date of issue and which may be used for other purposes. The following shall be subjected to undergo drug testing:

...

- c. Students of secondary and tertiary schools.- Students of secondary and tertiary schools shall, pursuant to be related rules and regulations as contained in the school's student handbook and with notice to the parents, undergo a random drug testing: Provided, That all drug testing expenses whether in private or public schools under this Section will be borne by the government.

ARTICLE IV.

PARTICIPATION OF THE FAMILY, STUDENTS, TEACHERS, AND SCHOOL AUTHORITIES IN THE ENFORCEMENT OF THIS ACT

Section 41. Involvement of the Family. The family, being the basic unit of the Filipino society, shall be primarily responsible for the education and awareness of the members of the family on the ill effects of dangerous drugs and close monitoring of family members who may be susceptible to drug abuse.

Section 42. Student Councils and Campus Organizations.

All elementary, secondary and tertiary schools' student councils and campus organizations shall include in their activities a program for the prevention of and deterrence in the use of dangerous drugs, and referral for treatment and rehabilitation of students for drug dependence.

Section 43. School Curricula. Instruction on drug abuse prevention and control shall be integrated in the elementary, secondary, and tertiary curricula of all public and private schools, whether general, technical, vocational, or agro-industrial, as well as in non-formal, informal and indigenous learning systems. Such instructions shall include:

1. Adverse effects of the abuse and misuse of dangerous drugs on the person, the family, the school and the community
2. Preventive measures against drug abuse
3. Health, socio-cultural, psychological, legal and economic dimensions and implications of the drug problem
4. Steps to take when intervention on behalf of a drug dependent is needed, as well as the services available for the treatment and rehabilitation of drug dependents
5. Misconceptions about the use of dangerous drugs such as, but not limited to, the importance and safety of dangerous drugs for medical and therapeutic use as well as the differentiation between medical patients and drug dependents in order to avoid confusion and accidental stigmatization in the consciousness of the students.

Section 44. Heads, Supervisors, and Teachers of Schools.

For the purpose often forcing the provisions of Article II of this Act, all school heads, supervisors, and teachers shall be deemed persons in authority and, as such, are hereby empowered to apprehend, arrest, or cause the apprehension or arrest of any person who shall violate any of the said provisions, pursuant to Section 5, Rule 113 of the Rules Court. They shall be deemed persons in authority if they are in the school or within its immediate vicinity, or even beyond such immediate vicinity if they are in attendance at any

school or class function in their official capacity as school heads, supervisors, and teachers. Any teacher or school employee, who discovers or finds that any person in the school within its immediate vicinity is liable for violating any of said provisions, shall have the duty to report the same to the school head or immediate superior who shall, in turn, report the matter to the proper authorities. Failure to do in either case, within a reasonable period from the time of discovery of the violation shall, after due hearing, constitute sufficient cause for disciplinary action by the school authorities.

Section 45. Publication and Distribution of Materials on Dangerous Drugs. With the assistance of the Board, the Secretary of the Department of Education (DepEd), the Chairman of the Commission on Higher Education (CHED), and the Director-General of the Technical Education and Skills Development Authority (TESDA), shall cause the development, publication, and distribution of information and

support educational materials on dangerous drugs to students, the faculty, the parents, and the community.

Section 46. Special Drug Education Center. With the assistance of the Board, the Department of Interior and Local Government (DILG), the National Youth Commission (NYC), and the Department of Social Welfare and Development (DSWD), shall establish in each of its provincial offices a special education drug center for out-of-school youth and street children. Such Center, which shall be headed by the Provincial Social Development Officer, shall sponsor drug prevention programs and activities and information campaigns with the end in view of educating the out-of-school youth and street children regarding the pernicious effects of drug abuse. The programs initiated by the Center shall likewise be adopted in all public and private orphanage and existing special centers for street children.

Approved: June 7, 2002

CHED Memo on Drug Testing

CHED MEMORANDUM ORDER (CMO) No. 18 Series of 2018

SUBJECT: THE IMPLEMENTING GUIDELINES FOR THE CONDUCT OF DRUG TESTING OF STUDENTS IN ALL HIGHER EDUCATION INSTITUTIONS (HEIs)

In accordance with Section 8 (n) and (o) of RA 7722, the Higher Education Act of 1994 as amended, in relation to Section 36 (c) of RA 9165, the Comprehensive Dangerous Drugs Act of 2002, and pursuant to Commission en banc Resolution No 539-2017 dated 18 July 2017, the Commission issues this "IMPLEMENTING GUIDELINES FOR THE CONDUCT OF DRUG TESTING OF STUDENTS IN ALL HIGHER EDUCATION INSTITUTION (HEIs)."

RULE I RATIONALE AND BACKGROUND

Section 1. The drug problem in the Philippines continues to remain a serious national concern that permeates both the public and private sectors not only as a security issue, but also as a health concern that affects the social, emotional, psychological, as well as the economic well-being of the citizenry.

The Philippine Government recognizes the complimentary roles of public and private higher education institutions (HEIs) and shall exercise reasonable supervision and regulation thereof. Thus, all HEIs are enjoined to include in their student's handbook the conduct of mandatory random drug testing of students, with notice to the parents. Aside from random drug testing, a Higher Education Institution may, within the parameters of its institutional academic freedom, also include in its Student's Handbook a policy for the conduct of mandatory drug testing as a requirement for admission and retention, after observance of the consultation and other similar requirements.

RULE II STATEMENT OF POLICIES

Section 2. The State recognizes the primary responsibility of the family and the complimentary role of the educational institutions and parents for the education and awareness of its members on the ill-effects of dangerous drugs;

- 2.1. It is a government policy to foster a spirit of shared purposes and cooperation among the members and

elements of the educational community and between the community and other sectors of society at all times. Only in such atmosphere can the true goals and objectives of education be fulfilled.

- 2.2. The Commission on Higher Education (CHED), as part of its mandate, has the duty to continuously monitor the effectiveness of the dangerous drug abuse prevention program through their respective regional/field offices and may enlist the assistance of any government agency or instrumentality to carry out the objectives of the program
- 2.3. The HEIs shall have mechanisms to promote healthy lifestyle such as but not limited to healthy diet, physical activities and no smoking and alcoholic drinking environment inside and outside the school campus as mandated in CHED Memorandum Order (CMO) No. 09, s. 2013.
- 2.4. The CHED recognizes the academic freedom of all HEIs, particularly in implementing a policy on mandatory random drug testing of their students or as part of the schools' admission and retention requirements.

In keeping with the dangerous drug abuse prevention program of the government, the Local Government Units (LGUs), the Philippine National Police (PNP), or any authorized law enforcement agency may carry out any legitimate drug-related operation within the school premises, provided that the same shall be coordinated to the concerned HEIs prior to the conduct thereof.

- 2.5. The conduct of random drug testing of students in tertiary schools is mandatory pursuant to Section 36(c) of RA 9165.
- 2.6. The random drug testing under Dangerous Drug Board (DDB) Regulation No. 6, s. 2003 and No. 3, s. 2009 shall ensure that such is implemented for drug prevention and rehabilitation purposes and shall guarantee and respect the personal privacy and dignity of the students. The drug test results shall be treated with utmost confidentiality and cannot be used in any criminal proceedings.

RULE III OBJECTIVES

Section 3.

These implementing guidelines specifically aim to:

- 3.1 promote a "drug-free" campus and further the legitimate interest of the government in preventing and deterring dangerous drug use among the youth;
- 3.2 instill in the minds of the students that dangerous drugs not only interfere in their ability to learn but also disrupt the teaching environment;
- 3.3 strengthen the collaborative efforts of concerned agencies (Dangerous Drugs Board (DDB), Department of Health (DOH), Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA) against the use of illegal drugs and in the treatment of dangerous drug users and dependents;
- 3.4 establish a stronger partnership between the government and the HEIs in providing programs and activities intended to facilitate the holistic and well-rounded student development; and
- 3.5 ensure that the drug testing policies of HEIs are reasonable and not violative of the fundamental rights of the students.

RULE IV SCOPE AND COVERAGE

Section 4. These implementing guidelines for the conduct of drug testing of students in all HEIs shall follow the parameters laid down by Republic Act No. 9165, the Comprehensive Dangerous Drugs of 2002 and its Implementing Rules and Regulations (IRR), as well as the Dangerous Drugs Board (DDB) Regulation No. 6, Series of 2003, as amended by Dangerous Drugs Board (DDB) Regulation No. 3, Series of 2009"

RULE V DEFINITION OF TERMS

Section 5. For purposes of these guidelines, the following terms are defined as follows:

- 5.1 Accreditation—refers to the formal authorization issued by the DOH to an individual, partnership, corporation or association which has complied with all licensing requirements (input/structural standards) and accreditation requirements (process standards and outcome/output impact standards) as prescribed in the Manual of Operations for Drug Testing Laboratories issued by the DOH.
- 5.2 Confirmatory drug test—refers to an analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities.
- 5.3 Current students—refer to existing and currently enrolled students in an authorized higher education institution.
- 5.4 Dangerous drugs—include those identified and listed in R.A. 9165 or the "Comprehensive Dangerous Drugs Act of 2002" and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.
- 5.5 DOH-accredited physician—refers to a physician with background experience on psychological/behavioral medicine whose application has been approved and duly authorized by the DOH to conduct dependency examination and treatment on persons believed to be using dangerous drugs.
- 5.6 Drug abuser—refers to a person who uses or administers to himself or allows others to administer dangerous drugs to himself without medical approval. He belongs to any of the three categories:
 - The Experimenter—one who, out of curiosity, uses or administers to himself or allows others to administer to him dangerous drugs once or a few times;
 - The Casual user—one who, from time to time, uses or administers or allows others to administer to him dangerous drugs in an attempt to refresh his mind and body or as a form of play, amusement or relaxation; and
 - The Drug dependent—one who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.
- 5.7 Drug dependency—refers to a state of psychological and/or physical dependence on drugs arising in a person following the administration or use of the drug on a periodic and continuous basis.
- 5.8 Drug dependency examination—refers to a procedure conducted by a DOH-accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status and the detection of dangerous drugs in body specimens through laboratory procedures
- 5.9 Drug dependent—refers to a person who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.
- 5.10 "Drug-free" campus—refers to the HEIs with intensive and unrelenting campaign against drug trafficking and use of dangerous drugs through an integrated system of planning, implementation and enforcement of anti-drug policies, programs and projects, as shown by the following:
 - Non-availability of drug supply;
 - Absence of drug user/dependent;
 - Absence of drug pusher; and
 - Existence of drug awareness, preventive education and information, and other related programs
- 5.11 Drug testing—the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.
- 5.12 Drug Testing Coordinator—refers to the point person, duly appointed by the head of the HEI tasked with handling drug testing program.

- 5.13 Higher Education Institutions—refer to an institution of higher learning primarily offering bachelor and advanced degree programs.
- 5.14 Interventions—are therapeutic programs appropriate for high-risk individuals/students who are using dangerous drugs and who need special assistance to recognize the signs and symptoms of initial drug use and dependency. It may include corrective or rehabilitative actions that may take the form of crisis intervention, peer counseling, peer leadership programs, parent/peer groups, or psychological counseling of the individual or family level and structured rehabilitation programs. It may also include medical intervention of the afflicted student whenever necessary. Four (4) major modalities of intervention that can be given, as established by the Department of Health (DOH) are: (1) in-patient, (2) out-patient, (3) recover homes/half-way houses, and (4) community-based interventions.
- 5.15 Laboratory—refers to a private or government facility capable of performing a test on a specimen to determine the presence or absence of dangerous drugs therein.
- 5.16 Mandatory drug testing—refers to the compulsory submission of a student for drug testing in all HEIs as required in the school's student handbook and with notice to the parents.
- 5.17 Mandatory Random Drug Testing—refers to the compulsory conduct of random drug testing of students in all HEIs with each student having equal chance of being selected for testing.
- 5.18 Prevention—is the promotion of drug-free lifestyle through strategies such as advocacy, information, dissemination, and training for capability building.
- 5.19 Random drug testing—refers to unannounced conduct of actual drug testing of a student having an equal chance of being selected for testing.
- 5.20 Random selection—refers to the unbiased process of selecting students who are to undergo drug testing
- 5.21 Screening drug test—refers to a rapid test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a "negative" specimen, i.e. one without the presence of dangerous drugs from further consideration and to identify the presumptively positive specimen that requires a confirmatory test.
- 5.22 Student-Applicants—refer to students who are applying for admission to a higher education institution either as freshman or a transferee of an authorized higher education institution (HEI).
- 5.23 Tertiary Education—refers to the stage of education following the secondary cycle which subsumes post-secondary non-degree diploma, TVET and Higher Education programs, including graduate education

RULE VI DRUG TESTING OF STUDENTS IN ALL HEIS

Section 8. Pursuant to Section 36 (c) of RA 9165, all HEIs are mandated to implement a mandatory random drug testing of their students, consistent with these implementing guidelines and other relevant rules and regulations, after observance of consultation and other similar requirements. For purposes of this Section, the respective Governing Boards of all HEIs shall incorporate in the Student's Handbook a policy for the conduct of mandatory random

drug testing of the students including the manner and procedures thereof in line with the DDB Regulation No. 3, s. 2009, the General Guidelines for the Conduct of Random Drug Testing of Students for xxx Tertiary Schools, amending DDB Regulation No. 6, s. 2003.

Section 9. Institutional Policy. The conduct of mandatory random drug testing of students in all HEIs must have prior approval of the school's governing boards and passed through the necessary consultation process.

Section 10. Consultation. In the absence of a student council/government in an HEI, representatives of not more than ten (10) shall be selected by the HEI from the recognized student organizations to participate in the consultation.

Section 12. The HEIs shall present at the consultation the policy requiring mandatory random drug testing of students.

Section 13. Consultation Period. The consultation must be completed not later than the end of February of the Academic Year preceding the year that the intended mandatory testing will be implemented.

Section 14. Only DOH-accredited drug facility, physician or private medical practitioners shall conduct the necessary drug testing. If the HEI does not have an accredited clinic, the HEI should partner with a DOH-accredited drug facility, physician or private medical practitioners duly accredited to administer drug testing.

Section 15. Drug Testing as a requirement for admission and retention. Aside from mandatory random drug testing, a Higher Education Institution may in the exercise of its institutional academic freedom include in the Student's Handbook a policy of mandatory drug testing of students as part of the school's admission and retention policies, after observance of consultation and other similar requirements. In case the drug test yielded positive results, the HEI concerned is not barred from admitting the student/applicant, unless there is a Valid reason not to admit such student/applicant on grounds other than the positive findings as a result of the drug test.

Section 16. Conditions for Drug Testing as a requirement for admission and retention. All HEIs may implement a mandatory drug testing as part of the school's admission and retention policy, provided that:

- 16.1 The mandatory drug testing shall be conducted in the same manner as the random drug testing under DDB Board Regulation No. 6, s. 2003 and No. 3, s. 2009;
- 16.2 In case the test result is confirmed positive, the Drug Testing Coordinator shall conduct a conference and inform both the parent and the student concerned;
- 16.3 The confirmed positive result shall not be a basis for disciplinary action, unless the student concerned is held liable for some other violations of the schools' internal rules and regulations; and
- 16.4 If the student is found to be drug dependent, the appropriate sanction, intervention, and/or rehabilitation, shall be imposed in accordance with the schools' Student Handbook and other applicable laws, rules and regulations

RULE VII CONFIDENTIALITY CLAUSE

Section 17. All HEIs shall guarantee the strict confidentiality and integrity of the drug test results.

- 17.1 All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165. The HEIs should also ensure the provision of non-discriminatory intervention services
- 17.2 In relation to Rule VIII hereof, the pertinent provisions of RA No. 10173 otherwise known as the "Data Privacy Act of 2012" and its Implementing Rules and Regulations (IRR) shall be observed specifically Chapter III of the Act which pertains to the "Processing of Personal Information" to protect vital important interests of the data subject, including his life and health

RULE VIII SANCTIONS

Section 18. In order to ensure compliance with this CMO, the Commission en banc may, upon the recommendation of CHED Legal and Legislative Services (LLS) impose appropriate sanctions depending on the nature and seriousness of the violations thereof, in accordance with applicable laws, rules and regulations.

Section 19. Any member of the faculty, administrator, or employee of the HEI who violates the rules of confidentiality of the results of the drug tests shall, in addition to the sanctions provided in the school policy, be liable under Section 72 of RA No. 9165 and other applicable laws

Section 20. The refusal of the student to undergo drug testing under this CMO shall be subject to appropriate actions in accordance with the schools' Student Handbook, provided that in no case shall such refusal to undergo drug testing give rise to a presumption of drug use or dependency.

RULE IX MONITORING AND REPORTING

The implementation of this CMO shall be periodically monitored by the concerned CHED Regional Offices (CHEDROs) which shall thereafter submit a corresponding report to CHED Central Office (CHED-CO) to ensure that the goal for a "drug-free" environment in the campus is met.

Section 21. Higher Education Institutions (HEIs)

- 21.1 For regulatory purposes, subject to the provisions of the Data Privacy Act of 2012 and its Implementing Rules and Regulations (IRR), all HEIs shall submit to CHEDROs a compliance report on the drug testing activities conducted on the students, indicating the names and number of students who have already undergone testing, including among others the names of the drug testing laboratories that conducted the test, as well as the summary of the drug test results.
- 21.2 All HEIs shall establish a Drug-Free Committee (DFC) which shall formulate their internal drug testing rules, which shall provide among others, the drug education/awareness, prevention and control initiatives.
- 21.3 The HEIs through the Drug-Free Committee (DFC) shall monitor their students to protect them from engaging in dangerous drug-related activities, as well as those undergoing interventions, treatment or rehabilitation
- 21.4 The HEI shall designate the head of the DFC and the drug testing coordinator (DTC) who shall implement the drug testing program in the campus. The names and composition of the DFC shall be submitted to CHEDROs.

21.4.1 The DFC shall have the following responsibilities:

1. Compose the Selection board for the conduct of the drug testing in the campus, with representation from the students, faculty and parents as members.
2. Closely coordinate with the concerned agencies to access official list of DOH-accredited drug facilities, physicians or private medical practitioners duly accredited to administer drug testing, and to establish appropriate institution-level interventions if needed
3. Ensure the confidentiality and integrity of the drug test results and handles the reportorial requirements and any relevant information for submission to the CHE DROs
4. Recommend to the school's governing board the appropriate interventions, depending on the results of the drug testing.
5. The DFC and the Guidance Counselors of HEIs shall be trained for the purpose of enhancing their skills in handling the problems on dangerous drug abuse.

RULE X THE IMPLEMENTATION AND REPORTORIAL REQUIREMENTS UNDER THESE GUIDELINES

Section 22. All heads of public and private HEIs, in collaboration with the concerned CHEDROs, shall ensure and oversee the implementation of Mandatory Random Drug Testing in accordance with these Guidelines.

Section 23. The CHEDROs shall prepare and submit reports annually, or at any time if needed, to the OPI of Student Development and Services (OSDS) through the Office of the Executive Director (OED) on the implementation of this CMO

Section 24. The CHEDROs are mandated to disseminate these implementing guidelines to the HEIs, conduct school visits, and monitor the conduct of actual drug testing.

RULE XI FEE REQUIREMENT

Section 25. In relation to this CMO, all fees shall be in accordance with pertinent DOH and DDB rules and regulations.

Section 26. The fee for drug testing prior to admission will be borne by the student-applicant. The student-applicant may choose to be tested in any DOH-accredited drug facility or in the authorized facility of the HEI if any.

Section 27. In cases of drug testing in DOH accredited HEI Clinic the HEI may determine the permissible rate for the drug testing fee, in accordance with the DDB Regulation No. 01, s. 2004 entitled "Prescribed Drug Test Fee for Government-Owned and Private Drug Testing Laboratories Accredited by the Department of Health" and DDB Regulation No 09, s 2007 "Amending Board Regulation No. 01, s 2004."

RULE XII EFFECTIVITY

Section 30. This CMO shall take effect beginning Academic Year (AY) 2019-2020, after fifteen (15) days of its publication in the Official Gazette or in newspaper of general circulation. The required copies of this CMO shall be filed with the Office of the National Administrative Register (ONAR) of the U.P. Law Center. This CMO shall remain in force and effect until revoked or amended.

RULE XIII TRANSITORY PROVISION

Section 31. All existing Higher Education Institutions (HEIs) shall be required to fully comply with the provisions of this

CMO beginning Academic Year (AY) 2019-2020. A Higher Education Institution (HEI) operating after the start of AY 2019-2020 shall comply with the provisions of this CMO, within one (1) year after the start of the school year of its operation.

Issued this October 26, 2018, Quezon City, Philippines.

For the Commission

J PROSPERO E DE VERA III DPA

Chairperson

Magna Carta for Disabled Persons

[REPUBLIC ACT NO. 7277]

AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES.

CHAPTER I: BASIC PRINCIPLE

Section 1. Title.—This Act shall be known and cited as the “Magna Carta for Disabled Persons.”

Section 2. Declaration of Policy—The grant of the rights and privileges for disabled persons shall be guided by the following principles:

- (a) Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.
- (b) Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone—the family, community and all government and non-government organizations. Disabled persons’ rights must never be perceived as welfare services by the Government.
- (c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional

urban-based centers to community based programs, that will ensure full participation of different sectors as supported by national and local government agencies.

CHAPTER II EDUCATION

Section 12. Access to Quality Education.—The State shall ensure that disabled persons are provided with access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

The State shall also promote the provision by learning institutions, especially higher learning institutions of auxiliary services that will facilitate the learning process for disabled persons.

Section 13. Assistance to Disabled Students.—The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial Assistance Program created by virtue of R.A. 6725 shall be set aside for disabled students pursuing vocational or technical and degree courses.

CHED Memo on Educational Tours and Field Trips

CHED Memorandum Order No. 63, Series of 2017

POLICIES AND GUIDELINES ON LOCAL OFF-CAMPUS ACTIVITIES

In accordance with the pertinent provisions of Republic Act (R.A.) No. 7722 otherwise known as the Higher Education Act of 1994, Batas Pambansa Blg. 232, the Constitution

which states that. *“The State shall exercise reasonable supervision over all higher education institutions.”* and by virtue of Commission en Banc

Resolution No. 540-2017 dated July 18, 2017, the following policies and guidelines on local off-campus activities are hereby adopted.:

ARTICLE I: RATIONALE

In the Philippines, Higher Education Institutions (HEIs) ensure sustainable teaching and learning delivery process through the conduct of off-campus activities. These are activities conducted by HEIs to supplement and facilitate a more meaningful learning experience for students in addition to the regular classroom instructional programs that are in accordance with specific degree program requirements. These also include non-curricular activities. They are intended to broaden the students' learning opportunities and allow them a feel of the real world, and therefore serve as powerful motivator to strengthen the academe-industry linkage. These learning situations include: internships, educational tours or field trips, field studies, educational linkages, student development activities, non-curricular-based activities such as mission-based, immersion/reach-out programs, conventions, conferences, trainings, volunteer work, interschool competitions, cultural performances and team development activities, among others.

ARTICLE II: STATEMENT OF POLICIES

Section 1. CHED recognizes the academic freedom of the HEIs in promoting quality education for the continuing intellectual growth, the advancement of learning and research, and the education of high level professionals while enriching historical and cultural heritage through the conduct of off-campus activities as part of the curriculum.

Section 2. All HEIs are given the authority to design, determine and approve the conduct of off-campus activities a) as part of a duly approved curriculum as noted by CHED or b) as part of the HEI's particular context or respective mission. Such authority of the HEIs however, shall be exercised with paramount consideration given to the safety and welfare of the student participants.

Section 3. It is the obligation of the HEIs to: (a) adopt mechanisms for safety and welfare of all participants to the off-campus activities; and (b) observe due diligence and strict adherence to the requirements stipulated in this CMO and the Joint Memorandum Circular (JMC).

Section 4. To ensure the well-being and safety of all the students in higher education and guarantee the quality of their learning and exposure, CHED, in partnership with the Department of Tourism (DOT), Department of the Interior and Local Government (DILG), Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), League of Cities of the Philippines (LCP), and League of Municipalities of the Philippines (LMP), shall issue separate guidelines for the conduct of all off-campus activities, if needed.

ARTICLE III: OBJECTIVES

Section 5. These set of policies and guidelines aim to guide HEIs in the conduct of off-campus activities in order to develop the holistic experience of students and to provide:

- 5.1 access to efficient and interactive learning for students through meaningful off-campus activities as part of their program requirement embodied in the approved curriculum;
- 5.2 quality off-campus activities necessary to the acquisition of relevant knowledge, skills, and values;

- 5.3 mechanisms to exercise due diligence prior, during and after the activities for safety and welfare of the students and HEIs' personnel and
- 5.4 mechanisms for the implementation of parallel activities to those students who will not be participating in the activity.

ARTICLE IV: COVERAGE

Section 6. The CMO shall cover all the conduct of off-campus activities of HEIs within the Philippines, which were approved by the concerned HEI authorities. The activities shall include but not be limited to the following:

6.1 Curricular

- a. Educational Tours/Field trips
 - Visits to reputable firms or government sites and other areas identified by the concerned local government units (LGUs) safe for students;
 - Culture and arts related activities such as visits to museums, cultural sites, landmarks and other related venues; or
 - Plant industry visit, host training establishment visit, and other related visits.
- b. Participation and/or attendance in degree program-relevant events
- c. Field Study/Experiential Learning/Related Learning Experience

6.2 Non-Curricular

- a. mission-based activities (e.g., retreat, recollection, etc);
- b. conventions, seminars, conferences, symposiums, trainings and teambuilding;
- c. volunteer work including peer helper programs, relief operations, community outreach and immersion;
- d. advocacy projects and campaigns;
- e. participation in sports activities;
- f. activities initiated by recognized various student groups;
- g. interschool competitions/tournaments; or
- h. culture and arts performances and competition.

ARTICLE V: DEFINITION OF TERMS

Section 7. For the purposes of this CMO, the following terms are defined as follows:

- 7.1 **Approved curriculum** refers to the curriculum duly approved by the HEI and duly noted by the CHED regional offices (CHEDROs).
- 7.2 **Curricular activities** are required off-campus activities and are an integral part of the instructional program. All students are expected to attend the scheduled off-campus activity since it is part of the regularly scheduled class time.
 - a. **Educational Tours** refer to off-campus learning activities involving mobility of students with the supervision of authorized personnel outside the premises of the institution which lasts for more

than one (1) day, and involves relatively more places of destination than a field trip in accordance with specific degree program requirements.

- b. **Field trips** refer to off-campus learning activities involving mobility of students with the supervision of authorized personnel outside the premises of the institution but is of relatively shorter duration usually lasting for only one (1) day and with fewer places of destination.
 - c. **Field Study/Experiential Learning/Related Learning Experience** refer to off-campus activities which are congruent to the learning outcomes of the course in terms of time and context. These activities require substantial off-campus learning as curriculum delivery.
- 7.3 **Institution** refers to the HEI where the student is enrolled or where the personnel is employed.
- 7.4 **Non-curricular activities** refer to off-campus activities that are considered as non-curricular or non-program-based activities, among others, and are left to the discretion of the concerned HEI for the strategies of implementation as long as the safety and security of the students are duly ensured.
- 7.5 **Off-campus activities** refer to activities which include all authorized HEI curricular and non-curricular activities undertaken outside the premises of the institution.

ARTICLE VI: EXCLUSIONS

The following off-campus activities shall be excluded from this CMO. However, HEIs shall properly undertake mechanisms to assure due diligence in the conduct of all off campus activities for the safety and security of the academic community.

Section 8. International Educational Tours or Field Trips

International educational tours or field trips shall be governed by CHED Memorandum Order No. 26, s. 2015.

Section 9. Internship/OJT/Practicum

Students undergoing local and international internship, practicum or on-the-job training, shipboard training programs, etc. shall be governed by separate guidelines for student internship programs.

ARTICLE VII: REQUIREMENTS, OBLIGATIONS, AND/OR RESPONSIBILITIES OF THE PARTIES INVOLVED

Section 10. Government

It is the obligation of government agencies, based on their respective mandates, to provide necessary services, actions, and assistance relative to off-campus activities pursuant to the JMC that shall be issued by and between the following agencies:

- 10.1 Commission on Higher Education (CHED);
- 10.2 Department of Tourism (DOT);
- 10.3 Department of the Interior and Local Government (DILG);
- 10.4 Land Transportation Office (LTO),

10.5 Land Transportation Franchising and Regulatory Board (LTFRB);

10.6 League of Cities of the Philippines (LCP); and

10.7 League of Municipalities of the Philippines (LMP).

Section 11. Higher Education Institutions (HEIs)

11.1 Responsibilities and Obligations:

The HEIs shall:

- a. Design, determine and approve the activities for the conduct of off-campus activities in accordance with the curriculum requirement and/or HEI's particular context or respective mission. Their design should include the relevance of the activity to the program.
- b. Adopt and implement its own institutional policies, including adherence to requirements under this CMO, as part of its duty to observe due diligence in the conduct of off-campus activities. Failure to do so shall be a cause for imposition of the sanctions as provided in the CMO without prejudice to other liabilities under applicable laws.
- c. Designate the personnel-in-charge (PIC) with appropriate qualifications and experience and when necessary, identify an overall leader from among the PICs.
- d. Ensure a 1:35-50 PIC-student ratio for the curricular activities. For non-curricular activities, the HEIs shall adopt an appropriate PIC-student ratio, as it deems fit.
- e. Ensure safety and welfare of mobility of students through the following transportation vehicles:
 - e.1 owned by the HEI—Updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of roadworthiness, among others shall be ensured; and
 - e.2 third party or sub-contracting—Updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of roadworthiness, updated/valid franchise with LTFRB or Travel and Tour Operator duly accredited by the Department of Tourism shall be ensured.
- f. Coordinate with the appropriate LGU/s or non-government organizations (NGOs).
- g. Require the students to submit a written consent of the parents or the student's guardian and medical clearance, if appropriate.
- h. Establish mechanisms to provide parallel activities for curricular and alternative activities for non-curricular which provide similar acquisition of knowledge and/or competencies to achieve the learning objectives for students who cannot join the activity. These parallel activities should not be made as a substitute of a major examination for the purpose of compelling students to participate in said activities. The HEI shall only impose acceptable measures and non-punitive activities to concerned students.
- i. Give due consideration to students or learners with special needs or Persons with Disabilities (PWDs).

- j. Conduct off-campus activities that shall not unduly benefit or accommodate any of the establishments owned by HEI or CHED employees and officials or by an owner who is a relative within the third civil degree of consanguinity or affinity.

11.2 Requirements:

- a. Checklist of requirements:

a.1 Before the off-campus activity

The President must require the submission of the following from its personnel concerned:

REQUIREMENTS	PROOFS
a.1.1 Curriculum	
The curriculum should include the off-campus activity with corresponding unit credits and time-allotment whether lecture or laboratory hours, specifying course title and unit credits.	Course Syllabus which reflects the relevance of requiring an educational tour and field trip
a.1.2 Destination	Appropriate report
As much as practicable, destination of off-campus activities should be near the concerned HEI in order to minimize cost. CMO No. 11, s. 1997 entitled, <i>Enjoining All Higher Education Institutions (HEIs) in the Country to Make, Insofar as Practicable, All Registered Museums and Cultural Sites and Landmarks as Venues for Educational Tours and Field Trips and Subjects for Studies and Researches may serve as guide for the places that may be visited among others, registered museums, cultural sites and landmarks that should be in line with the objectives of the off-campus activity.</i> The destination and schedule should be relevant to the subject matter.	
a.1.3 Handbook or Manual	Handbook or Manual
The requirements and guidelines of the conduct of local off-campus activities should be updated and be included in the students' handbook or manual.	
a.1.4 Consent of the Parents or Student's Guardian	Duly notarized/subscribed consent
a.1.5 Medical Clearance of the Students	Medical clearance of the students, if appropriate duly signed by the HEI or government Physician
a.1.6 Personnel-In-Charge	
The designated personnel-in-charge must be an employee of the institution and must have the appropriate qualifications and experiences related to off-campus activities. When necessary, identify overall leader from among the personnel-in-charge. With appropriate first-aid and medical emergency training.	<ul style="list-style-type: none"> Designation or order from the Administration indicating personnel-in-charge's role and responsibilities before, during and after the off-campus activities Relevant certificate on first-aid training
a.1.7 First Aid Kit	First-aid kit
The HEI should provide a complete first-aid kit.	
a.1.8 Fees/Fund Source	
The fees to be collected from the students must be duly approved and disseminated to concerned stakeholders.	Duly approved schedule of fees
There should be a breakdown of fund sources and other resources properly secured and accounted for.	Appropriate report
a.1.9 Insurance	Proof of insurance provision
The HEI should provide insurance (individual or group) provision for students, faculty and other concerned stakeholders, for the purpose of the activity.	
a.1.10 Mobility of Students	
a.1.10.1 Owned by the HEI	Updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of roadworthiness, among others.
a.1.10.2 Third party or sub-contracting	
a.1.10.2.1 Franchisee	<ul style="list-style-type: none"> Certification from LTRFB for the validity of the franchise of the proposed operator (i.e. legitimate, current and up-to-date), if applicable.

	<ul style="list-style-type: none"> Special Permit from LTRFB if transportation is out-of-line Updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of roadworthiness, etc.
a.1.10.2.2 Travel and Tour Operator In cases where the service of Travel and Tour Operator is used, it should be duly accredited by the DOT.	<ul style="list-style-type: none"> Copy of Travel and Tour Operator Accreditation Certificate by the DOT Duly approved Plan/ Itinerary of travel by the HEI Certification from the LTRFB for the validity of the franchise of the proposed operator (i.e. legitimate, current and up-to-date), if applicable. Vehicles' updated/valid documents pertaining to registration, insurance coverage, driver's license, assurance of roadworthiness, etc.
If applicable, the HEI must engage an accredited tourist transport Vehicle and/or tourist guide with the appropriate permits.	
a.1.11 LGUs/NGOs	
The HEI should duly coordinate with appropriate LGUs/NGOs. Whenever necessary for the safety and convenience of the touring party, advance and proper coordination with the local government units with acknowledged letter from the concerned government agency shall be secured before the scheduled dates of the activity.	<ul style="list-style-type: none"> Copy of the letter sent to the LGUs Copy of acknowledgement letter from the LGUs
a.1.12 Activities	
a.1.12.1 General orientation to students	<ul style="list-style-type: none"> Minutes and attendance of the briefing and consultation conducted to concerned students, faculty and stakeholders
a.1.12.2 Consultation to concerned students, faculty and stakeholders with attached minutes of consultation and attendee's signature	
a.1.12.3 Announcement to students, faculty and parents of the activity one (1) or two (2) months before the scheduled date of the conduct of off-campus activities	<ul style="list-style-type: none"> Letters to parents, students and adult companion preferably faculty Appointment with conformer of Personnel-in-charge
a.1.12.4 Briefing to concerned faculty and students and provide the needed info materials before the trip	<ul style="list-style-type: none"> Itinerary Handy information materials for students
a.1.12.5 Learning journals for students	<ul style="list-style-type: none"> Standard format of learning journals given to students
a.1.12.6 Emergency Preparedness Plan to be given to students and stakeholders	<ul style="list-style-type: none"> Appropriate report
a.1.11 LGUs/NGOs	

a.2 During the off-campus activity

REQUIREMENTS	PROOFS
a.2.1 Personnel-in-charge, identify overall leader (when necessary) with the following tasks:	List of personnel or attendance
a.2.1.1 Accompany the students from the time they assemble for the off-campus activity up to debriefing.	List of students and/or attendance
a.2.1.2 Ensure the provision of the allowable seating capacity of the Vehicle/s used. (No student shall be allowed to ride on the roof of motor vehicle or on the boarding platform)	Contract of service with the third party
a.2.1.3 Ensure that program of activities is properly followed as planned or activities can be adjusted as the need arises.	

a.3 After the off-campus activity

REQUIREMENTS	PROOFS
a.3.1 Learning journals of students	Appropriate report/grades
a.3.2 Assessment report/ Evaluation Report	Assessment report by faculty including the breakdown of expenses
a.3.3 Expenditure report	Breakdown of expenses
a.3.4 Debriefing of concerned faculty to students to be able to assess acquisition of learning	Report on debriefing program conducted

b. Submission of Reports:

The HEIs shall submit the following comprehensive reports in compliance with this CMO:

- b.1 Certificate of Compliance. A certificate of compliance, duly notarized, certified correct by the PIC, recommending approval by the VPAA and duly approved by the President or Head of the HEI or his/her authorized representative stating that all the requirements have been prepared and duly complied with using the prescribed template shall be submitted to the CHEDRO fifteen (15) days before the activity. (Please refer to Annex A)
- b.2 Report of Compliance. A report of compliance must be certified correct by the PIC, reviewed by the Dean or Program Head, recommending approval by the VPAA and duly approved by the President or Head of the HEI or his/her authorized representative listing all the activities and corresponding compliance using the prescribed template shall be submitted to the CHEDRO fifteen (15) days before the activity. (Please refer to Annex B)
- b.3 Comprehensive Semestral/Term Report. A semester/term comprehensive report shall be submitted to the concerned CHEDRO at the end of the semester/term of the conduct of the educational tour and field trip using the prescribed template. (Please refer to Annex C)
- c. Exemption from submission of report to CHED
 - c.1 HEIs awarded as Autonomous, Deregulated, Centers of Excellence/Centers of Development, or Level II accredited programs, and SUCs with at least Level III shall be exempted from submitting Report of Compliance, but are required to submit the Certificate of Compliance (refer to Annex A)
 - c.2 Submission of reports shall not be required for non-curricular off-campus activities and field study/experiential learning/related learning experience activities. However, for the purposes of transparency, the activities should be posted in conspicuous places and the website of the HEI, if available.

Section 12. Students

- 12.1 Responsibilities and Obligations: Students shall:
 - a. Be officially enrolled ;
 - b. Adhere to the rules and regulations of student manual; and

- c. Submit a learning journal/paper reflecting his/her observations, learnings, findings and noteworthy experiences.

- 12.2 Imposition of sanctions for non-performance/ violation of above-mentioned actions should be in accordance with the HEIs' policies.

ARTICLE VIII: MONITORING AND EVALUATION

Section 13. The CHEDROs shall conduct a monitoring of the compliance vis-a-vis obligations and liabilities of the HEIs to the documentary requirements and activities undertaken.

Section 14. All HEIs awarded as Autonomous, Deregulated, Centers of Excellence/Centers of Development, or with at least Level II accredited programs, and SUCs with at least Level UI shall be exempted from monitoring and evaluation, except when there are complaints related to the conduct of off-campus activities.

Section 15. CHEDROs shall submit a summary of monitoring report of the HEIs within their respective region and submit the same to the Office of the Executive Director (OED) through the Office of Student Development and Services (OSDS)

ARTICLE IX: FEES

Section 16. Students should only be charged for actual costs of transportation, entrance fees and related expenses, subject to consultation. General information on fees related to the conduct of off-campus activities should be included in the student handbook or manual.

ARTICLE X: VIOLATIONS AND SANCTIONS

Section 17. The following are considered violations of these policies and guidelines.

- 17.1 Failure to comply with any of the requirements in the CMO, such as:
 - a. Conduct of orientation or consultation;
 - b. Conduct of activity without approval of the President/Head of the HEI;
 - c. Verification with agency concerned on road worthiness of vehicles;
 - d. Validation of appropriate license of the driver;
 - e. Establishment of parallel activities;
 - f. Submission of required reports to CHEDRO;
 - g. Submission of requirements per required timelines; or
 - h. Compliance with the requirements and obligations (Faculty/student ratio, loading capacity of transportation, etc.).
- 17.2 Imposition of punitive measures upon the student who failed to attend/join the activity.
- 17.3 Deployment of unqualified PIC.
- 17.4 All other analogous circumstances.

Section 18. Sanctions.

- 18.1 The CHEDROs, after due process, may impose the following appropriate sanctions depending on the nature and seriousness of the violation/s or non-compliance of the HEIs with the policies and guidelines stated in this CMO.

- a. written warning
 - b. cancellation of the activity
 - c. order the refund of collected fees
- Thereafter, CHEDROs are required to submit within thirty (30) days to the CHED Legal and Legislative Service (LLS) actions taken in pursuance of this provision.
- 18.2 For violation/s or non-compliance of the HEIs affecting the general public and/or national interest, the Commission en ban, taking into consideration the recommendation of the CHED LLS, may impose the following sanctions depending on the nature and seriousness of the violation/s or non-compliance of the HEIs:
- a. Blacklisting of the third party (franchisee or tour operator);
 - b. Suspension from conducting off-campus activities for a period of time as determined by the CEB; and
 - c. Repeated violations of the CMO may result to the imposition of penalties such as revocation of permits, downgrading of status, phase-out and such other penalties may be validly imposed by the Commission to the concerned HEIs.
- 18.3 This is without prejudice to the right of the concerned students/injured party/ies to file the necessary criminal or civil charges or administrative charges against the school and/or its administrators under the civil code or other applicable laws.

ARTICLE XI: REPEALING CLAUSE

Section 19. This CMO supersedes CMO No. 17, s. 2012 entitled *"Policies and Guidelines on Educational Tours and Field Trips of College and Graduate Students."* All previous issuances or part thereof inconsistent with provisions of this CMO are deemed repealed, revoked or rescinded accordingly.

ARTICLE XII: TRANSITORY PROVISION

Section 20. All HEIs, including SUCs and LUCs, shall immediately fully comply with all the requirements in this CMO upon its effectivity.

Section 21. The moratorium on the conduct of educational tours and field trips entitled *"Imposition of Moratorium on Field Trips and other Similar Activities Covered Under CHED Memorandum Order No. 17, Series of 2012, and Review of the Policy to Strengthen Mechanisms that Safeguard All Students at All Levels and Faculty Members in Activities included in the Curricular, Research and Extension Programs of Higher Education Institutions"* shall also be deemed lifted upon the effectivity of this CMO.

ARTICLE XIII: EFFECTIVITY

Section 22. This CMO shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and filing with the Office of National Administrative Register (ONAR) and shall remain in force and effect until revoked or amended.

Issued this 18th day of July 2017 in Quezon City.

For the Commission:

PATRICIA B LICUANAN PhD
Chairperson

Excerpts from the CHED Memo on International Educational Trips

CHED Memorandum Order No. 26, Series of 2015

POLICIES, GUIDELINES AND PROCEDURES ON INTERNATIONAL EDUCATIONAL TRIPS (IET) OF UNDERGRADUATE AND GRADUATE STUDENTS”

In accordance with the pertinent provisions of Batas Pambansa Blg. 232, Republic Act (R.A) 7722 otherwise known as the Higher Education Act of 1994, provision in the Constitution which states that “*The State shall exercise reasonable supervision over all Higher Education Institutions*”, and pursuant to Commission en Banc Resolution No. 775-2014 dated December 17-18, 2014 and Joint ManCom and Commission en Banc Meeting on July 20, 2015 the following policies, guidelines and procedures are hereby adopted.

ARTICLE I: STATEMENT OF POLICIES

Section 1. It is the policy of the state to create and sustain a complete, adequate and integrated system of education relevant to the needs of the people and society. In line with this, the higher education’s contribution to generate global awareness and career orientation is recognized towards the attainment of the goals of human development.

Section 2. The Philippines, in keeping with the growing internalization of higher education and in pursuance of its bilateral and multilateral commitments is promoting the mobility of students both inbound and outbound. Mobility opportunities promotes overall student experience through international educational tours regardless of duration. Hence, there is a need to establish a mechanism to safeguard the students while undergoing International Educational Trips.

Section 3. It is also the policy of the state to uphold all the laws and other measures preventing acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto.

Section 4. The Commission on Higher Education (CHED) recognizes the academic freedom of the participating Higher Education Institutions (HEIs) hence, they will assume responsibility over the students who will undergo International educational trips.

ARTICLE II: DEFINITION OF TERMS

International Educational Trip—an extended educational activity in which the students will comply the required learning outcome in the approved curriculum involving the travel of students outside the Philippines.

Center of Excellence (COE)—refers to a designation granted by the Commission on Higher Education in recognition of a unit’s exemplary performance in its teaching, research and extension functions.

Center of Development (COD)—refers to a designation granted by the Commission on Higher Education in recognition of a unit’s evident above average performance in teaching, research and extension functions.

Level II Accreditation—Programs which have at least been granted initial accredited status by accrediting bodies.

Exchange Visitors Program (EVP)—an international exchange program administered by the United States of America to implement the Mutual Education and Cultural Exchange Act of 1961, as amended, Public Law 87-256.

Appeal—an earnest request for aid, support, sympathy, mercy, etc.; entreaty, petition, plea, or a request or reference to some person or authority for a decision.

Meritorious Cases—refer to conditions that prevent the students to join the International Education Trips such as: financial difficulty, medical conditions, legal impediments and similar conditions.

ARTICLE III: OBJECTIVES

Section 5. These set of policies and guidelines aim to rationalize the conduct of International Educational Trips among HEIs in order to:

- 5.1 provide access to efficient and interactive learning of students through meaningful International Educational Trips as indicated in their program requirement embodied in the approved curriculum;
- 5.2 ensure that all Higher Education Institutions provide quality International Educational Trips relevant to the acquisition of the necessary knowledge skills, and values for student;
- 5.3 promote understanding of culture and working environment in different countries by the students;
- 5.4 help provide international experiences for the students especially who are directly involved in the mobility program, and unique and different learning environment for the students; and
- 5.5 protect and safeguard students undergoing International Educational Trips.

ARTICLE IV: COVERAGE

Section 6. These policies, guidelines and procedures shall cover the International Educational Trips duly required in the approved curriculum of authorized higher education programs of both public and private HEIs. These shall apply to all higher education students both graduate and undergraduate programs duly authorized by the concerned HEI to handle International Educational Trips. The HEIs must either have accreditation Level II of the program, Autonomous, deregulated, COE, and COD or with ISA classification in order to be allowed to conduct International Educational Trips.

The said International Educational Trips are voluntary in nature on the part of the students.

In such an event and upon meritorious cases, the affected student may opt to undergo local educational trips.

Section 7. Students under Exchange Visitors Program (EVP) are not covered by this CMO since this is governed by the Commission on Filipino Overseas. Other International Educational Trips sponsored by the Philippine Government are not covered by these guidelines.

ARTICLE V: STUDENTS

Section 8. Higher education students shall assess their capability to undertake such International Educational Trips since they are considered as young adults. HEIs shall require the concerned students to submit a medical clearance before allowing them to join the given International Educational Trips. The medical clearance must be issued by the concerned HEIs as part of their free services to the students.

Section 9. For students who cannot join the International Educational Trips, they must be given parallel school activity which provides similar acquisition of knowledge of the required practical competencies and achieves other learning objectives.

ARTICLE VI: DESTINATION

Section 10. In order to minimize cost, the nearest possible country or countries belonging to the Association of Southeast Asian Nations (ASEAN) should be considered provided that the objectives of the International Educational Trips can be attained.

Section 11. When the international educational trips require additional cost on the part of students, prior consultation with concerned students/parents/guardian/spouse shall be undertaken. Hence, all these information shall form part of the student handbook so that the same shall be explained during the General Orientation of freshmen and ongoing students before the start of classes, including the details of the International Educational Trips.

Section 12. Whenever necessary and for the safety and convenience of the tripping party, CHED Regional Office (CHEDRO) shall endorse the list of tripping students together with the basic information to the Bureau of Immigration (BI) copy furnished Office of Student Development and Services (OSDS) and the Department of Foreign Affairs (DFA).

ARTICLE VII: RESPONSIBILITIES OF PARTIES

Section 13. STUDENTS

- 13.1. Undergo the required orientation for International Educational Trips conducted by the HEI;
- 13.2. Submit to the HEI the terminal report and other school requirements upon completion of the trips: and
- 13.3. Report to CHED through nearest Philippine Foreign Service Post any complaints or grievances as appropriate.

Section 14. PARENTS

- 14.1. Attend the pre-departure seminar or orientation together with the student; and
- 14.2. Sign the consent paper allowing their children/spouse to leave the Philippines to attend an International Educational Trip.

Section 15. HIGHER EDUCATION INSTITUTIONS (HEIS)

- 15.1. Implement the appropriate International Educational Trips in accordance with the specific degree program requirement as submitted to the CHEDROs at least one month prior to the opening of classes of the Academic Year of implementation. As part of the curriculum/course, a Proto-type Observation Guide during International Educational Trips must be required and to be accomplished, giving emphasis on the relevant competencies and lessons learned from

the stated trips. An assessment of learning outcomes must also be accomplished following the institutional policy on grading system. The same shall be submitted to CHEDROs;

- 15.2. Assign a designated and qualified faculty member who will be responsible for all aspects of the International Educational Trips program including the implementation, monitoring and evaluation;
- 15.3. Secure and protect the students. HEI authorities shall inform parents or guardians on the HEI guidelines on the conduct of International Educational Trips;
- 15.4. Conduct orientation on cost requirements before enrolment;
- 15.5. Conduct briefing and debriefing program before and/or after the International Educational Trips. Briefing shall include among others, precautionary measures that will be undertaken by the concerned HEI with the concerned students and parents/guardians (if the student is a minor) and the standard accommodation and accessible facilities for student with disabilities, insurance, basic laws and rules of the country being visited, cultural ethic among others. Also, Risk Assessment Procedures for educational trips must also be discussed with concerned students including parents and/or guardians. As a general requirement, the HEIs following their institutional policy should require the students to submit their parent's/guardian/spouse' consent. Debriefing program should include among others, reflection of the learning experiences duly documented in the learning journal;
- 15.6. Inform the CHEDROs on the nature of the International Educational Trips to include purpose, schedule, destinations, and cost and submit a report on the matter to the CHEDROs concerned at least one month before the opening of classes for every academic year including proper coordination with other government agencies. HEI's report should include among others the filled-in undertaking form that the International Educational Trip is not conducted to unduly benefit or accommodate any of the establishments enumerated in the list owned by an HERI or employee or by an owner who is a relative with the third civil degree of consanguinity or affinity to an HEI owner or employee having any involvement in the conduct of International Educational Trips. In turn, all CHEDROs are hereby directed to consolidate these reports of the HEIs within their respective jurisdictions and submit the same to the Executive Office (Attention: The Director, Office of Student Development and Services);
- 15.7. Include HEI guidelines for International Educational Trips in their student's handbook, distribute copies of these guidelines to students and display in conspicuous places for guidance and reference;
- 15.8. Facilitate the processing of the documents on behalf of the students. they shall assume full responsibility over the students while having their International Educational Trips. No waiver shall be required by HEI to be submitted by

parents/students regarding the non-liability of school on safety and security of concerned students;

- 15.9. Ensure that students avail the students services even while in another country such as but not limited to:
- health services; and
 - guidance and counseling services
- 15.10. Submit to the CHED Regional Office, the following requirements for endorsement to BI and copy furnish the Office of Student Development and Services (OSDS) and Department of Foreign Affairs (DFA):
- Notarized letter of intent of the students to participate in International Educational Trips;
 - Roundtrip ticket with flight detail upon favorable evaluation by CHEDRO;
 - Written consent from parent/guardian or spouse;
 - Approved documents from the Host Country from the said International Educational Trips (if applicable); and
 - Any other necessary documents duly authenticated by the Philippine Foreign Service Post as may be required by CHED.

It shall be unlawful for an HEI employee to personally profit from International Educational Trips. HEI employee who violated this section may be terminated for Grave Misconduct. If any of the service companies mentioned in the preceding sections is established as a laboratory or practicum training outfit, the provision of the immediately preceding sections shall not apply.

ARTICLE VIII: IMPLEMENTING GUIDELINES AND PROCEDURES

Section 20. Requirements for Parties Involved

- 20.1. Participating HEIs:
- Must have either accreditation Level II of the program, autonomous, deregulated, COE, COD or with ISA classification;
 - Must ensure that educational trip is part of the requirements in the duly noted/approved curriculum;
 - Must have a designated qualified faculty member or any authorized coordinator to manage the trips; and
 - Must assume all other requirements and responsibilities of the international educational trips.
- 20.2. Participating Students must:
- Hold a valid passport. In case of foreign students check with the Bureau of Immigration (BI) the other requirements needed;
 - Be currently enrolled in a Philippine higher education institution;
 - Be at least 18 years old at the time of the International Educational Trips. If the participating Filipino student is minor, secure certification from the Department of Social Welfare and Development (DSWD);
 - Be in good academic standing as certified by the HEI;
 - Have medical certificate issued by the physician of the concerned HEI;

- Be able to communicate in English or in the language spoken in the host country;
- Have written consent from parent/guardian/spouse; and
- Have endorsement letter from the HEI President.

ARTICLE IX: FEES

Section 22. Fees and scheme of payment shall be determined during the consultation of all parties before the beginning of the semester where the International Educational Trips will be pursued.

ARTICLE X: VIOLATIONS

Section 23. HIGHER EDUCATION INSTITUTIONS

Any HEI that shall be found to have committed the following violations of these guidelines shall be meted with the appropriate sanctions stated in Section 24.

- 23.1. Allowing students to undergo International Educational Trips even they are not accredited Level II of the program/Autonomous/Deregulated/COE and COD or with ISA classification;
- 23.2. International Educational Trips conducted were not part of the curriculum/course;
- 23.3. No designated and qualified faculty;
- 23.4. Failing to monitor welfare of student;
- 23.5. No orientation conducted before enrolment regarding the cost requirements;
- 23.6. Not giving pre-departure orientation for students and parents/legal guardian;
- 23.7. Not informing CHEDROs on the nature of the International Educational Trips one month before the opening of the classes;
- 23.8. International Educational Trips were not included in the student's handbook;
- 23.9. Imposing waiver from parents/students regarding the non-liability of school on safety and security of concerned students;
- 23.10. Allowing students to undertake International Educational Trips without securing a valid endorsement from CHED to BI;
- 23.11. Failure to submit the required reports/documents such as:
- Notarized letter of intent of the students to participated in International Education Trips;
 - Roundtrip ticket with flight detail upon favorable evaluation by CHEDRO;
 - Written consent from parent/guardian or spouse;
 - Approved documents from the Host Country from the said International Educational Trips (if applicable); and
 - Any other necessary documents duly authenticated by the Philippine Foreign Service Post as may be required by CHED.

ARTICLE XII: REPEALING CLAUSE

Section 25. All previous issuances inconsistent with these guidelines are deemed repealed, revoked or rescinded accordingly.

ARTICLE XIII: EFFECTIVITY

Section 26. These guidelines shall take effect 15 days after publication in the Official Gazette or newspaper of general circulation and should be observed by all HEIs starting AY 2016-2017.

Issued this 4th day of August 2015 in Quezon City.

PATRICIA B LICUANAN PhD
Chairperson

An Amendment to Commonwealth Act 142 on the Use of Aliases

[REPUBLIC ACT NO. 6085, August 04, 1969]

AN ACT AMENDING COMMONWEALTH ACT NUMBERED ONE HUNDRED FORTY-TWO REGULATING THE USE OF ALIASES.

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

SECTION 1. Section one of Commonwealth Act Numbered One hundred forty-two, is hereby amended to read as follows:

SECTION 1. Except as a pseudonym solely for literary, cinema, television, radio or other entertainment purposes and in athletic events where the use of pseudonym is a normally accepted practice, no person shall use any name different from the one with which he was registered at birth in the office of the local civil registry, or with which he was baptized for the first time, or, in case of an alien, with which he was registered in the bureau of immigration upon entry; or such substitute name as may have been authorized by a competent court: Provided, That persons, whose births have not been registered in any local civil registry and who have not been baptized, have one year from the approval of this act within which to register their names in the civil registry of their residence. The name shall comprise the patronymic name and one or two surnames.

Section 2. Section Two of Commonwealth Act Numbered One hundred forty-two, is hereby amended to read as follows:

Section 2. Any person desiring to use an alias shall apply for authority therefor in proceedings like those legally provided to obtain judicial authority for a change of name, and no person shall be allowed to secure such judicial authority for more than one alias. The petition for an alias shall set forth the person's baptismal and family name and the name recorded in the civil registry, if different, his immigrant's name, if an alien, and his pseudonym, if ' he has such names other than his original or real name, specifying the reason or reasons for the use of the desired alias. The judicial authority for the use of alias the Christian name and the alien

immigrant's name shall be recorded in the proper local civil registry, and no person shall use any name or names other, than his original or real name unless the same is or are duly recorded in the proper local civil registry.

Section 3. Section three of Commonwealth Act Numbered One hundred forty-two, is hereby amended to read as follows:

Section 3. No person having been baptized with a name different from that with which he was registered at birth in the local civil registry, or in case of an alien, registered in the bureau of immigration upon entry, or any person who obtained judicial authority to use an alias, or who uses a pseudonym, shall represent himself in any public or private transaction or shall sign or execute any public or private document without stating or affixing his real or original name and all names or aliases or pseudonym he is or may have been authorized to use.

Section 4. Commonwealth Act Numbered One hundred forty-two is hereby amended by the insertion of the following new section to be designated Section four to read as follows:

Section 4. Six months from the approval of this act and subject to the provisions of section 1 hereof, all persons who have used any name and/or names and alias or aliases different from those authorized in section one of this act and duly recorded in the local civil registry, shall be prohibited to use such other name or names and/or alias or aliases.

Section 5. Section four of Commonwealth Act Numbered One hundred forty-two is hereby amended to read as Section live, as follows:

Section 5. Any violation of this Act shall be punished with imprisonment of from one year to five years and a fine of P5,000 to P10,000.

Section 6. This Act shall take effect upon its approval, and all Acts, rules or regulations of laws inconsistent herewith are hereby repealed.

Approved, August 4, 1969.

IMPORTANT SCHOOL MEMORANDA

2007 VPLS Memo on the Dress Code

IMPLEMENTING GUIDELINES ON THE LOYOLA SCHOOLS DRESS CODE

Although no uniform is prescribed in the Loyola Schools, it is the responsibility of the students to dress in a manner that is modest and appropriate to the academic nature of the university. (The Code of Discipline Section I. A)

While the way we dress is a form of self-expression, it also reflects our values and attitudes.

1. Dressing simply puts focus on the substance, rather than the form, of the person.
In a Filipino, Catholic, and Jesuit University, simple dress acknowledges the social responsibility of every member of the community to address the problem of the socio- economic gap between the privileged and the underprivileged. It means avoiding extravagance or the ostentatious use of luxury items.
2. Dressing appropriately means clothes that reflect the purpose of the activity...
Thus, clothes or footwear for places like the beach, bedroom, or gym (e.g., slippers, lounging/gym/athletic shorts and tops, cycling shorts, short shorts, sleeveless shirts for men), when worn during academic activities, do not reflect the respect for the institutional culture and persons of the university.
3. Dressing decently is a sign of respect for the human body.
In the culture of a Catholic university, revealing and sloppy clothes do not reflect this respect. These include, among others, low-cut/backless/strapless blouses, very low-rise jeans, bare midriff, short shorts, soiled clothes, and lounging shorts/tops.

These guidelines are to be strictly observed by all members of the Loyola Schools community at:

1. All official functions and events of and in the Ateneo de Manila University, including commencement, convocations, conferences, receptions, and assemblies;
2. The offices of all Ateneo administrators, as well as any meetings, appointments, or transactions with Ateneo administrators outside of their offices;
3. All Xavier Hall offices, including corridors and waiting areas;
4. The Rizal Library;
5. The Registrar's Office;
6. All events and activities in major Audio-Visual Rooms, such as the Irwin Theater, Faura AVR, Escaler Hall, and Leong Hall Auditorium;
7. All functions, events, and activities where the Ateneo de Manila University is represented, except those that clearly require other attire, such as in sports tournaments.

The Schools or Departments may also issue more specific guidelines to be enforced within their area of jurisdiction, as stated in Article IV, Section 6 of the Magna Carta of Undergraduate Student Rights. Violations of these guidelines are considered Offenses against Order under Sec III.D.1 of the Code of Discipline

MARIA ASSUNTA C CUYEGKENG PhD

Vice President for the Loyola Schools

6 December 2007

2018 General Guidelines on the Conduct of Off-campus Activities of Ateneo de Manila University

I. Rationale

The various age-appropriate off-campus activities/programs of the different units of the Ateneo de Manila University, which reflect and reinforce the values of Catholic social teaching and the Jesuit mission of forming men and women for others, are cornerstones of Ateneo education.

Pertinent laws, rules, and regulations governing in the Department of Education, Commission on Higher Education, and other related government agencies have been taken into account to ensure an institutionally specific set of policies in the conduct of off-campus activities.

These Guidelines on the Conduct of Off-Campus Activities, which include but are not limited to immersions, are intended to preserve and promote the holding by different University units of these activities of students in a safe, sustainable, and productive manner.

The guidelines set herein are meant to serve as minimum standards for the conduct of off-campus activities. Considering the diverse nature of activities organized and participated in by students at different academic levels, the respective units of the University may set higher standards which they may deem proper for the safety and protection of the students.

II. Definition of Terms

The following terms used in these Guidelines shall be defined as follows:

- A. **Off-campus activities**—official and authorized activities which include curricular and non-curricular activities undertaken within the Philippines but outside the premises of the Ateneo de Manila University.
- B. **Off-campus curricular activities**—required off-campus activities, including co-curricular activities, that are a part of the instructional program that all students are expected to attend. These include, but are not limited to:
 - 1. Educational Tours—off-campus learning activities involving mobility of students with the supervision of a person-in-charge outside the premises of the institution which lasts for more than one (1) day, and involves relatively more places of destination than a field trip in accordance with specific degree program requirements.
 - 2. Field trip—off-campus learning activities involving mobility of students with the supervision of a person-in-charge outside the premises of the institution but is of relatively shorter duration usually lasting for one (1) day and with fewer places of destination.
 - 3. Field Study/Experiential Learning/Related Learning Experience—off-campus activities which are congruent to the learning outcomes of the course in terms of time and context. These activities require substantial off-campus learning as curriculum delivery.
- C. **Off-campus non-curricular activities**—official off-campus activities that are considered as non-curricular or non-program-based activities, among others.

- D. **“Official” activities**—refer to those activities which have complied with the basic requirements for off-campus activities.
- E. **Immersion activities**—curricular or non-curricular off-campus activities involving students spending a substantial amount of time in a marginalized or vulnerable community aimed to motivate students to be more socially aware of the realities in which they can make a positive impact.
- F. **Person-in-Charge (PIC)**—a person, who holds appropriate qualifications and experiences related to off-campus activities, either employed or officially designated by the department, school, or unit under which the activity is held.

III. Scope and Coverage

These Guidelines cover all off-campus activities of the students of the Ateneo de Manila University. These serve as minimum requirements and departments, schools, and units are encouraged to come up with their own policies that are not contrary to these Guidelines.

International educational tours or field trips, internships, clerkships, on-the-job trainings (OJT), and practicums are excluded from these Guidelines as these are governed by separate protocols or guidelines.

IV. Policies

Part 1 Before the Off-Campus Activity

- A. *Basic Requirements for Official Off-campus (curricular and non-curricular) Activities*—Off-campus curricular activities shall be included in the curriculum. The syllabus or subject/course outline shall indicate the subject/course title corresponding unit credits and time allotment equivalent of said activity.

Should the activity be a non-curricular off campus activity, the details of the activity should be found in an official document of the department, school, or unit under which the activity is under. (See Annex A for example)—To be provided by the different OSAs of the different units

- B. *Destination*—As much as possible, the destination of off-campus activities should be near the different campuses of the Ateneo de Manila University. For *field trips and educational tours*, local sites of academic and/or historical relevance should be prioritized to promote local knowledge sources and cost-efficiency. For the purpose of identifying areas for *field trips, educational tours, and immersion activities*, the following factors may be taken into consideration:
 - i. Travel time to the target area, as far as practicable, may be two (2) hours for grade school; four (4) hours for junior and senior high school students; six (6) hours for college students; and, twelve (12) hours for post-graduate students;
 - ii. Partner non-government organizations (NGOs), civil society organizations (CSOs), people’s organization (POs), and/or local government units (LGUs) must have presence in the area; and,
 - iii. Selection of partners, ocular inspection and risk assessment should be concluded at least two (2) weeks before the proposed activity. Risk assessment criteria should, as far as practicable, be appropriate to the subject group and activity. (See Annex B for a sample Risk Assessment Checklist)

For off-campus activities that do not fall under field trips, educational tours, and immersion activities, (i.e. parties or balls), the safety and security of the students should always be taken into consideration.

- C. *Consent*—For grade school, junior and senior high school, and college students, Parent’s or Guardian’s consent must be secured at least two (2) weeks before the activity. A sample consent form can be found in Annex C.

Graduate and professional schools students must provide the contact information of their parent, spouse, next of kin, or any other individual who can be contacted in case of emergency. **As far as practicable, the emergency contact person shall indicate that he/she was informed by the student of this designation.**

- D. *Child Protection Policy*—For grade school, junior and senior high school, and college, their respective Child Protection Policies shall apply to all off-campus activities. All adult personnel and partners involved in the activity should be made aware of such policy and should sign an acknowledgment that he/she has understood and has agreed to it. (See Annex D for Basic Education Child Protection Policy)
- E. *University Emergency Management Plan*—Students must be oriented about the emergency response mechanisms to sufficiently equip them with the capacity to address situations like natural disaster, explosion, earthquake, fire, medical emergency, hostage situation, physical or sexual assault, armed conflict, or other similar situations which might take place during an off-campus activity.
- F. *Fees and other charges*—Students must be informed of the reasonable fees and other charges to be collected at least two (2) weeks before the activity. The corresponding breakdown of the fees should likewise be provided.
- G. *Person-in-Charge (PIC)*—The designated person-in-charge must have the appropriate qualifications (determined by the respective department, school, or unit) and experiences related to off-campus activities. He/she should preferably have the appropriate first-aid and medical emergency training. Should he/she lack such capability, a person trained for this specific purpose must be present. Capacity building on matters such as, but not limited to, first aid and medical, emergency response, and risk assessment, are to be made available for PICs.

For curricular activities, a 1:30-50 PIC to student ratio shall be ensured. **For non-curricular activities**, the department, unit, or school shall adopt an appropriate PIC- student ratio, as it deems fit. **For all activities**, the PIC should have the capacity to respond diligently and immediately to emergency situations considering the number of students under his or her care.

For grade school, junior and senior high school, and college activities, the following standards shall apply with regard to the PIC. He/She:

- i. Must have first-aid and medical emergency training;
 - ii. Must have understood and agreed to the Child Protection of Policy and the Gender Sensitivity and Anti-Sexual Harassment Policy of the respective department, school, or unit; and
 - iii. Must not have any criminal record of child abuse or other child rights related crimes, crimes of sexual nature and other related penal laws, and other laws as may be determined by the respective department, school, or unit.
- H. *Medical Certificate*—PICs should endeavor to ascertain the participating students' health condition. Students will be asked to disclose any known health conditions to the PIC that might affect his/her performance of the activities.

Medical certificates shall be required if strenuous physical activities are part of the off-campus activity.

- I. *Insurance*—The department, school, or unit should provide individual or group travel insurance for students, faculty, and other concerned stakeholders, for the purpose and duration of the activity.
- J. *Transportation and Mobility of Students*—The mode of transportation shall be determined depending on the nature, duration, and location of the activity, and the number of participating students, among others.

- i. **Personal Vehicles of Students**—For off-campus activities that require the participation of the whole class, the use of personal vehicles shall be done only as a last resort. PICs shall take note of students who will be using personal vehicles. Owners and drivers of personal vehicles shall be advised that the Ateneo de Manila University will not be responsible for the registration, insurance coverage, and assurance of roadworthiness of privately owned vehicles, even if these are used during the off-campus activity. Students who make their own personal transportation arrangements (i.e. private car, carpool with other students, public transportation, etc.) to and from home/other site and the out of campus meeting place are to be given notice that personal travel is done at their own risk.
- ii. **Vehicles Owned by the Ateneo de Manila University**—The department, school, or unit shall ensure that the vehicles it owns have valid and updated documents pertaining to registration, insurance coverage, driver’s license, and assurance of road worthiness, among others.
- iii. **External Transportation Service Providers** shall submit a list of the specific vehicle/s and corresponding plate number/s to be used, and assigned driver/s, for an off-campus activity not less than five (5) days before the activity. Only the pre-identified vehicle/s and driver/s will be permitted during the activity itself. Prior to the scheduled activity, the transportation service provider shall conduct the necessary inspection of the identified vehicle/s in the presence of the PICs or any authorized personnel.

The number of participants per vehicle shall be strictly limited to its seating capacity. Overloading and usage of additional seats in the vehicle aisle shall be strictly prohibited.

1. Vehicles covered by a franchise must present a certification from the Land Transportation Franchising and Regulatory Board (LTFRB) for the validity of the franchise of the operator, if applicable. Furthermore, pertinent documents including, but not limited to, the following shall be checked as to their validity:
 - Registration of vehicles
 - Insurance coverage
 - Professional Driver’s License
 - Certificate/Assurance of Roadworthiness
2. If the department, school, or unit shall engage the services of a Travel and Tour Operator, in addition to the requirements above, it must be accredited by the Department of Transportation (DOTr).

An agreement shall be jointly signed by the authorized representative of the Ateneo de Manila University and the service provider, specifying the responsibilities and liabilities of the parties, especially to the students who participate in the off-campus activity.

- K. **Coordination**—Whenever necessary for the safety and convenience of the students participating in the off-campus activity, the department, school, or unit shall duly coordinate in advance with the appropriate Local Government Unit (LGU), local police, military unit(s) and/or NGO, CSO, PO, if applicable. It shall exert all efforts to secure an acknowledged letter or document from the concerned LGU, military, or police unit(s) before the scheduled dates of the activity. (See Annex E for a sample MOA)
- L. **Pre-Departure Briefing or Orientation**—All off-campus activity participants, including students and teachers, shall attend, at least one (1) week before, a pre-departure briefing or orientation to discuss, among others, the following:
 - Program or itinerary, including the activities that the students will participate in;
 - Things to bring;
 - Expenses that may be incurred;

- Information on the place/s to visit;
- Communication protocols;
- Emergency and evacuation plan and procedures;
- Safety and security measures; and
- Departure and arrival area.

The PIC shall ensure that all clarifications, concerns and issues are discussed and resolved during the pre-departure briefing.

PART 2 During the Off-Campus Activity

- **School Rules**—School rules shall apply during off-campus activities including especially the respective Child Protection Policies of each department, school, or unit.
- **Vehicle Inspection**—When arrangements for vehicles are made, on the day of the off-campus activity and before students board the vehicle, the department, school, or unit shall inspect and ensure that the vehicle is roadworthy and is in good condition and cross-check both the vehicle and the driver with those that were pre-identified for the activity. The PIC or his/her representative shall likewise ensure that the seating capacity is strictly followed.
- **Manifest and Tracking**—For off-campus activities that emanate from and end in the department, school, or unit, all participants, including students, parents/guardians, teachers and other personnel, shall sign a manifest before leaving the school premises and upon return to the school. For other off-campus activities, attendance check will be done at site. This manifest shall be used as a guide for tracking the participants. A buddy system shall be implemented, whenever possible. In case of big group off-campus activities, there should be at least two (2) chaperones or PICs in a vehicle of not more than the seating capacity. Attendance checks shall be regularly done throughout the duration of the activity.
- **Medical Kit**—The department, school, or unit shall provide a complete medical kit or will coordinate with the person in charge of the venue that such is readily available. The PIC shall ensure that the medical kit is accessible throughout the duration of the off-campus activity.
- **Briefing Upon Arrival**—Upon arrival at the destination, the students should be re-oriented on the communication protocols, safety and security measures, emergency and evacuation procedures, as well as rules, regulations and conduct to be observed in the area. The PIC or his/her representative shall ensure that all students have their school ID with them.
- **Drop-off**—For off-campus activities that end in the department, school, or unit students who participate shall be dropped off at designated waiting areas in the school. Grade school students shall not be allowed to leave the school premises without their designated fetchers.
- **Cancellation**—The PIC shall closely monitor weather forecasts, security and logistical issues, and other factors that might reasonably affect the activity substantially. The PIC should exercise due diligence in addressing these issues. Should it be determined that it will be dangerous for the activity to continue, the PIC shall cancel the activity.

Part 3 After the Off-Campus Activity

- Processing and Evaluation*—The PIC or a designated person from the department, school, or unit shall conduct an appropriate activity or require the submission of documentation as a way for the students to process and synthesize their learning experience vis-à-vis the objectives of the off-campus activity.

PIC or a designated person from the department, school, or unit involved shall also conduct an evaluation and ask for feedback on the activity (i.e. what went well, what went wrong, and aspects that should be improved). The evaluation shall cover the activity itself, the vehicle/s used, the venue, and other services, whenever applicable.

V. Final Provisions

All departments, schools, and units are expected to fully comply with these Guidelines for the conduct of any off-campus activity.

All departments, schools, and units shall align their respective practices to these Guidelines by the beginning of the SY 2018-2019 but may provide higher standards of compliance.

All other related memos, policies, rules and regulations, as well as provisions which are inconsistent with these Guidelines are hereby repealed, rescinded, or modified accordingly.

Existing Department of Education (DepEd) and Commission on Higher Education's (CHED) memos shall apply in a suppletory manner to these Guidelines.

These Guidelines may be subject to appropriate amendments or revisions as deemed necessary by the University President.

List of Annexes:

- A. Activities List from Loyola Schools Office of Student Activities and/or Unified Activities List/Description to be agreed upon by the different OSAs
- B. Risk Assessment Checklist
- C. Parental Notification Form Template
- D. Basic Education Child Protection Policy
- E. Sample MOA

Approved by the President's Council on 8 October 2018

2015 Statement of Principles and Guidelines Against Profiteering

The Ateneo de Manila, Loyola Schools, is a Filipino, Jesuit, Catholic, tertiary-level educational institution that provides access to performances, concerts, athletic events, exhibits, and instructional opportunities, to members of our community in consonance with educational goals. These are offered to expand the mind beyond the classroom, to enhance school spirit, foster camaraderie, and generally enrich the College experience.

As such, may the community find guidance in the following:

1. Participation in the aforementioned (whether as host, entrepreneur, patron, buyer or reseller) should always remain consistent with school values, among them—Integrity, Fairness, Social Justice and Ethical Consumption.
2. Engaging in any form of profiteering is contrary to the nature of the Ateneo, especially as regards transactions, events, or products related to or available through the school. Members of the community are therefore encouraged to report any activity of this like, and evidence of such, to the Office of Student Services.
3. These opportunities (concretized in the form of UAAP games and tickets, concert passes, seats to plays and musicals, etc.) are not to be treated as “goods” which can be privately owned and therefore resold for profit. If one suddenly finds one’s self unable to take advantage of an opportunity already availed, what is acceptable is to allow it to transfer to someone who can, at the cost of acquisition.
4. Neither should members of the community allow themselves to be contracted by people who seek to make a profit from said events, or wish to circumvent implemented measures to ensure equitable distribution of such opportunities. One’s time and effort at acquiring the means to attend such opportunities are not “services to be undertaken” for payment or benefit.

ROBERTO CONRADO A. GUEVARA PhD
*Associate Dean
for Student Formation*

MARIE JOY SALITA
*Associate Dean
for Student and Administrative Services*

Loyola Schools Policy on the Implementation of RA 11053: Anti-Hazing Act of 2018

In compliance with the Anti-Hazing Act of 2018 and its Implementing Rules and Regulations, the University has set up guidelines on the registration of student organizations and application for approval to hold initiation rites¹. All existing as well as new school-based organizations which have existing members who are students or which plan to recruit students to be its members are required to register by preparing and submitting the following documents:

1. Organization Constitution
2. Membership Guidelines and Defined Application Process
3. Organizational Directory
4. Sworn Undertaking of the Moderator
5. Sworn Application to Conduct Member Recruitment and Application Process

For the Loyola Schools, registration of organizations is implemented and facilitated by the Office of Student Activities (OSA). Student organizations that would like to register with the Loyola Schools may proceed to OSA's official portal for the step-by-step procedure on the submission of documents.

¹ Refer to "UNIVERSITY GUIDELINES ON THE REGISTRATION OF STUDENT ORGANIZATIONS AND APPLICATION FOR APPROVAL TO HOLD INITIATION RITES" on page 43

Ateneo De Manila University Guidelines on the Registration of Student Organizations and Application for Approval to Hold Initiation Rites

I. Background

1. Republic Act No. 8049 as amended by Republic Act No. 11053 (together the “Anti-Hazing Act of 2018”) and its Implementing Rules and Regulations (“IRR”): (a) prohibit all forms of hazing and regulate other forms of initiation rites of fraternities, sororities, and other forms of organizations, particularly in school settings, (b) provide rules for the conduct of initiation rites, and (c) prescribe conduct when hazing occurs in initiation rites.
2. (The IRR of the Anti-Hazing Act of 2018, adopted on 30 September 2020, took effect on 24 August 2021.)
3. As part of the regulations referred to in item (a), all existing as well as new school-based fraternities, sororities, and other organizations which have existing members who are students or which plan to recruit students to be its members, are required to register with the proper school authorities before these conduct activities, whether on or off-campus, including recruitment of members.
4. As prescribed by, and further to, the Anti-Hazing Act of 2018 and its IRR, the Ateneo De Manila University (“University”) promulgates these Guidelines to govern and cover the registration of student organizations, fraternities, and sororities—whether accredited or unaccredited—as well as their recruitment and membership application processes.

II. Definition of Terms

For purposes of these Guidelines, the following terms, as likewise defined under the IRR, shall mean or be understood as follows:

1. “Hazing” refers to any act that results in physical or psychological suffering, harm, or injury inflicted on a recruit, neophyte, applicant, or member as part of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority, or organization including, but not limited to, paddling, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity, including any form of sexual harassment and abuse, which is likely to adversely affect the physical and psychological health of such recruit, neophyte, applicant, or member. This also includes any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse, risk or endanger lives, by requiring a recruit, neophyte, applicant, or member to do menial, silly, foolish, hazardous, or inhumane tasks.
2. “Initiation” or “Initiation rites” refers to ceremonies, practices, rituals, or other acts, whether formal or informal, that a person must perform or take part in so as to be accepted into a fraternity, sorority, or organization as a full fledged member. It includes all stages of membership (acceptance/welcome or the like, neophyte/service stage or the like, and final stage or the like) in a fraternity, sorority, or any other organization.
3. “Registered Organization(s)” refers to Student Organizations that have successfully complied with the registration requirements as provided in these Guidelines and with the other requirements that a school may prescribe in a supplemental issuance.

4. "School(s)" or "school unit(s)" refers to the academic units of the University, namely: Grade School, Junior High School, Senior High School, Loyola Schools, Graduate School of Business, Law School, School of Government, and School of Medicine and Public Health.
5. "Student Organization(s)" or "Organization(s)" refers to groups of people, however organized and whether or not created or organized by any of the schools of the University at the Basic Education or Higher Education levels, with existing members who are students of the University or which plan(s) to recruit students of the University to be its members. This includes, but is not limited to, fraternities, sororities, clubs, associations, groups, student government bodies, athletic or sports varsity organizations, and organizations or institutions conducting military and other similar uniformed service trainings or activities.

III. Role of the Ateneo De Manila University

It is the responsibility of all educational institutions—including the Ateneo de Manila University—to exercise reasonable supervision over the conduct of their students and the duty to take more proactive steps, including the adoption of relevant guidelines, to protect their students from the dangers of participating in activities that involve hazing. In compliance with this responsibility, all school units of the University are directed to:

- A. Implement an information dissemination campaign at the start of every semester/term of any school year to provide adequate information to students and parents or guardians regarding the consequences of conducting and participating in hazing;
- B. Conduct an orientation program relating to membership in fraternities, sororities, or organizations at the start of every semester/term of any school year; and
- C. Encourage fraternities, sororities, or student organizations to engage in undertakings that foster holistic personal growth and development and activities that contribute to solving relevant and pressing issues of society.

IV. Registration of Student Organizations

- A. Procedure for Registration:
 1. All Organizations are required to register with the pertinent office designated by each school unit ("Designated Office"), within thirty (30) days after the start of the first semester/term of any school year by filing an application certificate, containing the following:
 - a. Name of the Organization,
 - b. Month and Year of its establishment,
 - c. List of Officers (Full Name, Position, ID Number, Year and Course)
 - d. List of current members (including a clear definition of "current member") (Full Name, ID Number, Year and Course)
 - e. The name of its Moderator/s, Faculty Adviser/s, Adult Supervisor/s (hereafter "faculty adviser"), and
 - f. The sworn undertaking of the faculty adviser expressing consent to be the Organization's adviser and acceptance of the responsibilities of an adviser.
 - g. A template of the application form for registration of the Organization is attached herewith as Annex "A".
 2. A "faculty adviser" must be a duly recognized active member, in good standing, of the faculty (may include Professionals and Part-time Faculty) of the pertinent school unit and must not be an (official) member of the Organization applying for registration. If the faculty adviser is a part-time faculty, the term of the faculty adviser must be co-terminus with the term of the part-time contract.

3. The faculty adviser shall be responsible for monitoring the activities of the Organization. The role of a faculty adviser cannot be overemphasized as the Anti-Hazing Act of 2018 and its IRR provide that in case of violation thereof by the Organization or its members, the faculty adviser is presumed to have knowledge of and consented to the commission of such violation and shall be held, after due notice and summary hearing, accountable therefore.
4. Upon receipt of any application for registration, the head of the Designated Office shall evaluate the application submitted. If the Designated Office determines that the information submitted is insufficient or lacks information, the Organization may be required to complete the submission of any such information found to be insufficient or lacking.
5. If the registration of the Organization is found to be complete, the Organization shall be classified as a "Registered Organization" for the purpose of the Anti-Hazing Act of 2018.
6. Each Registered Organization must comply with all requirements of the Anti-Hazing Act of 2018 and its IRR, including those that relate to the registration requirements set out in these Guidelines, as well as, without limitation, the requirement that its list of members should be updated not later than thirty (30) days from the start of every semester/term which serves as the renewal of the Organization's registration.
7. The failure to comply with the requirements under these Guidelines shall result in the cancellation of registration or denial of the application for registration of the Organization.
8. The Designated Office shall, after due notice and summary hearings, impose disciplinary sanctions against the officers or members of any Organization (including suspension of such officers) for failing to register their Organization or update its roster of members, in accordance with the school's pertinent provision in its Student Handbook.

V. Initiation Rites

- A. Procedure for Application for Approval of Holding of Initiation Rites:
 1. All Registered Organizations intending to conduct initiation rites shall, within a period not later than seven (7) working days before the intended date of holding or commencement of such rites, submit to the Designated Office a sworn application requesting approval for the conduct of such initiation rites. The application must be signed by the head of the Registered Organization and the Organization's faculty adviser.
 2. The sworn application should include the following information and declaration, where pertinent:
 - a. The place, date, and time of the initiation rites;
 - b. Description of the manner by which the initiation rites will be conducted;
 - c. List of Officers (Full Name, Position, ID Number, Year and Course) and their contact details;
 - d. List of Persons in Charge of the initiation rites (Full Name, Position, ID Number, Year and Course) and their contact details;
 - e. List of recruits, neophytes, or applicants (Full Name, Position, ID Number, Year and Course) and their contact details;
 - f. Sworn undertaking by the concerned officials/members authorized by the Registered Organization head that (a) the initiation rites shall be conducted in compliance with all laws and regulations of the Philippines, including the Anti-Hazing Act of 2018 and its IRRs, and (b) no violence or harm of any kind shall be committed by anybody, authorized or unauthorized, during the initiation rites.
 - g. Medical certificate of the recruit, neophyte, or applicant to ensure fitness to undergo initiation, should the initiation rites involve physical or psychological activity not falling under the definition of hazing;

- h. Membership Definition
 - i. Information responding to the following questions:
 1. What is the Registered Organization's definition of an applicant?
 2. Who is eligible to apply for the Registered Organization?
 3. What is the Registered Organization's definition of a member?
 4. What are the qualifications for becoming a member?
 5. When and how is membership terminated in the Registered Organization?
 - j. Defined Application Process
 1. The following should be specified:
 - a. the entire process of application to the Registered Organization (from registration up to the initiation rites and the official acceptance into the organization)
 - b. a timeline indicating the dates, times, and venues, and manner by which the initiation rites or specific portions thereof, if any, will be carried out, and
 - c. at which points of the application process will interested parties be considered applicants and official members; and
 - k. Declaration of compliance with the posting requirements indicated in item 3 below.
 1. A template of the application form for approval of the holding of initiation rites is attached herewith as Annex "B".
 - l. The sworn application shall be posted in the official school bulletin board, the bulletin board (if any) of the Registered Organization, and two (2) other conspicuous places in the school or in the premises of the Registered Organization and shall only be removed from its posting three (3) days after any initiation rites are conducted.
 - m. Notwithstanding the requirements under Section V(A)(2)(c-d), contact details of the incumbent officers of the Registered Organization and of any person or persons who will take charge or participate in the conduct of the initiation rites shall not be included in the copies to be posted.
3. The sworn application shall be promptly evaluated by the Designated Office. The approval or denial of the application shall be communicated promptly to the Registered Organization. If the Designated Office finds that the proposed initiation rites do not conform with Section 10 of the IRR and the pertinent Guidelines herein, the Designated Office shall disapprove the application in a formal written notice couched in clear and unequivocal terms and furnish the same to the applicant Registered Organization.
 4. Denial of the application for, or cancellation of, registration of the Organization shall necessarily bar it from conducting the particular initiation applied for.
- B. Conduct of Initiation Rites and Consequences Thereof:
1. Any initiation rites that may be held should not last for more than three (3) calendar days. Except for the faculty adviser, only members of the Registered Organization shall be in charge or take part actively or in a consultative or advisory role in the initiation rites.
 2. The Designated Office must assign at least two (2) school representatives to be present during the initiation rites who shall ensure that no hazing is conducted, document the entire activity, and render the corresponding report to be submitted to the pertinent office in charge of student activities.

3. If hazing is committed during the initiation rites, the officers and members of the Registered Organization as well as the school representatives present at the said initiation rites, shall immediately bring the recruits, neophytes, or applicants subject of hazing to the nearest hospital, clinic, or treatment facilities within the area. The school representatives are obligated to immediately report the incident to proper school and police authorities. Notwithstanding the foregoing, appropriate sanctions shall be imposed for the conduct of hazing activities embodied under the Anti-Hazing Act of 2018 and its IRR. If hazing is committed despite the presence of the school representatives, the school representatives will not be liable therefor if they perform overt acts to prevent or stop its commission.
 - a. Any form of: (a) approval, consent, or agreement, whether written or otherwise, or (b) express waiver of the right to object to the initiation rites or the conduct of hazing made by a recruit, neophyte, or applicant prior to an initiation rite, shall be void and cannot be used as a defense by the person/s prosecuted under the Anti-Hazing Act of 2018 and its IRR or investigated for violation of these Guidelines.
4. The pertinent disciplining authority shall impose disciplinary sanctions against the officers or members of the Organization for a) conducting initiation rites, even if no hazing was conducted, without the prior approval of the Designated Office, b) false or inaccurate information in the written application for approval of the holding of initiation rites, c) the commission of hazing activities during the initiation rites, in accordance with the school unit's pertinent provision in its Student Handbook, or other violations of the Anti-Hazing Act and its IRR. The foregoing is without prejudice to criminal, civil, and administrative liabilities as provided for by law.

VI. Continuing Effectiveness of the Pertinent Student Handbook

These Guidelines are promulgated pursuant to the requirements of the Anti-Hazing Act of 2018 and its IRR. Non-compliance with the requirements of these Guidelines, the relevant provisions of the Anti-Hazing Act of 2018 and its IRR, as well as the pertinent Student Handbook may be sanctioned under the provisions of the Anti-Hazing Act of 2018 and the pertinent Student Handbook, as applicable. 2. Nothing in these Guidelines shall modify the pertinent school unit's policy that under no circumstance shall the administration allow the registration of, recognize, or approve of, any organization which advocates, espouses, or resorts to any form of violence and acts not in consonance with human dignity.

VII. Application and Effectivity of these Guidelines

These Guidelines apply to all school units and shall take effect on the date of promulgation. Nothing in these Guidelines shall prevent school units from formulating school-specific instructions or revising existing guidelines on the Anti-Hazing Act of 2018 to supplement these Guidelines; provided, that any school-specific issuance must not run counter to these Guidelines or the Anti-Hazing Act of 2018 and its IRR, as well as the pertinent Student Handbook.

VIII. Transitory Provision

For the academic term within which these Guidelines are promulgated, all Organizations are required to register with the Designated Office within thirty (30) days after the date of promulgation of these Guidelines. Thereafter, registration of Organizations shall be within thirty (30) days after the start of the first semester/term of any school year.

Approved

Roberto C Yap SJ

President

Date of Promulgation: 21 October 2021

Enhanced University No-Smoking Policy

Memo of the University President # U2122-016 (26 August 2021)

The Commission on Higher Education recently issued Memorandum Order (CMO) # 6 series of 2021, "Policy and Guidelines on Anti-Smoking and Tobacco Control". We will not need to adopt any new policies in light of CMO #6, as we have been substantially in compliance with its provisions since 2017, when we put various policies in place to comply with Republic Act 9211, Executive Order No. 26 series of 2017, and Department of Health Administrative Order 2019-0007. We would like to simply remind the community of said policies governing the use and sale of all tobacco and non-tobacco cigarette products, including electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), commonly known as e-cigarettes, vapes, vape pens, Julie, hooka smoking, and the like, and enjoin all concerned to assist in the strict implementation of these.

In brief:

1. Smoking is totally banned within any of our university's campuses, whether inside or outside buildings and parked vehicles. This ban covers all employees, visitors and clients of affiliates, auxiliary units, and tenants of the university operating within our Campus.
2. The sale and distribution of all cigarette products and smoking devices is banned within our university's campuses.
3. Tobacco companies and/or companies/persons/entities that aim to promote a brand of tobacco or ENDS/ENNDS products are disallowed from distributing promotional items or conducting product sampling at, and/or sponsoring any form of activities on campus, including but not limited to cultural, educational, musical, and sports activities. This ban extends to off-campus activities of groups and organizations affiliated with the Ateneo.
4. All members of the community are enjoined to report all attempted interventions of the tobacco industry and their representatives, to disclose interests in the tobacco industry, and to refuse or reject any offers or contributions from the tobacco Industry.

The Total Ban on Smoking covers everyone inside the campuses, including employees, students, visitors, suppliers, contractors, and guests of the university, its affiliates, its auxiliary units and its tenants. Appropriate disciplinary action, in accordance with existing guidelines and due process as stipulated in the Student Handbook and the Employee Code of Discipline, will be meted out to violators of this policy. All visitors, suppliers, contractors, and couriers inside the Ateneo campuses who violate these policies should be referred to the Campus Safety and Mobility Office.

For your information and strict compliance.

Roberto C Yap SJ
President

Policy on Alcohol Consumption in the University Premises

Memo of the Vice President for Administration and Human Resources (6 December 2019)

The season of Christmas is a time of merry-making. As much as we would like to celebrate the festive period to the fullest, we would like to remind the community on the Policy on Alcohol Consumption in the University Premises.

Objectives:

The policy seeks to encourage social responsibility and appropriate behavior in the consumption of alcohol; and ensure that the consumption of alcohol in University premises consider the following:

1. That the laws of the Philippines governing the sale/consumption of alcohol will at all times be observed.
2. That the consumption of alcohol by people on University premises will, in all circumstances, recognize the rights of others and will not be promoted or fostered as an end in itself.
3. That the provision of alcohol on University premises will be subject to the availability of appropriate and suitable facilities.

Scope:

All employees, students and users of any venue for an official/authorized function in the University.

Policy Guidelines on Alcohol Consumption in University Premises:

1. The sale of alcohol in any facility owned or managed by the University is prohibited.
2. Except for instances noted below, no alcohol may be served, displayed, or consumed in any University open space or in any University building.
3. Alcohol may be served/sold only at by-invitation-only functions. It is the responsibility of the host or administrative unit hosting the event to comply fully with the University's guidelines on alcohol.
4. Except for University holidays, no alcohol may be served at any campus location on a weekday until after 5:00 p.m. Only the Vice President for Administration and Human Resources or his designate may authorize an exception to this provision.
5. It is a violation of Philippine law to serve alcohol to anyone under 18 years of age. University administrative units planning functions that are likely to be attended by students under 18 are strongly discouraged from serving any alcohol to anyone at such functions. If the unit plans to serve alcohol at a function that will be attended by guests under the age of 18, the unit must submit, as part of the approval process, an explanation of the method by which it will determine which guests are over 18 and how it will assure that guests under 18 are not served.
6. The following guidelines must be strictly followed by the organizers of functions where alcohol will be served:
 - 6.1. Access to the event must be limited to invitees and controlled throughout the event. The event may not be open to the public. For outdoor events, special steps must be taken (for example, tents with sides or other significant barriers) to control access and delineate the area for the event.
 - 6.2. A sufficient amount of alternative, non-alcoholic beverages must be available.

- 6.3. A sufficient amount of substantial, wholesome food (hors d'oeuvres, finger foods or dinner) must be served.
- 6.4. The official responsible for the function must designate a specific person who will be solely responsible for dispensing alcohol. He/she has the authority to refuse to serve alcohol to any persons who in his/her opinion are incapable of conducting themselves in an orderly and proper manner.
- 6.5. No self-service of alcohol is permitted.
- 6.6. The official responsible for the function must designate ushers, doorkeepers, and marshals who will control those entering or leaving the function, ensure that alcohol is not introduced into the venue unofficially and ensure that order during the function is maintained.
- 6.7. No alcohol or non-alcoholic refreshments other than those provided directly by the organizers of the function may be introduced into the venue for a function.
- 6.8. No person shall possess/hold an open container of alcoholic beverages in University common areas such as grounds, hallways, auditorium, classrooms, offices, cafeterias, lounges, etc., unless such areas have been expressly designated as a site of a function where the serving of alcoholic beverages has been officially approved in accordance with Ateneo guidelines and procedures.
- 6.9. A function with alcoholic beverages that are not followed by a full meal may last no longer than two hours.
7. Responsibility for compliance with the University guidelines for serving alcoholic beverages lies with the organizers of the function.
8. Organizers who intend to serve alcoholic drinks during their function must obtain prior approval from the Vice President for Administration and Human Resources. In the case of a function organized by a group (faculty, professionals, staff or students) that belongs to a school unit, their request for approval must be endorsed by the School Unit Head.
9. The organizers of a function must make satisfactory arrangements for the cleaning of the venue and for the disposal of waste after the function.
10. The above guidelines apply to all Ateneo events including those sponsored by Ateneo student organizations. However, student organized events must likewise comply with the requirements set by their respective school unit heads/deans.

Nothing in this document limits the right of the University to discipline/ prosecute individuals or sponsoring organizations for misconduct or violations of these guidelines, any other institutional policy or government/city ordinances.

- Employees who disregard the policy may be subject to disciplinary action in accordance with University procedure
- Students who disregard this policy will be disciplined according to school policy.
- Visitors who disregard this policy will be fined. Repeated violations may cause the erring visitor to be banned from campus.

Maria Victoria T Cortez PhD

Vice President for Administration and Human Resource