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Lorem Ipsum

TERTIARY DEPARTMENT
STUDENT HANDBOOK
2022 EDITION

Policies and Guidelines for the Flexible Learning Delivery of instructions for this Academic Year 2022-2023 are found in Annex A. All other provisions not covered in Annex A but are in the student handbook shall remain in full force and effect.

Student No.:

Student Name:

Course/Year Level:

Home Address:

Email Address:

Contact No.:

FOREWORD

WELCOME to Central Luzon Doctors' Hospital Educational Institution!

CLDHEI is a non-sectarian Higher Education Institution (HEI) whose primary concern is the values-oriented formation of its students as embodied in its vision-mission statement. CLDHEI shall pursue the thrusts of Tertiary Education which are Instruction, Research, Extension and Production.

Thank you for choosing CLDHEI as the instrument by which you can achieve the goal you have set in your life. However, the realization of your personal goals will greatly depend on how you will respond to the corresponding tasks and challenges of formal education.

You are expected to abide by the provisions of this Student Handbook which spells out your responsibilities as students of CLDHEI.

CLDHEI HYMN

I

You light the minds and hearts of the young
From you our knowledge and values come
Our journey began in your caring hand
We would venture forth and with you we'll stand

CHORUS

To you oh CLDHEI
Precious Alma Mater
In you, our dreams tomorrow
Shall be achieved, they shall grow

II

We pledge to carry on all your noble missions
Anywhere in the country and in the world
Altogether sons and daughters heed the call
Of our countrymen and beloved school

Repeat chorus

III

To you that gives strength to those
Whose paths are filled with thorns and woes
Wholeheartedly you come to their aid
And save the life to them God gave.

FINALE

From today onward
Loyal ever be to you
CLDHEI
All hail our school on high!

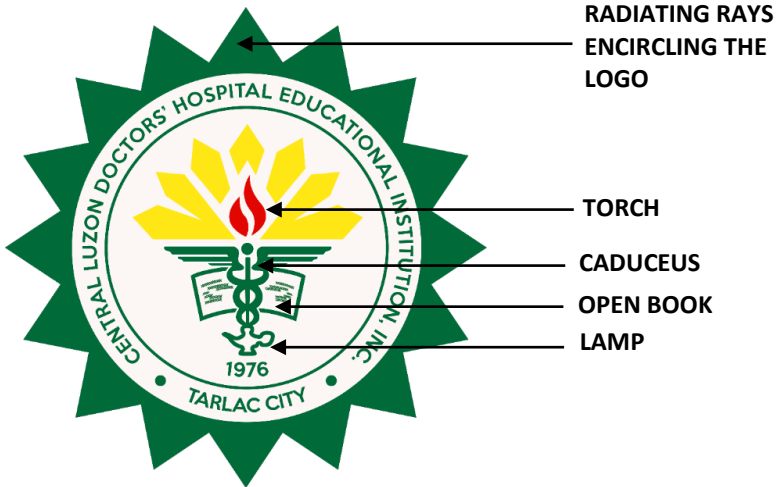
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THE SCHOOL SEAL

The logo embodies the Institution it represents. It is the insignia for progress towards the achievement of its goals, ideals, and aspirations. It is composed of the following:



CADUCEUS. A winged staff with two snakes entwined on it. It symbolizes the healing power entrusted to the health care practitioners who should provide not only quality care but also speedy services to their clients.

LAMP It symbolizes the true service of love and concern shown by Florence Nightingale, the founder of Nursing.

TORCH It stands for the light that continuously inflames our never-ending quest for truth and knowledge.

RADIATING RAYS ENCIRCLING THE LOGO. These represent the commitment of CLDHEI to offer its services to everyone, transcending all boundaries and cultures.

OPEN BOOK It symbolizes knowledge and information that is freely available to all.

VISION, MISSION, PHILOSOPHY, AND GOALS

Vision

CLDHEI as one of the top ten higher education institutions of allied medical programs and Basic Education in Central Luzon.

Mission

- To provide quality instruction to fully develop students' knowledge, skills, attitudes and values for a better quality of life;
- To produce graduates who meet national and global standards of competency, efficiency and effectiveness;
- To strengthen awareness and involvement in the community.
- To provide relevant and strong basic, higher and advanced education.

The School Philosophy

CLDHEI advocates that education is a life-long process of total development to make man realize and achieve his whole being as a global citizen.

Goals

In pursuit of its vision, mission, and philosophy, CLDHEI aims:

- To provide relevant educational training to develop moral, intellectual, spiritual and social values;
- To contribute to national prosperity by directing and shaping potentials for productivity, interpersonal harmony and professional leadership to maximize mobilization of manpower and utilization of science and technology needed for community advancement; and
- To develop critical thinking through research for the betterment of the quality of life so that every self-reliant citizen can live in peace and satisfaction.

HISTORY

Central Luzon Doctors' Hospital Educational Institution is a non-sectarian institution founded in 1976 by a group of physicians headed by Dr. Constante D. Quirino, Sr. Its initial course offering was the three-year Graduate Nurse and was followed by the two-year BSN Supplemental Course.

In 1985, the school received government recognition for the four-year Bachelor of Science in Nursing, followed by the Bachelor of Science in Physical Therapy, Associate in Radiologic Technology, Midwifery, and Nursing Aide (now Health Care Services NC II) thus expanding the school's curricular offerings. Two years later, permits were issued by the Commission on Higher Education for Bachelor of Science in Respiratory Therapy and Bachelor of Science in Radiologic Technology.

As the Institution continued the expansion of its curricula and facilities to accommodate more students, two paramedical courses, the Bachelor of Science in Medical Technology and Bachelor of Science in Pharmacy were introduced in 1998. These new programs increased the available options for students to choose from. To further enhance healthcare education, the Graduate School was established with the Master of Science in Nursing as its course offering.

As demand for healthcare education grew, additional classrooms and associated facilities became necessary. In 2003, a new campus was constructed in San Pablo, Tarlac City. This provided a wider campus, better facilities such as spacious air-conditioned classrooms, fully-equipped laboratories, a modern multimedia library, sports facilities, and a gymnasium.

The Institution remains committed to giving the best to its students. It is continuously finding ways to modernize its facilities and employ highly qualified faculty members. It envisions to have the programs accredited in the near future and be accorded a university status at the soonest possible time.

On June 10, 2008, the Basic Education Department, which comprises the Pre-Elementary and Secondary Level, was formally opened. DECS Order no. 23, Series 1984 and DepEd Order No. 1, series 2003 granted CLDHEI, Government Recognition No. E-073, series 2008 for the Pre-Elementary Course effective 2008-2009, and Government Recognition No. E-023, series of 2009 for the Elementary Course.

This was followed by the grant, to operate the First to Third Year Levels of the Secondary Course under Government Permit No. S-052, series 2010. Government Recognition of the complete Secondary course, first year to fourth year, was granted in SY 2011-2012 by virtue of government Recognition No. S-006, series of 2012.

With the passage of RA 10533 (Enhanced Basic Education Act of 2013) in April 2013, CLDHEI applied to offer Senior High School. Permit was issued on October 5, 2015 for the school to offer Grades 11 and 12, Academic Track and three strands: ABM, HUMSS and STEM, effective SY 2016-2017. The first batch of Grade 12 completers graduated in 2018.

The school is looking forward to serving the community and nearby towns by providing quality instruction to learners for their total development as global citizens.

POLICIES AND GUIDELINES

Section 1. Status and Classification of Students

A student of CLDH-EI may fall under the following status and classification:

A. Regular

A regular status is given to undergraduate students who strictly follow the ordered sequence of the curriculum. In a given semester, a regular student carries the full load as prescribed by the curriculum.

Undergraduate students are classified as follows:

1. A first-year (Freshman) student is one who has enrolled all the subjects in the curriculum of the 1st and 2nd semester. The student may not be classified as 2nd year if he fails a major subject in the 1st year.
2. A second-year (Sophomore) student is one who has passed all the major subjects in the 1st year. The student is retained as 2nd year if he fails a major subject.
3. A third-year (Junior) student is one who has completed all the prescribed subjects of 1st year and 2nd year in the curriculum. The student is retained as 3rd year if he fails or has a major back subject.
4. A fourth-year (Senior) student is one who has completed all the subjects of 1st, 2nd and 3rd year of the curriculum. The student is considered a senior but not a graduating student if he has not completed the prescribed subjects of the fourth year program curriculum.

NOTE: Major subjects include professional and core general education subjects. The non-major subjects include Physical Education, NSTP and Euthenics.

B. Irregular

A Student has an irregular status if he does not carry all the subjects prescribed during the particular semester. The status is due to failure, dropping, leave of absence, and/or shifting or transferee from another school. The student is expected to finish the course beyond the number of years prescribed in the curriculum of the program enrolled in.

Section 2. Admission Policies and Requirements

A. General Policies for Admission

1. All incoming freshmen / new student who intend to enroll in CLDHEI must: (1) earn an admission rating within the quota; and (2) pass the

Medical and Physical Examination required for the course/program applied for.

2. Transfer students must:
 - (a) have passed at least 75% of all the units taken from the previous school
 - (b) not have disciplinary case from the school previously attended
 - (c) accept the provisions stated in the “Shifting to Another Course” of this handbook. (Section 3.N)
3. Students of CLDHEI who discontinued studies for not more than four (4) semesters, and plan to reenroll in the Institution must adhere to the conditions for readmission.
 - a. Students who dropped all of the subjects in the last semester’s stay in the school or who are on Official Leave of Absence (OLA), including those with failing grades must:
 - i. Undergo a counseling session together with the parent/guardian at the Guidance Office;
 - ii. Agree and sign (student and parent/guardian) the SAO’s Waiver (Form No. SAO-F006.0) which states that the student must not fail another unit/subject, otherwise, it will be a ground for non-readmission.
 - iii. Accept conditions stated in the “Shifting to Another Course”. (Section 3.N)
 - b. Students with approved Official Leave of Absence (OLA) and are returning within the approved period shall be admitted for enrollment.
 - c. No readmission of dismissed students or disqualified students shall be considered without favorable recommendation from the Head of the Guidance Office.
 - d. Students who stopped under the old higher education curricula and wish to reenroll shall follow the admission policy for Incoming First-Year Students. However, these students will be advised to apply to a different program than previously attended (Maximum Residency, Section 3.D.5)
 - e. Students who become OLA (Official Leave of Absence) for more than four (4) semesters or two (2) academic years shall be denied readmission in the program; however, they may be encouraged to enroll in another program offered by the school subject to the

policy in Crediting and Validating of Units (Maximum Residency, Section 3.D.5; Crediting and Validating of Units, Section 3.F)

- f. The policy on Crediting and Validating of Units shall be applied when evaluating the grades and units of the returning students.
- g. Returning students shall submit a copy of the Student Clearance as a requirement for readmission.

B. Requirements for Application for Admission

1. Freshmen

SHS Student

- a. Accomplished Form No. REG-F004.0 Application for Admission Form with recent 2x2 colored ID picture
- b. Certification of Enrollment from the Adviser or School Head
- c. Certified True Copy of Grades (Grades 9, 10, 11)
- d. Official Receipt of the Processing or Testing Fee

NOTE: Other documents may be specified and required, as necessary.

High School Graduates of the Old Basic Education Curriculum

(1st year to 4th year or non-K-12 students)

- a. Certified True Copy of Form 137 / SF10
- b. Accomplished Form No. REG-F004.0 Application for Admission Form with recent 2x2 colored ID picture
- c. Official Receipt of the Processing or Testing Fee

NOTE: Other documents may be specified and required, as necessary

ALS and A&E Passers

- a. Certified True Copy of the Certificate of Rating (COR)
- b. Accomplished Form No. REG-F004.0 Application for Admission Form with recent 2x2 colored ID picture
- c. Official Receipt of the Processing or Testing Fee

NOTE: Other documents may be specified and required, as necessary.

2. Transfer Students

- a. Accomplished Form No. REG-F006.0 Application to Transfer to CLDHEI
- b. Certified true copy of complete grades for evaluation

NOTE: Other documents may be specified and required, as necessary.

3. Returning Students

- a. Accomplished Form No. REG-F007.0 - Application for Readmission
- b. Student Clearance

4. Degree Holders

- a. 2 pieces of 2" x 2" colored ID pictures
- b. Official Transcript of Records
- c. Original and photocopy of Birth Certificate
- d. Three (3) pieces self-stamped #10 (9 1/2" x 4 1/8") business envelopes

C. Requirements for Enrolment

(to be submitted at the Registrar's Office)

1. **Incoming Freshmen** – Admission Result with "Qualified" rating
Transferee – Approved Form No. REG-F006.0 Application for Transfer to CLDHEI
Returning Students – Approved Form No. REG-F007.0 Application for Readmission
2. **Incoming Freshmen** – Form 138
Transferee – Transcript of Records & Honorable Dismissal
Returning Students – Honorable Dismissal
3. Medical Examination Report Form with Certification from the attending physician
4. Certificate of Good Moral Character
5. PSA Birth Certificate
6. Two 2x2 Colored ID pictures
7. Two 1x1 Colored ID pictures
8. Marriage certificate, if applicable
9. One long brown envelope
10. One long plastic Envelope

NOTE: Other documents may be specified and required, as necessary.

Section 3. Academic Rules and Regulations

A. School Terms

1. The academic calendar year consists of two (2) semesters.
2. The CHED-prescribed school days consist of not less than 18 weeks per semester.

B. Class Hours

1. One (1) unit of credit is equal to 18 hours of lecture or at least 36 hours of laboratory work. One (1) unit of student internship or related learning experience varies with each program.
2. Suspension of Classes
 - a. When typhoon signal no. 3 or higher is hoisted, all classes are automatically suspended and other school activities postponed.
 - b. In case of other calamities or emergencies (e.g., strikes, floods and earthquakes, bomb threat, etc.) students are advised to tune in to the local radio, TV, or CLDHEI's official social media account for announcements on suspension or non-suspension of classes.
 - c. The school complies with the directives issued by the local provincial and national government regarding special holidays and suspension of classes.

C. Attendance and Punctuality

1. Students must come to class on time from the first day of the semester.
2. A student is considered absent if he arrives after:
 - 10 minutes for a 1.0-hour class
 - 15 minutes for a 1.5-hour class
 - 20 minutes for a more than 1.5-hour class
3. A student is considered late or tardy if he arrives within the first:
 - 10 minutes for a 1.0-hour class
 - 15 minutes for a 1.5-hour class
 - 20 minutes for a 1.5-hour class
4. Three incidents of tardiness are equivalent to one unexcused absence.
5. If a faculty member is late, students may leave after:
 - 10 minutes for a 1.0-hour class
 - 15 minutes for a 1.5-hour class
 - 20 minutes for an over 1.5-hour class

Students may be marked absent by the teacher if they leave their class earlier than the prescribed time.

6. Students who incur absences in excess of 20% of the prescribed number of class hours will be given a failing grade, or Failure Due to Absences (FDA).¹
7. Students who are absent for three consecutive class periods in a particular subject shall be reported to the Student Affairs Office. In order to be admitted again to the class, they must first secure a re-admission slip from the said office.
8. Students are responsible to catch up for whatever lessons they missed during their absence.

D. Academic Load

1. **No Overload.** CHED does not allow students to enroll more than the prescribed units under the school's approved curricular offerings. However, graduating students may be allowed a maximum overload of nine units on their last academic semester / term.
2. **Subject Prerequisite.** Students shall take all subjects prescribed and sequentially arranged in the program curriculum and must not enroll in any subject until they have passed the prerequisite subjects, if any.
3. **Physical Education.** All students are required to complete four PE subjects of two units each as per CHED rules. PE 1, PE 2, PE 3, and PE 4 may be taken in any order but only one at a time. However, graduating students may be allowed to enroll in two PE subjects in a semester.
4. **National Service Training Program.** The NSTP Act of 2001 requires all Filipino male and female students in the undergraduate programs to take 6 units of NSTP courses. The school implements Civic Welfare Training Service 1 and 2, which should be completed during the freshmen year.
5. **Maximum Residency.** The maximum residency of a student at CLDHEI should not exceed 150% of the duration of the Academic program he is enrolled in. To wit:

Course	Allowable Duration
4-year course	6 years

¹ Sec. 73 of the Manual of Regulations for Private Schools (MPRS) provides that: "A student in a private school who incurs absences of more than 20% of prescribed number of class or laboratory periods for the term should be given a failing grade and no credit for the course or subject."

E. Adding, Dropping, or Changing of Subjects

1. Adding or dropping of subjects must always be done officially by accomplishing the required forms available at the Office of the Registrar.
2. The prescribed period for adding, changing, or dropping subjects is within two (2) weeks from the start of the semester.
3. A copy of the approved forms must be submitted to the Registrar's Office, Accounting Office, and Dean's Office.

F. Crediting and Validating of Units

Crediting and validating of units is done to ensure that subjects/courses previously taken are consistent with the existing approved Program Curriculum of the school.

This may apply to returning students when program curriculum on the year they last attended has been revised, modified, or replaced. Likewise, courses taken and passed by a transfer student from another institution may be credited subject to the following conditions:

1. The course description is the same and the number of units (Laboratory and Lecture) is equal or greater than the subject offered in CLDHEI.
2. The rules on sequence of subjects (prerequisite) in the curriculum shall be observed.
3. The student shall not be allowed to enroll in a subject the prerequisite of which, taken elsewhere, had not been passed.
4. Students who graduated in high school on or before June 2016 may enroll in HEIs as first year college students under the new higher education curricula. However, to ensure college readiness of the students enrolling under the new higher education curricula, the admitting HEIs may require bridging programs for the general education component (CMO No. 10, Series 2017, Category 2, p.1).
5. Students who stopped under the old higher education curricula may re-enroll subject to CLDHEI's admission policy and requirements.

G. Cross-Enrollment

Cross enrollment or enrolling the subject(s) in another school is not allowed.

H. Special Classes

Special classes are courses/subjects requested by students when it is not offered during a regular semester. The school does not grant requests for

special classes. The students shall wait for the semester when these course(s)/subjects are offered.

I. Late Registration / Enrollment

Late enrollment is admitting students after the regular enrollment period as defined in the CLDH-EI Academic Calendar.

The authorized staff in the Admission and Registration Office (ARO) and others concerned shall observe the following policies:

1. A student may enroll after the regular registration period specified in the approved school calendar, and be admitted in accordance with the reasonable rules of the institution for late enrollment, but in no case shall exceed two (2) weeks after the opening of classes, whereby, no further enrollment shall be allowed (MORPHE, Section 84, p. 62).
2. Application for late enrollment must be approved by the Registrar.
3. A student is deemed officially enrolled after admission/enrollment requirements are submitted, and initial payment of tuition and other fees are made (MORPHE, Section 84, p.62).
4. A student who does not enroll during the prescribed enrollment period for the designated **level** shall pay an Late Enrollment Administrative Charge, as follows:
 - Enrollment after the regular enrollment schedule – Php 500.00;
 - Enrollment within two weeks after the classes started – Php 1,000.00
5. It is the responsibility of the student (late enrollee) to catch up with the missed lessons. Lesson materials may be requested from the instructors.

J. Official Leave of Absence

Official Leave of Absence (OLA) refers to a period when a student could not enroll for one or two semesters but intends to return and reenroll in the Institution. The General Guidelines are the following:

1. A student who intends to request for OLA must fill out Form No. REG-F025.0 - Request for Official Leave of Absence. The School Registrar shall review and approve the request. The Student Affairs Office (SAO) Head and the Program Department Head must be copy furnished with the approved request.
2. The OLA may be granted under the following circumstances.
 - a. Before the enrollment period;
 - b. During the semester
 - 2b.1. The student must officially drop before applying for OLA

2b.2. Request for OLA is due to medical reasons (e.g. doctor's advice, pregnancy)

3. Approved OLA is only valid for two (2) academic terms. In cases when the student needs to extend the OLA, a request for extension must be applied subject to the approval of the Registrar.
4. The total duration of the OLA and the number of years enrolled must not exceed the maximum residency allowed for the program (Maximum Residency, Section 3.D.5).
5. The number of semesters a student is under OLA shall not be deducted from the maximum residency if CHED authorizes the program the student is enrolled in, and neither should it affect the computation of grades and residency if the student is graduating and a candidate for honors, e.g. cum laude, etc. (refer to CHED COVID Advisory 7, B4, p. 3).
6. A student who needs to go on leave beyond the maximum residency allowed for the program shall be advised to apply for an honorable dismissal.
7. A student returning from leave must undergo a Crediting and Validating of Units in cases when the Program Curriculum has been changed or modified during the student's leave/absence.
8. Students who are on OLA for more than four (4) semesters or two (2) academic years shall be denied readmission in the program; however, they may be encouraged to enroll in another program offered by the school subject to the policy in Crediting and Validating of Units (Maximum Residency, Section 3.D.5).

K. Major Exams

1. Preliminary, midterm, and final exams are the three (3) major exams during the regular semesters. During summer classes only midterm and final exams are given.
2. Denial of Final Examinations, Withholding of Grades, and Refusal to Re-enroll. No higher education institution shall deny final exams to a student who has outstanding financial or property obligations, including unpaid tuition and other school fees corresponding to the school term. However, the institution may withhold the final grades or may refuse re-enrollment of such student.
3. Students who miss a scheduled prelim or midterm exam may take the exam the following week upon presentation of an excuse slip from the

Student Affairs Office, otherwise a grade of 5.0 shall be given for that exam.

4. Students who miss the final exam will receive an INC mark and will be given one year from the end of the semester within which to take the final exam. If the student fails to take the final exam within that period, the INC mark will be changed into a failing grade.
5. Regular class schedule shall be observed during the Prelim or Midterm exams.

L. Grading and Rating Policy

1. Grading System

- a. The Class Standing is the sum of all quizzes, assignments, class reports, reactions, and other requirements.
- b. A cumulative grading system is followed using the given formulas:

$$\text{Prelim Grade} = \frac{(\text{CS} \times 2) + \text{Prelim Exam Rating}}{3}$$

$$\text{Midterm Grade} = \frac{\frac{(\text{CS} \times 2) + \text{Midterm Exam Rating}}{3} + \text{Prelim Grade}}{2}$$

$$\text{Final Grade} = \frac{\frac{(\text{CS} \times 2) + \text{Final Exam Rating}}{3} + \text{Midterm Grade}}{2}$$

- c. If a student shifts from one course to another or is a transferee, or a degree holder, the grades of the subjects taken in the previous program will be considered in the computation of the student’s general weighted average (GWA).
2. Rating System

Numerical Equivalent	Percentage Equivalent
1.00	98-100%
1.25	95-97%
1.50	92-94%
1.75	89-91%
2.00	86-88%
2.25	83-85%
2.50	80-82%
2.75	77-79%
3.00	75-76%

Numerical Equivalent

5.00

Percentage Equivalent

Below 75%

Remarks:

FDA	Failure Due to Absences
FDW	Failure Due to Withdrawal
INC	Incomplete
DRP	Dropped

NOTE: **FDW** dropping a subject after the prelim period
DRP dropping a subject within the prelim period

M. Retention Policy

1. A student enrolled in CLDHEI must:
 - a. Pass at least 75% of the total enrolled units per semester
 - b. Be under probation if he fails 25% of the total enrolled units per semester. That is, he is given a reduced load, equivalent to the number of units failed or closest to it.
 - c. Be given further reduced load if he does not pass all the subjects (under probation); or will be given full load in the succeeding semester if he passes the entire reduced load.
2. A 60% passing rate will be implemented in all forms of written and oral tests. This means that for a student to pass a quiz or a major exam, he must obtain at least 60% of the total items in order to obtain a grade of 75%.

N. Shifting to another Course

A student who shifts to another course is subject to the provisions in the Retention Policy. If qualified, he must:

1. Accomplish a Shifting Form available at the Registrar's Office.
2. Have the form signed by the parents/guardian, the former Dean, and Dean of the program that the student intends to shift to.
 - a. The student automatically becomes an irregular student;
 - b. Back subjects may be enrolled only when offered as a regular subject during the semester;
 - c. No special classes shall be opened for shifters;
 - d. Enrollment of advance subjects (for professional and pre-requisite subjects) and overloading of units for non-graduating students are not allowed.

O. Transfer Credentials

1. A student who desires to transfer to another school must secure transfer credentials from the Registrar's Office. (e.g., Honorable Dismissal)
2. The student must request for the official Transcript of Records (TOR). The TOR shall then be sent to the school where the student has transferred.
3. The school reserves the right to withhold the credentials of a student who has not yet fully settled his accountabilities with CLDHEI.

P. Tuition and Other Fees

1. Mode of Paying Tuition and other Fees
 - a. **Full Payment**, with a discount of 3% on tuition fee
 - b. **Installment Basis**

Upon enrollment	-	25% of the total amount to be paid
Before Prelim Exam	-	25% of the total amount to be paid
Before Midterm Exam	-	25% of the total amount to be paid
Before Final Exam	-	the remaining balance
 - c. All Miscellaneous Fees and a percentage of Other Charges are not refundable

2. Policies on Refund of Tuition

The following applies whether the student attended classes or not.

a. **Full Payment (cash basis)**

- 1) If a student officially withdraws before the start of classes, a refund of 100% of the tuition fee is allowed
- 2) If a student officially withdraws within the 1st week of classes in a regular semester (or the first two days, if summer class), he may refund 90% of the tuition fee he/she paid
- 3) If a student officially withdraws within the 2nd week of classes in a regular semester (or on the 3rd or 4th day, if summer class), he may refund 80% of the tuition fee
- 4) If a student officially withdraws after the 2nd week of classes (or after the 4th day, if summer classes), no refund will be given. However, if the transfer or withdrawal is due to a justifiable reason the student shall be charged the pertinent fees only up to, and including the last month of attendance.

b. Installment Basis

- 1) If a student officially withdraws before the start of classes, he may refund 70% of the tuition fee already paid
- 2) If a student officially withdraws within two weeks from the start of classes in a regular semester (or first 4 days in summer), he is not entitled to a refund. In addition, the student shall be charged for other school fees that are already due but not covered by the installment scheme.
- 3) If a student officially withdraws two weeks after the start of classes, no refund is allowed and the student may be charged with the full amount of tuition, miscellaneous, and other fees for the entire semester. However, if the transfer or withdrawal is due to a justifiable reason the student shall be charged the pertinent fees only up to, and including the last month of attendance.

NOTE: All Miscellaneous Fees and a Percentage of Other Charges are not refundable.

Q. Dean's List

A student whose General Weighted Average (GWA) is at least 1.25 or 95%, with no grade lower than 1.75 or 91% is qualified for inclusion in the Dean's List.

R. Scholarships

1. Academic

- a. Full Scholarship** is a privilege that entitles a student to 100% free tuition fee. This is granted to:
 - 1) Senior High School graduates with Highest Honors, and must be among the top 1 to 5 passers of the CLDH-EI Admission Evaluation.
 - 2) Students whose GWA is at least 1.0 or 98% with no grade lower than 1.25 or 96% in the preceding semester.
- b. Partial Scholarship** is a privilege that entitles student to a 50% discount in tuition fee. This is granted to:
 - 1) Students whose GWA is at least 1.25 or 95% with no grade lower than 1.75 or 91% in the previous semester

Academic Scholarship Policy and Procedure

- New freshmen applying for Full Scholarship must submit the following documents to the Student Affairs Office:
 - a. Accomplished Form No. SAO-F018.0 Application for Entrance Scholarship
 - b. Copy of Form 138 (original must be submitted to the ARO during enrolment)
 - c. Certification from the Basic Education Adviser or School Head of honor received
 - d. Notice from the ARO of the student's admission result (must be among the top 1-5 passers of the CLDH-EI Admission Evaluation)
- The full or partial scholarship is granted only to qualified students with full academic load in the semester.
- The full and partial academic scholarships are one-time scholarships awarded to students who have met the criteria/qualifications in a given semester. To illustrate:
 - a. A student who meets the requirements during the current semester shall be eligible for scholarship the next semester.
 - b. A student who is currently a scholar may not be eligible for the next semester's scholarship if he/she fails to maintain or meet the grade requirement for the current semester.

Eligibility in one semester does not guarantee continuous scholarship; it shall depend on the academic performance of the student in each semester.
- The request for the Computation of Grades for students in 2nd semester of 1st year and higher levels, and the Application for Academic Scholarship for all qualified students must be processed and approved before or within two weeks after the start of the semester the scholarship shall apply for; otherwise, the scholarship shall be forfeited.
- A scholar is expected to adhere to all school policies and regulations to keep the scholarship privilege for the semester. Suspension due to disciplinary reasons may immediately disqualify the student and terminate the scholarship.
- The gravity of the offense shall dictate the cleansing period as recommended by the Head of the Guidance Office. Generally, students who are suspended during the semester shall be disqualified to apply for scholarship in the following semester. Only

after the cleansing is served can a qualified student apply or re-apply for the academic scholarship.

- A qualified student who chooses to stop or rest from schooling the following semester/s must apply for an Official Leave of Absence (OLA). Failure to apply for OLA may forfeit the academic scholarship upon return.

2. Non-Academic

Student Assistance Program

This program primarily aims to assist deserving students thru free tuition for a maximum of 21 units during the regular semester. Each qualified student may be assigned to the Library, the Central Laboratory and/or any other department in need of assistance.

The Student Assistant must:

- a. be a bona fide student of CLDHEI
- b. be willing and able to work for 4 hours daily or 24 hours a week, as his schedule may allow
- c. neither have a failing grade nor dropped a subject during the previous semester

NOTE: In the event that a Student Assistant pre-terminates the agreement or fails to fulfill his obligation, he shall pay CLDHEI the amount of tuition corresponding to the unserved period.

3. Procedure for Application

- a. Secure a Student Assistance Application form at the Student Affairs Office (SAO)
- b. Fill-up the application form, attach a photocopy of grades and class schedule, and submit it to the SAO for evaluation
- c. If qualified, the student will be scheduled for an initial interview with the SAO and by the head of the requesting department.
- d. The student applicant will be formally notified of the result of his application within a period of one week from the final interview
- e. If accepted, the student assistant will be given an orientation by the SAO and the Department Head regarding his specific duties and responsibilities

Section 4. Graduation Policies

A. General Requirements

1. A student who has successfully completed all the curricular requirements of his course is eligible for graduation
2. A candidate must settle all his accountabilities with the school to enable him to join the commencement exercises

B. Academic Honors

1. A graduating student who has earned at least 75% of the degree requirements in the Institution and obtained the required academic average may qualify for any of the following:

Summa Cum Laude	A GWA of 95% to 100% or 1.25 to 1.0 with no grade lower than 91%
Magna Cum Laude	A GWA of 92% to 94.99% or 1.50 to 1.26 with no grade lower than 91%
Cum Laude	A GWA of 89% to 91.99% or 1.75 to 1.51 with no grade lower than 88%

2. In addition to the above requirements, a candidate must neither have a DROPPED nor an INC mark in any subject nor exceeded the regular number of semesters in the course.

C. Institutional Awards

1. **Dr. Constante D. Quirino Award for Excellence.** This is awarded to a graduating student who has:
 - a. A General Weighted Average (GWA) of at least 92% and no grade lower than 90%
 - b. Earned all the degree requirements at CLDHEI
 - c. No record of any misbehavior
 - d. Been an officer of any of the school's recognized organizations
 - e. Had dynamic participation and involvement in community service activities organized by the school (to be supported by documents)

2. **Leadership Award.** This is awarded to a graduating student who has:
 - a. A General Weighted Average (GWA) of at least 85% with no grade lower than 80%
 - b. Not incurred a failing grade in any of his subjects
 - c. Been an officer of the Supreme Student Council
 - d. Been active in co-curricular and extra-curricular programs and activities
3. **Loyalty Award.**
 - a. Graduate. This award is given to a candidate for graduation who has completely earned both his BSN and MSN degrees at CLDHEI.
 - b. Undergraduate. This award is also given to graduating students of any program who completed all the basic education levels (Grades 1 to 12) and baccalaureate degree in CLDHEI.

D. Departmental Awards

1. **Florence Nightingale Award** (Nursing). This is given to a graduating student who has:
 - a. A General Weighted Average (GWA) of at least 86% in RLE with no grade lower than 83%
 - b. Not incurred a failing grade in any subject
 - c. No dropped or incomplete grade in Related Learning Experience (RLE)
 - d. No record of tardiness, absence or any offense
2. **Best Intern** (Medical Technology, Radiologic Technology, Respiratory Therapy, and Physical Therapy). This is given to a graduating student who has:
 - a. A General Weighted Average (GWA) of at least 86% with no grade lower than 83% in all minor and major internships
 - b. Not incurred a failing grade in any subject
 - c. Topped the revalida or final exam in the internship training
 - d. Not violated any of the rules and regulations set by the school and the affiliation centers
3. **Bowl of Hygeia Award** (Pharmacy). This is given to a graduating student who has:
 - a. A General Weighted Average (GWA) of at least 86% or 2.0 with no grade lower than 83% or 2.25;
 - b. Not incurred a failing grade
 - c. No record of tardiness or more than two unexcused absences

- d. Topped the revalida or final exam in the internship training
- e. Not violated any of the rules and regulations of the school or affiliation centers

Section 5. Student Services

A. Dr. Constante D. Quirino Library

1. General Policies

- a. The “NO UNIFORM, NO ID, NO ENTRY” Policy must always be observed in the Dr. Quirino Library.
- b. Courtesy and respect shall be observed at all times. Users must comply with all rules and regulations in the use of the library
- c. A non-transferable library card is required to borrow library resources. Lost library cards must be reported immediately for replacement. Anyone who lost his/her library card must pay a corresponding fee.
- d. The students are allowed to use the non-print materials on a “First Come, First Served” basis.
- e. Encyclopedias, dictionaries, manuals, periodicals, and other similar references shall be used only inside the Learning Resource Center.
- f. A student or a faculty member who wishes to visit other libraries may request a referral letter from the Head of the Learning Resource Center.
- g. Eating (including chewing gum), drinking, sleeping, smoking, defacing library furniture, writing on the walls and tables, and other forms of misbehavior are prohibited .
- h. Bags, attaché cases, and/or knapsacks must be deposited at the baggage depository. Students must not leave any valuable items at the baggage depository.
- i. The Library Staff will not be responsible for any lost or stolen items at the baggage depository.
- j. Anyone caught marking, defacing, or mutilating books or any other library material will be made to pay for the material, or replace it with the most current edition.
- k. The Library Staff shall ensure that all the rules are observed. Violation of rules by users shall be reported to the SAO for proper documentation and disciplinary action.

2. Borrowing of Books, Returning, and Overnight Use

- a. A Library card will be issued to each borrower. The borrower shall fill up the library card before a book or material is released.
- b. Borrowing time is any time during the Library's regular hours of operation.
- c. A student may borrow a book for overnight use. This can be done from 1:00 pm – 5:00 pm, and should be returned the following day at any time between 8:00 am – 5:00 pm.
- d. A fine is imposed for overdue books.
- e. Any student or faculty with unreturned books or unpaid library dues will not be cleared by the LRC.
- f. Misplaced or lost books (whether intentional or unintentional) shall be replaced by the borrower via these options:
 - Pay the cost of the book and its corresponding processing fee
 - Lost or damaged books shall be replaced (this can be the same book or its latest edition, whichever is available) or pay for its current price and P300.00 processing fee
 - Lost or misplaced books must be paid or replaced within 15 days from the date it was reported.
 - Inform the library staff about the lost or damaged book to avoid accumulation of library fines

B. Guidance and Testing Office

The Guidance Office provides the following programs/services:

1. **Information.** A record of all pertinent information about each student's personal and family background as well as academic and career concerns is maintained for counseling and guidance purposes. All records are dealt with utmost confidentiality, and observance of the Data Privacy Act of 2012 is upheld.
2. **Counseling.** Individual, group, and career counselling sessions are offered to facilitate better self-understanding and proper adjustment to life. These sessions are confidential and are offered to students along with personal, social, and academic aspects.
3. **Consultation.** The Guidance Office coordinates with parents, administrators, faculty, colleagues, and specialists to get a wider view of the counselee's problems, needs, and concerns towards arriving at an appropriate solution.

4. **Psychological Assessment.** Intelligence, aptitude, interest, and personality tests are administered to help assess the student's strengths and weaknesses.
5. **Exit Interview** – This is conducted for students who wish to leave the school
6. **Career & Placement** – The part of Guidance Services wherein designated Guidance Counselors help direct students towards their course of interest and/or the course of their choice. One of the Career & Placement activities for graduating students is the PEOS (Pre-Employment Orientation Seminar) which provides students factual information about the world of work and other relevant information needed in search of employment, and to equip them with skills on how to apply for a job

C. Health Services

The Medical and Dental Clinic of the school offers free consultation to all bona fide students from Monday to Friday (8:00 am – 5:00 pm)

D. Food Services

Concessionaires are available inside the school campus, and they cater to the snacks and meals of the academic community.

E. Religious Services

A Catholic Chapel located at the ground floor of Building D is open for daily visits.

F. Release of requested Student Documents or Records

Requested documents are issued after 10 business days from the date of request.

Section 6. Student Organizations and Activities

A. Objectives

Students Organizations are established to:

1. Encourage student involvement in extra-curricular activities
2. Develop and enhance the abilities and talents of the students
3. Train students to become creative, responsible, and dynamic leaders
4. Enable the students to use their leisure time in worthwhile activities

B. Application for Membership

An application for a new student organization must be submitted to the Student Affairs Office within a semester, together with the following requirements:

1. Constitution and By-Laws
2. Names, addresses, courses, year levels, and signatures of all officers and at least 20 members
3. Letter of acceptance of the Faculty-Adviser nominated by the organization to the Student Affairs Office
4. Program of Activities for the entire school year

C. Recognized Student Organizations

1. **Supreme Student Council (SSC).** An umbrella organization of all department officers that aims to develop the leadership potential of students towards worthwhile endeavors and serves as a bridge between the administration and the entire student body.
2. **Departmental Organizations:**
 - a. The Nightingales (Nursing)
 - b. Physical Therapy Students Society
 - c. Laboratory Scientists Society
 - d. Respiratory Therapy Students Society
 - e. Student Radiographers Council
 - f. JPPhA Sigma Chapter – Pharmacy Student Society
 - g. Graduate School Organization
3. **Artists’ Guild.** An Association that aims to recognize and develop students, who are endowed with talents in dancing, acting, singing, and the visual arts.
4. **Campus Volunteers for Christ.** A fellowship of Christians whose goal is to nurture spirituality through various in-house and outreach programs.
5. **Red Cross Youth Council.** An organization established to help the Philippine National Red Cross carry out its humanitarian programs and activities.
6. **Rotaract Club.** A youth-oriented organization sponsored by the Rotary Club of Tarlac whose prime objective is to develop leadership and responsible citizenship through community service.

D. Student Publication

School Organ

- a. **Exordium** is the official student publication with Aurora as the literary folio.

- b. The Editorial Board is selected through competitive written exams conducted and supervised by the Exordium Adviser and one English Instructor.
- c. The Publication Adviser is appointed by the school administration from a list of nominees submitted by the Editorial Board.

E. School Activities

1. In-Campus

- a. CLDHEI Foundation Day is celebrated annually during the month of September simultaneously with the college Intramurals.
- b. Teachers' Day is observed on the first working Friday of October.
- c. Each department celebrates its College Day (or week) once a year.

2. Off-Campus

- a. These include conferences, seminars, fieldtrips, and other activities approved by the President upon recommendation of the Department Head and the VP for Tertiary and Basic Education.
- b. A waiver signed by the student and his parent or guardian must be submitted to the SAO and Department Head before a student may be allowed to join the off-campus activity.

F. Guidelines on Extra- or Co-Curricular Activities

Guidelines to be followed when students engage in extra- or co-curricular activities inside the school:

1. The school stands firm in its position that students must give priority to their classes. They may be allowed to engage in extra- or co-curricular activities only if their class activities are not adversely affected.
2. The office or department initiating the activity should screen the students who will participate by taking into consideration their attendance records. Students who have incurred failing grades or have a record of irregular attendance should not be considered. The Dean or Department Head is in charge of co-curricular activities while the SAO takes charge of the extra-curricular activities. Community service activities must always be referred to the Community Service Coordinator.
3. The participation of students in activities held outside the school always requires prior approval of the President. Likewise, the written consent or waiver of the parents or guardian must be secured; otherwise, the absences incurred by the students are **"Unexcused"**.
4. The above arrangement notwithstanding, the students concerned are still responsible to catch up or undertake make-up activities for class work, exams, or class requirements missed. Absences incurred should still be recorded as **"Excused Absences"** for reference purposes.

5. The Department Head concerned shall be responsible for the proper coordination with the other offices or departments in order to facilitate the processing of requirements relative to such activity.
6. Official activities must be properly documented and all pertinent records shall be kept in the office of the department/office head.
7. Students with academic deficiencies are advised to focus on their classes.

Section 7. Student Code of Conduct and Discipline

A. School Uniforms/Dress Code

1. The prescribed school uniform with the ID should be worn properly at all times. Students who are not in uniform and without ID shall be denied entry to the school campus

NOTE: The nameplate is not a substitute for the school ID. It should be worn only in the clinical area.

2. Students must wear closed black leather shoes unless college requirements require another color, material, or other specifications.
3. Male Students should wear white undershirt, while female students should wear undergarments.
4. Students should wear their PE uniform only during PE classes. Scrub suits must be worn only while performing community work or during clinical duty.
5. Students should wear their wash day shirt only during Fridays.
6. Wearing the uniform in any unofficial activity is strictly prohibited

NOTE: A student who loses his School ID must submit an Affidavit of Loss to the Student Affairs Office in order to have a replacement ID (after payment of required fee).

B. Respect for Authorities, Personnel, Fellow Students and Others

Students must respect the School Administration, Faculty and Staff, and other school personnel, including the security guards and housekeeping staff.

C. Student Discipline

The institution recognizes the student's need for discipline in order to maintain peace and order inside and outside the school premises. To achieve this, rules and regulations are set and any student who fails to comply may be subject to disciplinary action.

Class A Offenses:

1. Failure to wear the prescribed uniform and valid ID while inside the campus.
2. Failure to present the ID when requested by school official authorities, faculty, personnel or guard on duty

Sanctions:

- 1st Offense - written reprimand with confiscation of ID and community service for 2 hours
- 2nd Offense - confiscation of ID and fine of P50.00
- 3rd Offense - confiscation of ID and fine of P100.00
- 4th Offense - notification of parents and render community service for 4 hours
- 5th Offense - suspension for three (3) days
- 6th Offense - suspension for four (4) days
- 7th Offense - suspension for five (5) days
- 8th Offense - dismissal

Class B Offenses

1. Littering and loitering within the campus.
2. Eating and sleeping inside the classroom, laboratory, and library at any time.
3. Act of bribery such as, but not limited to, giving money or token of any kind to any school employee in order to obtain a favor or benefit.

Sanction:

- 1st Offense - suspension for three (3) days
- 2nd Offense - suspension for four (4) days
- 3rd Offense - suspension for five (5) days
- 4th Offense - dismissal

Class C Offenses

1. Vandalism or destruction of property belonging to the school, any member of the faculty, non-teaching staff, fellow student, or visitor.
2. Physically assaulting or encouraging to assault any person within the school premises.
3. Smoking, selling, or bringing cigarettes within school premises (R.A. 9211 or The Tobacco Regulation Act of 2003), and/or during online class.

4. Preventing, especially by threatening—regardless how it was delivered, school authorities, faculty members and students from discharging their duties, or from attending classes, or entering the school premises.
5. Immorality such as, but not limited to, having an illicit relationship, possession of pornographic materials, and other similar acts.
6. Dishonesty such as, but not limited to, cheating during exams, quizzes, or in written reports, and/or plagiarizing of term papers and thesis.
7. Forging or tampering of school records, documents, forms and medical certificates.
8. Showing disrespect or any abusive behavior or speech towards school officials, faculty members, non-teaching staff, guards, visitors, and fellow students.
9. Planning and participating in activities which involve the name of the school without prior approval from the school authorities.
10. Stealing whether attempted or consummated.
11. Unauthorized collection of fees or solicitations.
12. Gambling in any form within the school premises.
13. Deliberate disruption of an academic function of school activity which tends to create disorder, breach of peace, or causes serious disturbance.
14. Any form of student misconduct whether committed within or outside the school premises which directly or indirectly affects the name of the school.
15. Willful violation of established policies and regulations.

Sanction:

- | | | |
|-------------------------|---|--|
| 1 st Offense | - | suspension for four days (with reimbursement, in cases that involve/result in the destruction of property) |
| 2 nd Offense | - | suspension for five days |
| 3 rd Offense | - | dismissal |

Class D Offenses:

1. Hazing in any form.
2. Acts of subversion or insurgency.
3. Illegal possession of prohibited drugs or alcoholic beverages or entering the school in a state of intoxication.
4. Carrying deadly weapons; bringing explosives within the school premises.

Sanction:

1st Offense - dismissal

D. Procedural Due Process

1. The student shall be given written notice of the nature and cause of any offense, including the evidence/s.
2. The student will be given reasonable time to answer the charges against him to present evidence in his behalf.
3. The Disciplinary Committee of the school shall conduct the necessary verification and investigation of any offense. It shall ensure that its decision in serving sanctions are based on sound and impartial decisions. All cases are dealt with confidentiality and observance of the Data Privacy Act of 2012 is upheld.
4. The Disciplinary Committee reserves the right to exercise its prerogative in recommending a stiffer or higher penalty or sanction, beyond the number of suspension days declared in this handbook, depending on the outcome and circumstances of the incident, as the case may be.

E. CHED Referrals on Suspension and Dismissal

All records involving dismissal and suspension of students for a period exceeding 20% of the prescribed school days shall be forwarded to the CHED within 10 days after the disciplinary Committee has conducted its investigation. The School Head's recommendation regarding the case is also attached. A student under investigation shall be allowed to remain in school and attend classes without prejudice to the immediate imposition in proper cases of penalties. All Decisions involving the dropping of a student together with all related papers shall be kept for a period of one year.

F. Readmission of Honorably Dismissed Students

Students issued with Honorable Dismissal and other transfer credentials may be re-admitted to CLDHEI, only if:

- a. They are not enrolled in another HEI for a term/semester;
- b. They have not been subject to any disciplinary action during his last enrolment at CLDHEI
- c. They have passed at least 75% of the total units enrolled in, in the other school
- d. They are recommended for re-admission by the head of the Department and SAO

APPENDIX A - NSTP Law

{REPUBLIC ACT NO. 9163}

AN ACT ESTABLISHING THE NATIONAL SERVICE TRAINING PROGRAM (NSTP) FOR THE TERTIARY LEVEL STUDENTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7077 AND PRESIDENTIAL DECREE NO. 1706, AND FOR OTHER PURPOSES.

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

Section 1. Short Title – This Act shall be known as the “National Service Training Program (NSTP) Act of 2001”.

Section 2. Declaration of Policy– It is hereby affirmed the prime duty of the government to serve and protect its citizens. In turn, it shall be the responsibility of all citizens to defend the security of the State and in fulfilment thereof, the government may require each citizen to render personal, military or civil service.

Recognizing the youth’s vital role in nation-building, the State shall promote civic consciousness among the youth and shall develop their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism, and advance their involvement in public and civic affairs.

In pursuit of these goals, the youth, the most valuable resource of the nation, shall be motivated, trained, organized and mobilized in military training, literacy, civic welfare and other similar endeavors in the service of the nation.

Section 3. Definition of Terms – For purposes of this Act, the following are hereby defined as follows:

- a) **“National Service Training Program (NSTP)”** is a program aimed at enhancing civic consciousness and defense preparedness in the youth by developing the ethics of service and patriotism while undergoing training in any of its three (3) program components. Its various components are especially designed to enhance the youth’s active contribution to the general welfare.

- b) **“Reserve-Officers’ Training Corps (ROTC)”** is a program institutionalized under Section 38 and 39 of Republic Act No. 7077 designed to provide military training to tertiary level students in order to motivate, train, organize and mobilize them for national defense preparedness.
- c) **“Literacy Training Service (LTS)”** is a program designed to train students to become teachers of literacy and numeracy skills to school children, out of school youth, and other segments of society in need of their service.
- d) **“Civic Welfare Training Service (CWTS)”** refers to programs or activities contributory to the general welfare and the betterment of life for the members of the community or the enhancement of its facilities, especially those devoted to improving health, education, environment, entrepreneurship, safety, recreation and morals of the citizenry.
- e) **“Program Component”** shall refer to the service components of the NSTP as enumerated in Section 4 of this Act.

Section 4. Establishment of the National Service Training Program. - There is hereby established a National Service Training Program (NSTP), which shall form part of the curricula of all baccalaureate degree courses and of at least two (2)-year technical-vocational courses and is a requisite for graduation, consisting of the following service components:

- (1) The Reserve Officers’ Training Corps (ROTC), which is hereby made optional and voluntary upon the effectivity of this Act;
- (2) The Literacy Training Service; and
- (3) The Civic Welfare Training Service.

The ROTC under NSTP shall instill patriotism, moral virtues, respect for rights of civilians, and adherence to the Constitution, among others. Citizenship training shall be given emphasis in all three (3) program components.

The Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA), in consultation with the Department of National Defense (DND), Philippine Association of State Universities and Colleges (PASUC), Coordinating Council of Private Educational Associations of the Philippines (COCOPEA) and other concerned government agencies may design and implement such other program

components as may be necessary in consonance with the provisions of this Act.

Section 5. Coverage. Students, male and female, of any baccalaureate degree course or at least two (2) year technical-vocational courses in public and private educational institutions shall be required to complete one (1) of the NSTP components as requisite for graduation.

Section 6. Duration and Equivalent Course Unit. Each of the aforementioned NSTP program components shall be undertaken for an academic period of two (2) semesters.

In lieu of the two (2) semester program for any of the components of the NSTP, a one (1) summer program may be designed, formulated and adopted by the DND, CHED and TESDA.

Section 7. NSTP Offering in Higher and Technical-Vocational Educational Institutions. All higher and technical-vocational institutions, public and private, must offer at least one of the program components: Provided, That State universities and colleges shall offer the ROTC component and at least one other component as provided herein: Provided, further, That private higher and technical-vocational education institutions may also offer the ROTC if they have at least three hundred and fifty (350) cadet students.

In offering the NSTP whether during the semestral or summer periods, clustering of affected students from different educational institutions may be done, taking into account logistics, branch of service and geographical considerations. Schools that do not meet the required number of students to maintain the optional ROTC and any of the NSTP components shall allow their students to cross-enroll to other schools irrespective of whether or not the NSTP components in said schools are being administered by the same or another branch of service of the Armed Forces of the Philippines (AFP), CHED and TESDA to which schools are identified.

Section 8. Fees and Incentives. Higher and technical-vocational institutions shall not collect any fee for any of the NSTP components except basic institution fees, which shall not be more than fifty percent (50%) of what is currently charged by schools per unit.

In the case of the ROTC, the DND shall formulate and adopt a program of assistance and/or incentive to those students who will take the said component.

The school authorities concerned, the CHED and TESDA shall ensure that group insurance for health and accident shall be provided for students enrolled in any of the NSTP components.

Section 9. Scholarships. There is hereby created Special Scholarship Program for qualified students taking the NSTP which shall be administered by the CHED and TESDA. Funds for this purpose shall be included in the annual regular appropriations of the CHED and TESDA.

Section 10. Management of the NSTP Components. The school authorities shall exercise academic and administrative supervision over the design, formulation, and adoption and implementation of the different NSTP components in their respective schools: Provided, That in case a CHED- or TESDA-accredited non-government organization (NGO) has been contracted to formulate and administer a training module for any of the NSTP components, such academic and administrative supervision shall be exercised jointly with that accredited NGO: Provided, further, That such training module shall be accredited by the CHED and TESDA.

The CHED and TESDA regional offices shall oversee and monitor the implementation of the NSTP under their jurisdiction to determine if the trainings are being conducted in consonance with the objectives of this Act. Periodic reports shall be submitted to the CHED, TESDA and DND in this regard.

Section 11. Creation of the National Service Reserve Corps. - There is hereby created a National Service Reserve Corps, to be composed of the graduates of the non-ROTC components. Members of this Corps may be tapped by the State for literacy and civic welfare activities through the joint effort of the DND, CHED, and TESDA.

Graduates of the ROTC shall form part of the Citizens' Armed Forces, pursuant to Republic Act No. 7077.

Section 12. Implementing Rules. - The DND, CHED and TESDA shall have the joint responsibility for the adoption of the implementing rules of this Act within sixty (60) days from the approval of this Act.

These three (3) agencies shall consult with other concerned government agencies, the PASUC and COCOPEA, NGOs and recognized student organizations in drafting the implementing rules.

The implementing rules shall include guidelines for the adoption of the appropriate curriculum for each of the NSTP components as well as for the accreditation of the same.

Section 13. Transitory Provisions. - Students who have yet to complete the Basic ROTC, except those falling under Section 14 of this Act, may either continue in the program component they are currently enrolled or shift to any of the other program components of their choice: Provided, That in case he shifts to another program component, the Basic ROTC courses he has completed shall be counted for the purpose of completing the NSTP requirement: Provided, further, That once he has shifted to another program component, he shall complete the NSTP in that component.

Section 14. Suspension of ROTC Requirement. - The completion of ROTC training as a requisite for graduation is hereby set aside for those students who despite completing all their academic units as of the effectivity of this Act have not been allowed to graduate.

Section 15. Separability Clause. - If any section or provision of this Act shall be declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

Section 16. Amendatory Clause. - Section 35 Commonwealth Act. No. 1 Executive Order No. 207 of 1939, Sections 2 and 3 of Presidential Decree No. 1706, and Sections 38 and 39 of the Republic Act No. 7077, as well as all laws, decrees, orders, rules and regulations and other issuances inconsistent with the provisions of this Act are hereby deemed amended and modified accordingly.

Section 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of nation circulation, but the implementation of this Act shall commence in the school year of 2002 – 2003.

Approved:

(SGD.) FRANKLIN M. DRILON
President of the Senate

(SGD.) JOSE DE VENENCIA
*Speaker of the House of
Representatives*

This Act which is a consolidation of H.B. No. 3593 and S.B. No. 1824 was finally passed by the Senate and the House of Representatives on December 19, 2001.

(SGD.) OSCAR G. YABES

(SGD.) ROBERTO P. NAZARENO

Secretary of the Senate

*Secretary General
House of Representatives*

Approved: January 23, 2002

(SGD.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/2002/01/23/republic-act-no-9163/>

**APPENDIX B
COMPREHENSIVE DANGEROUS DRUG ACT OF 2002
(R.A. 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

Article 2 – 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 (₱500,000) to Ten million pesos (₱10,000,000) 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 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 (₱100,000) to Five hundred thousand pesos (₱500,000) 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 chemicals 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.

Article 2 – Section 11

Possession of Dangerous Drugs

- The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (₱500,000) to Ten million pesos (₱10,000,000) 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) 10 grams or more of opium;
 - (2) 10 grams or more of morphine;
 - (3) 10 grams or more of heroine;
 - (4) 10 grams or more of cocaine or cocaine hydrochloride;
 - (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
 - (6) 10 grams or more of marijuana resin or marijuana resin oil;

- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymetamphetamine (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 a 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 (1) 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 value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five hundred (500) grams of marijuana; and
 - (3) Imprisonment of twelve (12) years and one (1) 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.

Article 2 – Section 12

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

The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (₱10,000) to Fifty thousand pesos (₱50,000) 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.

Article 2 – 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.

Article 2 – 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/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1)

day to twelve (12) years and a fine ranging from Fifty thousand pesos (₱50,000) to Two hundred thousand pesos (₱200,000): Provided, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

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 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:

- a) Adverse effects of the abuse and misuse of dangerous drugs on the person, the family, the school and the community;
- b) Preventive measures against drug abuse;
- c) Health, socio-cultural, psychological, legal and economic dimensions and implications of the drug problem;
- d) 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; and
- e) 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 drugs dependents in order to avoid confusion and accidental stigmatization in the consciousness of students.

Section 44. Heads, Supervisors and Teachers of Schools – For the purpose of enforcing the provisions of Article II of this Act, all school heads, supervisors and teachers shall be deemed persons in the 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 of Court. They shall be deemed persons in the 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 or 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 so 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.

Article VIII – PROGRAM FOR TREATMENT AND REHABILITATION OF DRUG DEPENDENTS

Section 54 – Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation

A drug dependent or any person who violates Section 15 of this Act may, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, apply to the Board or its duly recognized representative, for treatment and rehabilitation of the drug dependency. Upon such application, the Board shall bring forth the matter to the Court which shall order that the applicant be examined for drug dependency. If the examination by a DOH-accredited physician results in the issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: Provided, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to his/her family or the community.

Confinement in a Center for treatment and rehabilitation shall not exceed one (1) year, after which time the Court, as well as the Board, shall be apprised by the head of the treatment and rehabilitation center of the status of said drug dependent and determine whether further confinement will be for the welfare of the drug dependent and his/her family or the community.

Article VIII – Section 55

Exemption from Criminal Liability under the Voluntary Submission Program

A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this Act subject to the following conditions:

(1) He/she has complied with the rules and regulations of the Center, the applicable rules and regulations of the Board, including the after-care and follow-up program for at least eighteen (18) months following temporary discharge from confinement in the Center or, in the case of a dependent placed under the care of the DOH-accredited physician, the after-care program and follow-up schedule formulated by the DSWD and approved by the Board: Provided, That capability-building of local government social workers shall be undertaken by the DSWD;

(2) He/she has never been charged or convicted of any offense punishable under this Act, the Dangerous Drugs Act of 1972 or Republic Act No. 6425, as amended; the Revised Penal Code, as amended; or any special penal laws;

(3) He/she has no record of escape from a Center: Provided, That had he/she escaped, he/she surrendered by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, within one (1) week from the date of the said escape; and

(4) He/she poses no serious danger to himself/herself, his/her family or the community by his/her exemption from criminal liability.

Article VIII – Section 56

Temporary Release from the Center, After-Care and Follow-up Treatment under the Voluntary Submission Program

Upon certification of the Center that the drug dependent within the voluntary submission program may be temporarily released, the Court shall order his/her release on condition that said drug dependent shall report to the DOH for after-care and follow-up treatment, including urine testing, for a period not exceeding eighteen (18) months under such terms and conditions that the Court may impose.

If during the period of after-care and follow-up, the drug dependent is certified to be rehabilitated, he/she may be discharged by the Court, subject to the

provisions of Section 55 of this Act, without prejudice to the outcome of any pending case filed in court.

However, should the DOH find that during the initial after-care and follow-up program of eighteen (18) months, the drug dependent requires further treatment and rehabilitation in the Center, he/she shall be recommitted to the Center for confinement. Thereafter, he/she may again be certified for temporary release and ordered released for another after-care and follow-up program pursuant to this Section.

SEC. 72. Liability of a Person Who Violates the Confidentiality of Records. — The penalty of imprisonment ranging from six (6) months and one (1) day to six (6) years and a fine ranging from One thousand pesos (P1,000.00) to Six thousand pesos (P6,000.00), shall be imposed upon any person who, having official custody of or access to the confidential records of any drug dependent under voluntary submission programs, or anyone who, having gained possession of said records, whether lawfully or not, reveals their content to any person other than those charged with the prosecution of the offenses under this Act and its implementation. The maximum penalty shall be imposed, in addition to absolute perpetual disqualification from any public office, when the offender is a government official or employee. Should the records be used for unlawful purposes, such as blackmail of the drug dependent or the members of his/her family, the penalty imposed for the crime of violation of confidentiality shall be in addition to whatever crime he/she may be convicted of.

SEC. 73. Liability of a Parent, Spouse or Guardian Who Refuses to Cooperate with the Board or any Concerned Agency. — Any parent, spouse or guardian who, without valid reason, refuses to cooperate with the Board or any concerned agency in the treatment and rehabilitation of a drug dependent who is a minor, or in any manner, prevents or delays the after-care, follow-up or other programs for the welfare of the accused drug dependent, whether under voluntary submission program or compulsory submission program, may be cited for contempt by the court.

Approved,

(Sgd.) JOSE DE VENECIA, JR.
*Speaker of the House
of Representative*

(Sgd.) FRANKLIN M. DRILON
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1858 and House Bill No. 4433 was finally passed by the Senate and the House of Representatives on May 30, 2002 and May 29, 2002, respectively.

(Sgd.) ROBERTO P. NAZARENO
Secretary General
House of Representatives

(Sgd.) OSCAR G. YABES
Secretary of the Senate

Approved: JUN 07 2002

(Sgd.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

Only the applicable sections have been included in this text, for complete reference, visit:

<https://www.officialgazette.gov.ph/2002/06/07/republic-act-no-9165/>

https://www.lawphil.net/statutes/repacts/ra2002/ra_9165_2002.html

APPENDIX C - Anti-Sexual Harassment Act

Republic Act 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 are 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, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, 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 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 passing grade or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; 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 the 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 procedures 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.
- (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 institutions, the committee shall be composed of one (1) representative from the administration, the trainers, teachers, 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 solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training enrichment 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 thereon.

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 (₱10,000.00) nor more than Twenty-Thousand Pesos (₱20,000.00), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provision of this Act shall prescribe in three (3) years.

Section 8. Separability Clause. If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

Section 9. Repealing Clause. All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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,

EDGARDO J. ANGARA
President of Senate

JOSE DE VENECIA, JR.
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill NO. 9425 and Senate Bill 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

EDGARDO E. TUMANGAN
Secretary of the Senate

CAMILO L. SABIO
*Secretary General
House of Representatives*

Approved: Feb 14, 1995

FIDEL V. RAMOS
President of the Philippines

Reference:

[http://hrlibrary.umn.edu/research/Philippines/RA%207877%20-%20Anti Sexual%20Harassment%20Law.pdf](http://hrlibrary.umn.edu/research/Philippines/RA%207877%20-%20Anti%20Sexual%20Harassment%20Law.pdf)

APPENDIX D

Violence Against Women and Children

R.A. 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”.

SECTION 2. *Declaration of Policy.*- It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.

SECTION 3. *Definition of Terms.*- As used in this Act,

(a) “*Violence against women and their children*” refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

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.

C. *“Psychological violence”* refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

D. *“Economic abuse”* refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
3. destroying household property;
4. controlling the victims' own money or properties or solely controlling the conjugal money or properties.

(b) *“Battery”* refers to an act of inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.

(c) *“Battered Woman Syndrome”* refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.

(d) *“Stalking”* refers to an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.

(e) *“Dating relationship”* refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.

(f) *“Sexual relations”* refers to a single sexual act which may or may not result in the bearing of a common child.

(g) *“Safe place or shelter”* refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of this Act or any other suitable place the resident of which is willing temporarily to receive the victim.

(h) *“Children”* refers to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.

SECTION 4. Construction. - This Act shall be liberally construed to promote the protection and safety of victims of violence against women and their children.

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.

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.

(b) Acts falling under Section 5(c) and 5(d) shall be punished by arresto mayor;

(c) Acts falling under Section 5(e) shall be punished by prison correccional;

(d) Acts falling under Section 5(f) shall be punished by arresto mayor;

(e) Acts falling under Section 5(g) shall be punished by prison mayor;

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by prison mayor.

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.

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.

SECTION 7. Venue.- The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children under this law. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the compliant.

SECTION 8. Protection Orders.- A protection order is an order issued under this act for the purpose of preventing further acts of violence against a woman or her child specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim’s daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

- (a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 5 of this Act;
- (b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;
- (c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent has gathered his things and escort respondent from the residence;
- (d) Directing the respondent to stay away from petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;
- (e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner’s or respondent’s removal of personal belongings;

(f) Granting a temporary or permanent custody of a child/children to the petitioner;

(g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

(h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;

(j) Directing the DSWD or any appropriate agency to provide petitioner may need; and

(k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief.

Any of the reliefs provided under this section shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage.

The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

SECTION 9. *Who may file Petition for Protection Orders.* – A petition for protection order may be filed by any of the following:

- (a) the offended party;
- (b) parents or guardians of the offended party;
- (c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- (d) officers or social workers of the DSWD or social workers of local government units (LGUs);
- (e) police officers, preferably those in charge of women and children’s desks;
- (f) *Punong Barangay* or *Barangay Kagawad*;
- (g) lawyer, counselor, therapist or healthcare provider of the petitioner;
- (h) At least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

SECTION 10. *Where to Apply for a Protection Order.* – Applications for BPOs shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the petitioner: Provided, however, That if a family court exists in the place of residence of the petitioner, the application shall be filed with that court.

SECTION 11. *How to Apply for a Protection Order.* – The application for a protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as incidental relief in any civil or criminal case the subject matter or issues thereof partakes of a violence as described in this Act. A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate applications for protections order, and shall contain, among other, the following information:

- (a) names and addresses of petitioner and respondent;
- (b) description of relationships between petitioner and respondent;
- (c) a statement of the circumstances of the abuse;

(d) description of the reliefs requested by petitioner as specified in Section 8 herein;

(e) request for counsel and reasons for such;

(f) request for waiver of application fees until hearing; and

(g) an attestation that there is no pending application for a protection order in another court.

If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to (a) the circumstances of the abuse suffered by the victim and (b) the circumstances of consent given by the victim for the filing of the application. When disclosure of the address of the victim will pose danger to her life, it shall be so stated in the application. In such a case, the applicant shall attest that the victim is residing in the municipality or city over which court has territorial jurisdiction, and shall provide a mailing address for purpose of service processing.

An application for protection order filed with a court shall be considered an application for both a TPO and PPO.

Barangay officials and court personnel shall assist applicants in the preparation of the application. Law enforcement agents shall also extend assistance in the application for protection orders in cases brought to their attention.

SECTION 12. *Enforceability of Protection Orders.* – All TPOs and PPOs issued under this Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

SECTION 13. *Legal Representation of Petitioners for Protection Order.* – If the woman or her child requests in the applications for a protection order for the appointment of counsel because of lack of economic means to hire a counsel de parte, the court shall immediately direct the Public Attorney’s Office (PAO) to represent the petitioner in the hearing on the application. If the PAO determines that the applicant can afford to hire the services of a counsel de parte, it shall facilitate the legal representation of the petitioner by a counsel de parte. The lack of access to family or conjugal resources by the applicant, such as when the same are controlled by the perpetrator, shall qualify the petitioner to legal representation by the PAO.

However, a private counsel offering free legal service is not barred from representing the petitioner.

SECTION 14. *Barangay Protection Orders (BPOs); Who May Issue and How.*

– Barangay Protection Orders (BPOs) refer to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under Section 5 (a) and (b) of this Act. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay Kagawad*. If the BPO is issued by a *Barangay Kagawad* the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay or Barangay Kagawad* shall personally serve a copy of the same on the respondent, or direct any barangay official to effect is personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the *Punong Barangay*.

SECTION 15. *Temporary Protection Orders.* – Temporary Protection Orders

(TPOs) refers to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

SECTION 16. *Permanent Protection Orders.* – Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing.

Respondents non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondents appear without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow *ex parte* presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any

history of abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the applicant is made.

The court shall, to the extent possible, conduct the hearing on the merits of the issuance of a PPO in one (1) day. Where the court is unable to conduct the hearing within one (1) day and the TPO issued is due to expire, the court shall continuously extend or renew the TPO for a period of thirty (30) days at each particular time until final judgment is issued. The extended or renewed TPO may be modified by the court as may be necessary or applicable to address the needs of the applicant.

The court may grant any, some or all of the reliefs specified in Section 8 hereof in a PPO. A PPO shall be effective until revoked by a court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO on respondent.

The court shall not deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application.

Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

SECTION 17. *Notice of Sanction in Protection Orders.* – The following statement must be printed in bold-faced type or in capital letters on the protection order issued by the *Punong Barangay* or court:

“VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW.”

SECTION 18. *Mandatory Period for Acting on Applications for Protection Orders* – Failure to act on an application for a protection order within the reglementary period specified in the previous section without justifiable cause shall render the official or judge administratively liable.

SECTION 19. *Legal Separation Cases.* – In cases of legal separation, where violence as specified in this Act is alleged, Article 58 of the Family Code shall not apply. The court shall proceed on the main case and other incidents of the case as soon as possible. The hearing on any application for a protection order filed by the petitioner must be conducted within the mandatory period specified in this Act.

SECTION 20. *Priority of Application for a Protection Order.* – Ex parte and adversarial hearings to determine the basis of applications for a protection order under this Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

SECTION 21. *Violation of Protection Orders.* – A complaint for a violation of a BPO issued under this Act must be filed directly with any municipal trial court, metropolitan trial court, or municipal circuit trial court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A judgement of violation of a BPO may be appealed according to the Rules of Court. During trial and upon judgment, the trial court may motu proprio issue a protection order as it deems necessary without need of an application.

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

SECTION 22. *Applicability of Protection Orders to Criminal Cases.* – The foregoing provisions on protection orders shall be applicable in impliedly instituted with the criminal actions involving violence against women and their children.

SECTION 23. *Bond to Keep the Peace.* – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

Should the respondent fail to give the bond as required, he shall be detained for a period which shall in no case exceed six (6) months, if he shall have been prosecuted for acts punishable under Section 5(a) to 5(f) and not exceeding thirty (30) days, if for acts punishable under Section 5(g) to 5(l).

The protection orders referred to in this section are the TPOs and the PPOs issued only by the courts.

SECTION 24. *Prescriptive Period.* – Acts falling under Sections 5(a) to 5(f) shall prescribe in twenty (20) years. Acts falling under Sections 5(g) to 5(l) shall prescribe in ten (10) years.

SECTION 25. *Public Crime.* – Violence against women and their children shall be considered a public offense which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

SECTION 26. *Battered Woman Syndrome as a Defense.* – Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

In the determination of the state of mind of the woman who was suffering from battered woman syndrome at the time of the commission of the crime, the courts shall be assisted by expert psychiatrists/ psychologists.

SECTION 27. *Prohibited Defense.* – Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under this Act.

SECTION 28. *Custody of children.* – The woman victim of violence shall be entitled to the custody and support of her child/children. Children below seven (7) years old older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

A victim who is suffering from battered woman syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the perpetrator of a woman who is suffering from Battered woman syndrome.

SECTION 29. *Duties of Prosecutors/Court Personnel.* – Prosecutors and court personnel should observe the following duties when dealing with victims under this Act:

a) communicate with the victim in a language understood by the woman or her child; and

b) inform the victim of her/his rights including legal remedies available and procedure, and privileges for indigent litigants.

SECTION 30. Duties of Barangay Officials and Law Enforcers. – Barangay officials and law enforcers shall have the following duties:

- (a) respond immediately to a call for help or request for assistance or protection of the victim by entering the necessary whether or not a protection order has been issued and ensure the safety of the victim/s;
- (b) confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- (c) transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;
- (d) assist the victim in removing personal belongs from the house;
- (e) assist the barangay officials and other government officers and employees who respond to a call for help;
- (f) ensure the enforcement of the Protection Orders issued by the *Punong Barangay* or the courts;
- (g) arrest the suspected perpetrator without a warrant when any of the acts of violence defined by this Act is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this Act; and
- (h) immediately report the call for assessment or assistance of the DSWD, social Welfare Department of LGUs or accredited non-government organizations (NGOs).

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten Thousand Pesos (P10,000.00) or whenever applicable criminal, civil or administrative liability.

SECTION 31. Healthcare Provider Response to Abuse – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

- (a) properly document any of the victim’s physical, emotional or psychological injuries;

(b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;

(c) automatically provide the victim free of charge a medical certificate concerning the examination or visit;

(d) safeguard the records and make them available to the victim upon request at actual cost; and

(e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

SECTION 32. *Duties of Other Government Agencies and LGUs* – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGU's to ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children under the Act.

SECTION 33. *Prohibited Acts.* – A *Punong Barangay, Barangay Kagawad* or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence he applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

Failure to comply with this Section shall render the official or judge administratively liable.

SECTION 34. *Persons Intervening Exempt from Liability.* – In every case of violence against women and their children as herein defined, any person, private individual or police authority or barangay official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal, civil or administrative liability resulting therefrom.

SECTION 35. *Rights of Victims.* – In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

- (a) to be treated with respect and dignity;
- (b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;
- (c) To be entitled to support services from the DSWD and LGUs
- (d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) To be informed of their rights and the services available to them including their right to apply for a protection order.

SECTION 36. *Damages.* – Any victim of violence under this Act shall be entitled to actual, compensatory, moral and exemplary damages.

SECTION 37. *Hold Departure Order.* – The court shall expedite the process of issuance of a hold departure order in cases prosecuted under this Act.

SECTION 38. *Exemption from Payment of Docket Fee and Other Expenses.* – If the victim is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on an application for a protection order, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

SECTION 39. *Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC).* In pursuance of the abovementioned policy, there is hereby established an Inter-Agency Council on Violence Against Women and their children, hereinafter known as the Council, which shall be composed of the following agencies:

- (a) Department of Social Welfare and Development (DSWD);
- (b) National Commission on the Role of Filipino Women (NCRFW);
- (c) Civil Service Commission (CSC);
- (d) Commission on Human rights (CHR)
- (e) Council for the Welfare of Children (CWC);
- (f) Department of Justice (DOJ);
- (g) Department of the Interior and Local Government (DILG);
- (h) Philippine National Police (PNP);

- (i) Department of Health (DOH);
- (j) Department of Education (DepEd);
- (k) Department of Labor and Employment (DOLE); and
- (l) National Bureau of Investigation (NBI).

These agencies are tasked to formulate programs and projects to eliminate VAW based on their mandates as well as develop capability programs for their employees to become more sensitive to the needs of their clients. The Council will also serve as the monitoring body as regards to VAW initiatives.

The Council members may designate their duly authorized representative who shall have a rank not lower than an assistant secretary or its equivalent. These representatives shall attend Council meetings in their behalf, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

SECTION 40. *Mandatory Programs and Services for Victims.* – The DSWD, and LGU’s shall provide the victims temporary shelters, provide counseling, psycho-social services and /or, recovery, rehabilitation programs and livelihood assistance.

The DOH shall provide medical assistance to victims.

SECTION 41. *Counseling and Treatment of Offenders.* – The DSWD shall provide rehabilitative counseling and treatment to perpetrators towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be ordered by the Court to submit to psychiatric treatment or confinement.

SECTION 42. *Training of Persons Involved in Responding to Violence Against Women and their Children Cases.* – All agencies involved in responding to violence against women and their children cases shall be required to undergo education and training to acquaint them with:

- a. the nature, extent and causes of violence against women and their children;
- b. the legal rights of, and remedies available to, victims of violence against women and their children;
- c. the services and facilities available to victims or survivors;

d. the legal duties imposed on police officers to make arrest and to offer protection and assistance; and

e. techniques for handling incidents of violence against women and their children that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

The PNP, in coordination with LGU's shall establish an education and training program for police officers and barangay officials to enable them to properly handle cases of violence against women and their children.

SECTION 43. *Entitled to Leave.* – Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

Any employer who shall prejudice the right of the person under this section shall be penalized in accordance with the provisions of the Labor Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

SECTION 44. *Confidentiality.* – All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court.

Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

SECTION 45. *Funding* – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

The Gender and Development (GAD) Budget of the mandated agencies and LGU's shall be used to implement services for victim of violence against women and their children.

SECTION 46. *Implementing Rules and Regulations.* – Within six (6) months from the approval of this Act, the DOJ, the NCRFW, the DSWD, the DILG, the DOH, and the PNP, and three (3) representatives from NGOs to be identified by the NCRFW, shall promulgate the Implementing Rules and Regulations (IRR) of this Act.

SECTION 47. *Suppletory Application* – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 48. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

Approved,

JOSE DE VENEZIA JR.
*Speaker of the House
of Representatives*

FRANKLIN DRILON
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2723 and House Bill Nos. 5516 and 6054, was finally passed by the Senate and the House of Representatives on January 29, 2004 and February 2, 2004, respectively.

(Sgd.) ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

(Sgd.) OSCAR G. YABES
Secretary of Senate

Approved: March 08, 2004

(Sgd.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/2004/03/08/republic-act-no-9262-s-2004/>

APPENDIX E

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 THEREFOR."**

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, whether 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:

Sec. 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: *Provided*, That the physical, mental, and psychological testing and training procedures 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 exception 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:

"Sec. 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 the 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;

"(c) Such written application shall further contain an undertaking that no harm of any kind shall be committed by anybody during 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 the reasons thereof shall be stated clearly 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:

Sec. 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."

Section 6. A new section to be denominated as Section 6 is hereby inserted in the same Act to read as follows:

Sec. 6. Registration of Fraternities, Sororities and Other Organizations. - All existing fraternities sororities, and other organizations otherwise not created or organized by the school but has existing members who are students or plans to recruit students to be its member shall be required to register with the proper school authorities before it conducts activities whether on or off-campus, including recruitment of members.

"A newly established fraternity, sorority, or organization in a school shall immediately register with proper school authorities during the semester or trimester in which it was established or organized: *Provided*, That the new fraternity, sorority, or organization has complied with the requirements prescribed by the school in establishing a fraternity, sorority, or organization has complied with the requirements prescribed by the school in establishing a fraternity, sorority, or organization: *Provided, further*, That schools shall promulgate their guidelines in the registration of fraternities , sororities, and organizations within their jurisdiction not later than sixty (60) days from the approval of this Act.

"Upon registration, all fraternities, sororities, or organizations shall submit a comprehensive list of members, which shall be updated not later than thirty (30) days from the start of every semester or trimester, depending on the academic calendar of the school.

"School official shall have the authority to impose, after due notice and summary hearings, disciplinary penalties in accordance with the school's guidelines and regulations on the matter including suspension to the head and other officers of

the fraternity, sorority, or organization who fail to register or update their roster of members as required under this section.

"Failure to comply with any of the requirements in this section shall result in the cancellation of the registration of the fraternity, sorority, or organization."

Section 7. A new section to be denominated as Section 7 is hereby inserted in the same Act to read as follows:

Sec. 7. Faculty Adviser. - Schools shall require all fraternities, sororities, or organizations, as a condition to the grant of accreditation or registration, to submit the name or names of their respective faculty adviser or advisers who must not be members of the respective fraternity, sorority, or organization. The submission shall also include a written acceptance or consent on the part of the selected faculty adviser or advisers.

"The faculty advisers shall be responsible for monitoring the activities of the fraternity, sorority, or organization. Each faculty adviser must be a duly recognized active member in good standing, of the faculty at the school in which the fraternity, sorority, or organization is established or registered.

"In case of violation of any of the provisions of this Act, it is presumed that the faculty adviser has knowledge and consented to the commission of any of the unlawful acts stated therein."

Section 8. A new section to be denominated as Section 8 is hereby inserted in the same Act to be read as follows:

Sec. 8. Role of Educational Institutions. - The responsibility of schools to exercise reasonable supervision *in loco parentis* over the conduct of its students requires the diligence that prudent parents would employ in the same circumstance when disciplining and protecting their children. To this end, it shall be the duty of schools to take more proactive steps to protect its students from the dangers of participating in activities that involve hazing.

"Schools shall implement an information dissemination campaign at the start of every semester or trimester to provide adequate information to students and parents or guardians regarding the consequences of conducting and participating in hazing.

"An orientation program relating to membership in a fraternity, sorority, or organization shall also be conducted by schools at the start of every semester or trimester.

"Schools shall encourage fraternities, sororities, and organizations to engage in undertakings that foster holistic personal growth and development and activities that contribute to solving relevant and pressing issues of society."

Section 9. A new section to be denominated as Section 9 is hereby inserted in the same Act to read as follows:

Sec. 9. Registration of Community-Based and Other Similar Fraternities, Sororities, or Organizations. - All new and existing community-based fraternities, sororities, or organizations, including their respective local chapters, shall register with the barangay, municipality, or city wherein they are primarily based.

"Upon registration, all community-based fraternities, sororities, or organizations including their respective local chapters, shall submit a comprehensive list of members and officers which shall be updated yearly from the date of registration."

Section 10. A new section to be denominated as Section 10 is hereby inserted in the same Act to read as follows:

"Sec. 10. Regulation of Initiation Rites for Community-Based Fraternities, Sororities, or Organizations. - Only initiation rites or practices that do not constitute hazing shall be allowed: *Provided, That:*

"(a) A written application to conduct the same shall be made to the punong barangay in the barangay or municipal or city mayor in the municipality or city where the community-based fraternity, sorority, or organization is based, not later than seven (7) days prior to the scheduled initiation date;

"(b) The written initiation shall indicate the place and date of the initiation rites and the names of the recruits, neophytes, or applicants to be initiated;

"(c) Such written application shall further contain an undertaking that no harm of any kind shall be committed by anybody during the initiation rites;

"(d) A medical certificate of the recruit, neophyte, or applicant must be attached to the application to ensure fitness to undergo initiation when it involves physical activity not failing under the definition of hazing as used in this Act;

"(e) The initiation rites shall not last more than three (3) days;

"(f) The application shall contain the names of the incumbent officers of the community-based fraternity, sorority, or organization and any person or persons who will take charge in the conduct of initiation rites;

"(g) The application shall be under oath with a declaration that it has been posted on the official bulletin board of the barangay hall or the municipal or city hall where the community-based fraternity, sorority or organization is based, and the bulletin board of the office of the community-based fraternity, sorority or organization; and

"(h) The application shall be posted from the time of submission of the written notice to the punong barangay or municipal or city mayor and shall only be removed from its posting three (3) days after the conduct of the initiation rites."

Section 11. A new section to be denominated as Section 11 is here inserted in the same Act to read as follows:

Sec. 11. Monitoring of Initiation Rites of Community-Based and All Similar Fraternities, Sororities or Organizations. - The punong barangay of the barangay or the municipal or city mayor of the municipality or city where community-based fraternity, sorority or organization is based must assign at least two (2) barangay or municipal or city officials to be present during the initiation and document the entire proceedings. Thereafter, said representatives who were present during the initiation shall make a report of the initiation rites to the punong barangay, or the municipal or the city mayor regarding the conduct of the initiation: *Provided*, That if hazing is still committed despite their presence, no liability shall be attached to them unless it is proven that they failed to perform an overt act to prevent or stop the commission thereof."

Section 12. A new section to be denominated as Section 12 is hereby inserted in the same Act to read as follows:

Sec. 12. Nullity of Waiver and Consent. - Any form of approval, consent, or agreement, whether written or otherwise, or of an express waiver of the right to object to the initiation rite or proceeding which consists of hazing, as defined in this Act, made by a recruit, neophyte, or applicant prior to an initiation rite that

involves inflicting physical or psychological suffering, harm, or injury, shall be void and without any binding effect on the parties.

"The defense that the recruit, neophyte, or applicant consented to being subjected to hazing shall not be available to persons prosecuted under this Act."

Section 13. A new section to be denominated as Section 13 is hereby inserted in the same Act to read as follows:

"Sec. 13 *Administrative Sanctions.* - The responsible officials of the school, the uniformed learning institutions, the AFP or the PNP may impose the appropriate administrative sanctions, after due notice and summary hearing, on the person or the persons charged under this Act even before their conviction."

Section 14. Section 4 of the same Act is hereby amended to read as follows:

"Sec. 14. *Penalties.* - The following penalties shall be imposed:

"(a) The penalty of *reclusion perpetua* and a fine of Three million pesos (P3,000,000.00) shall be imposed upon those who actually planned or participated in the hazing if, as a consequence of the hazing, death, rape, sodomy, or mutilation results therefrom;

"(b) The penalty of *reclusion perpetua* and a fine of Two million pesos (P2,000,000.00) shall be imposed upon:

"(1) All persons who actually planned or participated in the conduct of the hazing;

"(2) All officers of the fraternity, sorority, or organization who are actually present during the hazing;

"(3) The adviser of a fraternity, sorority, or organization who is present when the acts constituting the hazing were committed and failed to take action to prevent the same from occurring or failed to promptly report the same to the law enforcement authorities if such adviser or adviser or advisers can do so without peril to their person or their family;

"(4) All former officers, nonresident members, or alumni of the fraternity, sorority, or organization who are also present during the hazing:

Provided, That should the former officer, nonresident member, or alumnus be a member of the Philippine Bar, such member shall immediately be

subjected to disciplinary proceedings by the Supreme Court pursuant to its power to discipline members of the Philippine Bar: *Provided, further*, That should the former officer, nonresident member, or alumnus belong to any other profession subject to regulation by the Professional Regulation Commission (PRC), such professional shall immediately be subjected to disciplinary proceedings by the concerned Professional Regulatory Board, the imposable penalty for which shall include, but is not limited to, suspension for a period of not less than three (3) years or revocation of the professional license. A suspended or revoked professional license pursuant to this section may be reinstated upon submission of affidavits from at least three (3) disinterested persons, good moral certifications from different unaffiliated and credible government, religious, and socio-civic organizations and such other relevant evidence to show that the concerned professional has become morally fit for readmission into the profession: *Provided*, That said readmission into the profession shall be subject to the approval of the respective Professional Regulatory Board;

"(5) Officers or members of a fraternity, sorority, or organization who knowingly cooperated in carrying out the hazing by inducing the victim to be present thereat; and

"(6) members of the fraternity, sorority, or organization who are present during the hazing when they are intoxicated or under the influence of alcohol or illegal drugs;

"(c) The penalty of *reclusion temporal* in its maximum period and a fine of One million pesos (P1,000,000.00) shall be imposed upon all persons who are present in the conduct of the hazing;

"(d) The penalty of *reclusion temporal* and fine of One million pesos (P1,000,000.00) shall be imposed upon former officers, nonresident member, alumni of the fraternity, sorority, or organization who, after the commission of any of the prohibited acts proscribed herein, will perform any act to hide, conceal, or otherwise hamper or obstruct any investigation that will be conducted thereafter: *Provided*, That should the former officer, nonresident member, or alumnus be a member of the Philippine Bar, such member shall immediately be subjected to disciplinary proceedings by the Supreme Court pursuant to its power to discipline members of the Philippine Bar: *Provided, further*, That should the former officer, nonresident members, or alumnus belong to any other profession subject to regulation by the PRC, such professional shall immediately be subjected to disciplinary proceedings by the concerned Professional Regulatory Board, the imposable penalty for which shall include, but is not limited to,

suspension for a period of not less than three (3) years or revocation of the professional license pursuant to this section may be reinstated upon submission of affidavits from at least three (3) disinterested persons, good moral certifications from different unaffiliated and credible government, religious, and socio-civic organizations, and such other relevant evidence to show that the concerned professional has become morally fit for readmission into the profession: *Provided*, That said readmission into the profession shall be subject to the approval of the respective Professional Regulatory Board."

"(e) The penalty of *prison correctional* in its minimum period shall be imposed upon any person who shall intimidate, threaten, force, or employ, or administer any form of vexation against another person for the purpose of recruitment in joining or promoting a particular fraternity, sorority, or organization. The persistent and repeated proposal or invitation made to a person who had twice refused to participate or join the proposed fraternity, sorority, or organization, shall be *prima facie* evidence of vexation for purposes of this section; and

"(f) A fine of One million pesos (P1,000,000.00) shall be imposed on the school if the fraternity, sorority, or organization filed a written application to conduct an initiation which was subsequently approved by the school and hazing occurred during the initiation rites or when no representatives from the school were present during the initiation as provided under Section 5 of this Act: *Provided*, That if hazing has been committed in circumvention of the provisions of this Act, it is incumbent upon school officials to investigate *motu proprio* and take an active role to ascertain factual events and identify witnesses in order to determine the disciplinary sanctions it may impose, as well as provide assistance to police authorities."

"The owner or lessee of the place where hazing is conducted shall be liable as principal and penalized under paragraphs (a) or (b) of this section, when such owner or lessee has actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring or failed to promptly report the same to the law enforcement authorities if they can do so without peril to their person or their family. If the hazing is held in the home of one of the officers or members of the fraternity, sorority, or organization, the parents shall be held liable as principals and penalized under paragraphs (a) or (b) hereof when they have actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring or failed to promptly report the same to the law enforcement authorities if such parents can do so without peril to their person or their family.

"The school authorities including faculty members as well as barangay, municipal, or city officials shall be liable as an accomplice and likewise be held administratively accountable for hazing conducted by the fraternities, sororities, other organizations, if it can be shown that the school or barangay, municipal, or city officials allowed or consented to the conduct of hazing, but such officials failed to take an action to prevent the same from occurring or failed to promptly report to the law enforcement authorities if the same can be done without peril to their person or their family.

"The presence of any person, even if such person is not a member of the fraternity, sorority, or organization, during the hazing is *prima facie* evidence of participation therein as a principal unless such person or persons prevented the commission of the acts punishable herein or promptly reported the same to the law enforcement authorities if they can do so without peril, to their person or their family.

"The incumbent officers of the fraternity, sorority, or organization concerned shall be jointly liable with those members who actually participated in the hazing.

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

"This section shall apply to the president, manager, director, or other responsible officer of businesses or corporations engaged hazing as a requirement for employment in the manner provided herein.

"Any conviction by final judgement shall be reflected on the scholastic record, personal, or employment record of the person convicted, regardless of when the judgment conviction has become final."

Section 15. A new section to be denominated as Section 15 is hereby inserted in the same Act to read as follows:

Section 15. *Implementing Rules and Regulations. (IRR).* - The Commission on Higher Education (CHED), together with the Department of Education (DepED), Department of Justice (DOJ), Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), AFP, PNP, and National Youth Commission (NYC), shall promulgate the IRR within ninety (90) days from the effectivity of this Act."

Section 16. Separability Clause. - If any provision or part of this Act is declared invalid or unconstitutional, the other parts or provisions hereof shall remain valid and effective.

Section 17. Repealing Clause – Republic Act No 8049 and all other laws, decrees, executive orders, proclamations, rules or regulations, or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby amended or modified accordingly.

Section 18. Effectivity Clause- This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,

PANTALEON D. ALVAREZ
*Speaker of the House
of Representatives*

AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1662 and House Bill No. 6573 was passed by the Senate and the House of Representatives on March 12, 2018 and March 13, 2018, respectively.

CESAR STRAIT PAREJA
*Secretary General
House of Representatives*

LUTGARDO B. BARBO
Secretary of Senate

Approved: June 29, 2018

RODRIGO ROA DUTERTE
President of the Philippines

Reference:

https://www.lawphil.net/statutes/repacts/ra2018/ra_11053_2018.html
[20180629-RA-11053-RRD.pdf \(officialgazette.gov.ph\)](https://www.officialgazette.gov.ph/2018/06/29/ra-11053-rrd/)

APPENDIX F

Special Protection of Children Act

Republic Act No. 9231; December 19, 2003

AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THIS PURPOSE REPUBLIC ACTNO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT"

Section 1. Section 2 of Republic Act No. 7610, as amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", is hereby amended to read as follows:

“Sec. 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 including child labor and its worst forms; 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 on 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 2. Section 12 of the same Act, as amended, is hereby further amended to read as follows:

“Sec. 2. Employment of Children – Children below fifteen (15) years of age shall not be employed except:

*“1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: *Provided, however,* That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: *Provided, further,* That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or*

*“2) Where a child’s employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: *Provided,* That the employment contract is concluded by the child’s parents or legal guardian, with the express agreement of the child concerned, if*

possible, and the approval of the Department of Labor and Employment: *Provided, further*, That the following requirements in all instances are strictly complied with:

“(a) The employer shall ensure the protection, health, safety, morals and normal development of the child;

“(b) The employer shall institute measures to prevent the child’s exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and

“(c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

“In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

“For purposes of this Article, the term “child” shall apply to all persons under eighteen (18) years of age.”

Section 3. The same Act, as amended, is hereby further amended by adding new sections to be denominated as Sections 12-A, 12-B, 12-C, and 12-D to read as follows:

“Sec. 2-A. *Hours of Work of a Working Child.* – Under the exceptions provided in Section 12 of this Act, as amended:

“(1) A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: *Provided*, That the work shall not be more than four (4) hours at any given day;

“(2) A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week;

“(3) No child below fifteen (15) years of age shall be allowed to work between eight o’clock in the evening and six o’clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to

work between ten o'clock in the evening and six o'clock in the morning of the following day."

"Sec. 12-B. Ownership, Usage and Administration of the Working Child's Income.

– The wages, salaries, earnings and other income of the working child shall belong to him/her in ownership and shall be set aside primarily for his/her support, education or skills acquisition and secondarily to the collective needs of the family: *Provided*, That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family.

"The income of the working child and/or the property acquired through the work of the child shall be administered by both parents. In the absence or incapacity of either of the parents, the other parent shall administer the same. In case both parents are absent or incapacitated, the order of preference on parental authority as provided for under the Family Code shall apply.

"Sec. 12-C. Trust Fund to Preserve Part of the Working Child's Income.

– The parent or legal guardian of a working child below eighteen (18) years of age shall set up a trust fund for at least thirty percent (30%) of the earnings of the child whose wages and salaries from work and other income amount to at least two hundred thousand pesos (P200,000.00) annually, for which he/she shall render a semi-annual accounting of the fund to the Department of Labor and Employment, in compliance with the provisions of this Act. The child shall have full control over the trust fund upon reaching the age of majority.

"Sec. 12-D. Prohibition Against Worst Forms of Child Labor. – No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:

"(1) All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or

"(2) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or

"(3) The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or

“(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:

“a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or

“b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or

“c) Is performed underground, underwater or at dangerous heights; or

“d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or

“e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or

“f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or

“g) Is performed under particularly difficult conditions; or

“h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or

“i) Involves the manufacture or handling of explosives and other pyrotechnic products.”

Section 4. Section 13 of the same Act is hereby amended to read as follows:

“Sec. 13. *Access to Education and Training for Working Children* – “a) No child shall be deprived of formal or non-formal education. In all cases of employment allowed in this Act, the employer shall provide a working child with access to at least primary and secondary education.

“b) To ensure and guarantee the access of the working child to education and training, the Department of Education (DEPED) shall: (1) formulate, promulgate, and implement relevant and effective course designs and educational programs;

(2) conduct the necessary training for the implementation of the appropriate curriculum for the purpose; (3) ensure the availability of the needed educational facilities and materials; and (4) conduct continuing research and development program for the necessary and relevant alternative education of the working child.

“c) The DEPED shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances.”

Section 5. Section 14 of the same Act is hereby amended to read as follows:

“Sec. 14. Prohibition on the Employment of Children in Certain Advertisements. – No child shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, gambling or any form of violence or pornography.”

Section 6. Section 16 of the same Act, is hereby amended to read as follows:

“Sec. 16. Penal Provisions –

“a) Any employer who violates Sections 12, 12-A, and Section 14 of this act, as amended, shall be penalized by imprisonment of six (6) months and one (1) day to six (6) years or a fine of not less than Fifty thousand pesos (P50,000.00) but not more than Three hundred thousand pesos (P300,000.00) or both at the discretion of the court.

“b) Any person who violates the provision of Section 12-D of this act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00), or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.

“c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by R. A. 9208 otherwise known as the “Anti-trafficking in Persons Act of 2003”: *Provided, That Such penalty shall be imposed in its maximum period.*

“d) Any person who violates Section 12-D (3) shall be prosecuted and penalized in accordance with R.A. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”; *Provided*, That such penalty shall be imposed in its maximum period.

“e) If a corporation commits any of the violations aforesaid, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who participated in or knowingly allowed the violation, shall be penalized accordingly as provided for under this Section.

“f) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of not less than Ten thousand pesos (P10,000.00) but not more than One hundred thousand pesos (P100,000.00), or be required to render community service for not less than thirty (30) days but not more than one (1) year, or both such fine and community service at the discretion of the court: *Provided*, That the maximum length of community service shall be imposed on parents or legal guardians who have violated the provisions of this Act three (3) times; *Provided, further*, That in addition to the community service, the penalty of imprisonment of thirty (30) days but not more than one (1) year or both at the discretion of the court, shall be imposed on the parents or legal guardians who have violated the provisions of this Act more than three (3) times.

“g) The Secretary, of Labor and Employment or his/her duly authorized representative may, after due notice and hearing, order the closure of any business firm or establishment found to have violated any of the provisions of this Act more than three (3) times. He/she shall likewise order the immediate closure of such firm or establishment if:

“(1) The violation of any provision of this Act has resulted in the death, insanity or serious physical injury of a child employed in such establishment; or

“(2) Such firm or establishment is engaged or employed in prostitution or in obscene or lewd shows.

“h) In case of such closure, the employer shall be required to pay the employee(s) the separation pay and other monetary benefits provided for by law.”

Section 7. The same Act is hereby further amended by adding a new section to be denominated as Section 16-A, to read as follows:

“Sec. 16-A. *Trust Fund from Fines and Penalties* – The fine imposed by the court shall be treated as a Trust Fund, administered by the Department of Labor and Employment and disbursed exclusively for the needs, including the costs of rehabilitation and reintegration into the mainstream of society of the working children who are victims of the violations of this Act, and for the programs and projects that will prevent acts of child labor.”

Section 8. Section 27 of the same Act is hereby amended to read as follows:

“Sec. 27. *Who May File a Complaint* – Complaints on cases of unlawful acts committed against 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 of the place where the violation occurred, where the child is residing or employed; or

“(g) At least three (3) concerned, responsible citizens where the violation occurred.”

Section 9. The same Act is hereby further amended by adding new sections to Section 16 to be denominated as Sections 16-A, 16-B and 16-C to read as follows:

“Sec. 16-A. *Jurisdiction* – The family courts shall have original jurisdiction over all cases involving offenses punishable under this Act: *Provided*, That in cities or provinces where there are no family courts yet, the regional trial courts and the municipal trial courts shall have concurrent jurisdiction depending on the penalties prescribed for the offense charged.

“The preliminary investigation of cases filed under this Act shall be terminated within a period of thirty (30) days from the date of filing.

“If the preliminary investigation establishes a *prima facie* case, then the corresponding information shall be filed in court within forty-eight (48) hours from the termination of the investigation.

“Trial of cases under this Act shall be terminated by the court not later than ninety (90) days from the date of filing of information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case.

“Sec. 15. *Exemptions from Filing Fees.* – When the victim of child labor institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from payment of filing fees.

“Sec. 16-C. *Access to Immediate Legal, Medical and Psycho-Social Services* – The working child shall have the right to free legal, medical and psycho-social services to be provided by the State.”

Section 10. *Implementing Rules and Regulations* – The Secretary of Labor and Employment, in coordination with the Committees on Labor and Employment of both Houses of Congress, shall issue the necessary Implementing Rules and Regulations (IRR) to effectively implement the provisions of this Act, in consultation with concerned public and private sectors, within sixty (60) days from the effectivity of this Act.

Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

Section 11. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

Section 12. *Repealing Clause.* – All laws, decrees, or rules inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 13. *Effectivity.* – This Act shall take effect fifteen (15) days from the date of its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) FRANKLIN DRILON
President of the Senate

(Sgd.) JOSE DE VENECIA JR.
Speaker of the House
of Representatives

This Act which is a consolidation of Senate Bill No. 2155 and House Bill No. 4235 was finally passed by the Senate and the House of Representatives on October 14, 2003 and October 13, 2003, respectively.

(Sgd.) OSCAR G. YABES
Secretary of Senate

(Sgd.) ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: December 19, 2003

GLORIA MACAPAGAL-ARROYO
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/2003/12/19/republic-act-no-9231-s-2003/>

APPENDIX G - Philippine AIDS Prevention and Control Act of 1998

[REPUBLIC ACT NO. 8504]

AN ACT PROMULGATING POLICIES AND PRESCRIBING MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE PHILIPPINES, INSTITUTING A NATIONWIDE HIV/AIDS INFORMATION AND EDUCATIONAL PROGRAM, ESTABLISHING A COMPREHENSIVE HIV/AIDS MONITORING SYSTEM, STRENGTHENING THE PHILIPPINE NATIONAL AIDS COUNCIL, AND FOR OTHER PURPOSES

SECTION 1. *Title.* – This Act shall be known as the “Philippine AIDS Prevention and Control Act of 1998.”

SEC. 2. *Declaration of Policies.* – Acquired Immune Deficiency Syndrome (AIDS) is a disease that recognizes no territorial, social, political and economic boundaries for which there is no known cure. The gravity of the AIDS threat demands strong State action today, thus:

(a) The State shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as a basic social unit, and be carried out in all schools and training centers,

workplaces, and communities. This program shall involve affected individuals and groups, including people living with HIV/AIDS.

(b) The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,

(1) compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act;

(2) the right to privacy of individuals with HIV shall be guaranteed;

(3) discrimination, in all its forms and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest; and

(4) provision of basic health and social services for individuals with HIV shall be assured.

(c) The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.

d) The State shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.

(e) The State shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

(a) “*Acquired Immune Deficiency Syndrome (AIDS)*” – a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body’s immune system, making the afflicted individual susceptible to other life-threatening infections.

(b) “*Anonymous Testing*” – refers to an HIV testing procedure whereby the Individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol.

(c) *“Compulsory HIV Testing”* – refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.

(d) *“Contact tracing”* – refers to the method of finding and counselling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.

(e) *“Human Immunodeficiency Virus (HIV)”* – refers to the virus which causes AIDS.

(f) *“HIV/AIDS Monitoring”* – refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread.

(g) *“HIV/AIDS Prevention and Control”* – refers to measures aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition of persons living with HIV.

(h) *“HIV-positive”* – refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested.

(i) *“HIV-negative”* denotes the absence of HIV or HIV antibodies upon HIV testing.

(j) *“HIV Testing”* – refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.

(k) *“HIV Transmission”* – refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy.

(l) *“High-Risk Behavior”* – refers to a person’s frequent involvement in certain activities which-increase the risk of transmitting or acquiring HIV.

(m) *“Informed Consent”* – refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.

(n) *“Medical Confidentiality”* – refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counselling, testing or professional

care of the former: it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information.

(o) *“Person with HIV”* – refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV.

(p) *“Pre-Test Counselling”* – refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.

(q) *“Post-Test Counselling”* – refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released.

(r) *“Prophylactic”* – refers to any agent or device used to prevent the transmission of a disease.

(s) *“Sexually Transmitted Diseases”* – refers to any disease that may be acquired or passed on through sexual contact.

(t) *“Voluntary HIV Testing”* – refers to HIV testing done on an individual who, after having undergone pre-test counselling, willingly submits himself/herself to such test.

(u) *“Window Period”* – refers to the period of time, usually lasting from two weeks to six (6) months during which an infected individual will test “negative” upon HIV testing but can actually transmit the infection.

ARTICLE I EDUCATION AND INFORMATION

SEC. 4. *HIV/AIDS Education in Schools.* – The Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), utilizing official information provided by the Department of Health, shall integrate instruction on the causes, modes of transmission and ways of preventing HIV/AIDS and other sexually transmitted diseases in subjects taught in public and private schools at intermediate grades, secondary and tertiary levels, including non-formal and indigenous learning systems: *Provided*, That if the integration of HIV/AIDS education is not appropriate or feasible, the DECS and TESDA shall design special modules on HIV/AIDS prevention and control: *Provided, further*, That it shall not be used as an excuse to propagate birth control or the sale or distribution of birth

control devices: *Provided, finally*, That it does not utilize sexually explicit materials.

Flexibility in the formulation and adoption of appropriate course content, scope, and methodology in each educational level or group shall be allowed after consultations with Parent-Teachers-Community Associations, Private School Associations, school officials, and other interest groups. As such, no instruction shall be offered to minors without adequate prior consultation with parents who must agree to the thrust and content of the instruction materials.

All teachers and instructors of said HIV/AIDS courses shall be required to undergo a seminar or training on HIV/AIDS prevention and control to be supervised by DECS, CHED and TESDA, in coordination with the Department of Health (DOH), before they are allowed to teach on the subject.

SEC. 5. HIV/AIDS Information as a Health Service. – HIV/AIDS education and information dissemination shall form part of the delivery of health services by health practitioners, workers and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of HIV/AIDS and to correct common misconceptions about this disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

SEC. 6. HIV/AIDS Education in the Workplace. – All government and private employees, workers, managers, and supervisors, including members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), shall be provided with the standardized basic information and instruction on HIV/AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. In collaboration with the Department of Health (DOH), the Secretary of the Department of Labor and Employment (DOLE) shall oversee the anti-HIV/AIDS campaign in all private companies while the Armed Forces Chief of Staff and the Director General of the PNP shall oversee the implementation of this section.

SEC. 7. HIV/AIDS Education for Filipinos Going Abroad. – The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS before certification for overseas assignment. The Department of Labor and Employment or the Department of Foreign Affairs, the Department of Tourism and the Department

of Justice through the Bureau of Immigration, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Section.

SEC. 8. *Information Campaign for Tourists and Transients.* – Informational aids or materials on the cause, modes of transmission, prevention, and consequences of HIV infection shall be adequately provided at all international ports of entry and exit. The Department of Tourism, the Department of Foreign Affairs, the Department of Justice through the Bureau of Immigration, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Act.

SEC. 9. *HIV/AIDS Education in Communities.* – Local government units, in collaboration with the Department of Health (DOH), shall conduct an educational and information campaign on HIV/AIDS. The provincial governor, city or municipal mayor and the barangay captain shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

SEC. 10. *Information on Prophylactics.* – Appropriate information shall be attached to or provided with every prophylactic offered for sale or given as a donation. Such information shall be legibly printed in English and Filipino, and contain literature on the proper use of the prophylactic device or agent, its efficacy against HIV and STD infection, as well as the importance of sexual abstinence and mutual fidelity.

SEC. 11. *Penalties for Misleading Information.* – Misinformation on HIV/AIDS prevention and control through false and misleading advertising and claims in any of the tri-media or the promotional marketing of drugs, devices, agents or procedures without prior approval from the Department of Health and the Bureau of Food and Drugs and the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, purporting to be a cure or a fail-safe prophylactic for HIV infection is punishable with a penalty of imprisonment for two (2) months to two (2) years, without prejudice to the imposition of administrative sanctions such as fines and suspension or revocation of professional or business license.

ARTICLE II

SAFE PRACTICES AND PROCEDURES

SEC. 12. *Requirement on the Donation of Blood, Tissue, or Organ.* – No laboratory or institution shall accept a donation of tissue or organ, whether such donation is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to HIV testing

and HIV (+) blood shall be disposed of properly and immediately. A second testing may be demanded as a matter of right by the blood, tissue, or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: *Provided*, That donations of blood, tissue, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.

SEC. 13. *Guidelines on Surgical and Similar Procedures.* – The Department of Health (DOH), in consultation and in coordination with concerned professional organizations and hospital associations, shall issue guidelines on precautions against HIV transmission during surgical, dental embalming, tattooing or similar procedures. The DOH shall likewise issue guidelines on the handling and disposition of cadavers, body fluids or wastes of persons known or believed to be HIV-positive.

The necessary protective equipment such as gloves, goggles and gowns, shall be made available to all physicians and health care providers and similarly exposed personnel at all times.

SEC. 14. *Penalties for Unsafe Practices and Procedures.* – Any person who knowingly or negligently causes another to get infected with HIV in the course of the practice of his/her profession through unsafe and unsanitary practice or procedure is liable to suffer a penalty of imprisonment for six (6) years to twelve (12) years, without prejudice to the imposition of administrative sanctions such as, but not limited to, fines and suspension or revocation of the license to practice his/her profession. The permit or license of any business entity and the accreditation of hospitals, laboratory, or clinics may be cancelled or withdrawn if said establishments fail to maintain such safe practices and procedures as may be required by the guidelines to be formulated in compliance with Section 13 of this Act.

ARTICLE III

TESTING, SCREENING AND COUNSELLING

SEC. 15. *Consent as a Requisite for HIV Testing.* – No compulsory HIV testing shall be allowed. However, the State shall encourage voluntary testing for individuals with a high risk for contracting HIV: *Provided*, That written informed consent must first be obtained. Such consent shall be obtained from the person concerned if he/she is of legal age or from the parents or legal guardian in the case of a minor or a mentally incapacitated individual. Lawful consent to HIV testing of a donated human body, organ, tissue, or blood shall be considered as having been given when:

(a) person volunteers or freely agrees to donate his/her blood, organ, or tissue for transfusion, transplantation, or research;

(b) a person has executed a legacy in accordance with Section 3 of Republic Act No. 7170, also known as the “Organ Donation Act of 1991”;

(c) a donation is executed in accordance with Section 4 of Republic Act No. 7170.

SEC. 16. Prohibitions on Compulsory HIV Testing. – Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom or abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful.

SEC. 17. Exception to the Prohibition on Compulsory Testing. – Compulsory HIV testing may be allowed only in the following instances:

a) When a person is charged with any of the crimes punishable under Articles 264 and 266 as amended by Republic Act No. 8353, 335 and 338 of Republic Act No. 3815, otherwise known as the “Revised Penal Code” or under Republic Act No. 7659;

b) When the determination of the HIV status is necessary to resolve the relevant issues under Executive Order No. 309, otherwise known as the “Family Code of the Philippines”; and

c) When complying with the provisions of Republic Act No. 7170, otherwise known as the “Organ Donation Act” and Republic Act No. 7719, otherwise known as the “National Blood Services Act”.

SEC. 18. Anonymous HIV Testing. – The State shall provide a mechanism for anonymous HIV testing and shall guarantee anonymity and medical confidentiality in the conduct of such tests.

SEC. 19. Accreditation of HIV Testing Centers. – All testing centers, hospitals, clinics, and laboratories offering HIV testing services are mandated to seek accreditation from the Department of Health which shall set and maintain reasonable accreditation standards.

SEC. 20. Pre-test and Post-test Counselling. – All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counselling and post-test counselling for persons who avail of their

HIV/AIDS testing services. However, such counselling services must be provided only by persons who meet the standards set by the DOH.

SEC. 21. *Support for HIV Testing Centers.* – The Department of Health shall strategically build and enhance the capabilities for HIV testing of hospitals, clinics, laboratories, and other testing centers primarily, by ensuring the training of competent personnel who will provide such services in said testing sites.

ARTICLE IV

HEALTH AND SUPPORT SERVICES

SEC. 22. *Hospital-Based Services.* – Persons with HIV/AIDS shall be afforded basic health services in all government hospitals, without prejudice to optimum medical care which may be provided by special AIDS wards and hospitals.

SEC. 23. *Community-Based Services.* – Local government units, in coordination and in cooperation with concerned government agencies, non-government organizations, persons with HIV/AIDS and groups most at risk of HIV infection shall provide community-based HIV/AIDS prevention and care services.

SEC. 24. *Livelihood Programs and Trainings.* – Trainings for livelihood, self-help cooperative programs shall be made accessible and available to all persons with HIV/AIDS. Persons infected with HIV/ AIDS shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health conditions.

SEC. 25. *Control of Sexually Transmitted Diseases.* – The Department of Health, in coordination and in cooperation with concerned government agencies and non-government organizations shall pursue the prevention and control of sexually transmitted diseases to help contain the spread of HIV infection.

SEC. 26. *Insurance for Persons with HIV.* – The Secretary of Health, in cooperation with the Commissioner of the Insurance Commission and other public and private insurance agencies, shall conduct a study on the feasibility and viability of setting up a package of insurance benefits and, should such study warrant it, implement an insurance coverage program for persons with HIV. The study shall be guided by the principle that access to health insurance is part of an individual’s right to health and is the responsibility of the State and of society as a whole.

ARTICLE V

MONITORING

SEC. 27. *Monitoring Program.* – A comprehensive HIV/AIDS monitoring program or “AIDSWATCH” shall be established under the Department of Health to determine and monitor the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating the adequacy and efficacy or the countermeasures being employed.

SEC. 28. *Reporting Procedures.* – All hospitals, clinics, laboratories, and testing centers for HIV/AIDS shall adopt measures in assuring the reporting and confidentiality of any medical record, personal data, file, including all data which may be accessed from various data banks or information systems. The Department of Health through its AIDSWATCH monitoring program shall receive, collate and evaluate all HIV/AIDS related medical reports. The AIDSWATCH data base shall utilize a coding system that promotes client anonymity.

SEC. 29. *Contact Tracing.* – HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Department of Health: *Provided,* That these do not run counter to the general purpose of this Act: *Provided, further,* That any information gathered shall remain confidential and classified, and can only be used for statistical and monitoring purposes and not as basis or qualification for any employment, school attendance, freedom of abode, or travel.

ARTICLE VI

CONFIDENTIALITY

SEC. 30. *Medical Confidentiality.* – All health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data, or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV.

SEC. 31. *Exceptions to the Mandate of Confidentiality.* – Medical confidentiality shall not be considered breached in the following cases:

(a) when complying with reportorial requirements in conjunction with the AIDSWATCH programs provided in Section 27 of this Act;

(b) when informing other health workers directly involved or about to be involved in the treatment or care of a person with HIV/AIDS: *Provided,* That such treatment or care carry the risk of HIV transmission: *Provided, further,* That such workers shall be obliged to maintain the shared medical confidentiality;

(c) when responding to a *subpoena duces tecum* and *subpoena ad testificandum* issued by a Court with jurisdiction over a legal proceeding where the main issue is the HIV status of an individual: *Provided*, That the confidential medical record shall be properly sealed by its lawful custodian after being double-checked for accuracy by the head of the office or department, hand delivered, and personally opened by the judge: *Provided, further*, That the judicial proceedings be held in executive session.

SEC. 32. *Release of HIV/AIDS Test Results.* – All results or HIV/AIDS testing shall be confidential and shall be released only to the following persons:

- (a) the person who submitted himself/herself to such test;
- b) either parent of a minor child who has been tested;
- (c) a legal guardian in the case of insane persons or orphans;
- (d) a person authorized to receive such results in conjunction with the AIDSWATCH program as provided in Section 27 of this Act;
- (e) a justice of the Court of Appeals or the Supreme Court, as provided under subsection (c) of this Act and in accordance with the provision of Section 16 hereof.

SEC. 33. *Penalties for Violations of Confidentiality.* – Any violation of medical confidentiality as provided in Sections 30 and 32 of this Act shall suffer the penalty of imprisonment for six (6) months to four (4) years, without prejudice to administrative sanctions such as fines and suspension or revocation of the violator’s license to practice his/her profession, as well as the cancellation or withdrawal of the license to operate any business entity and the accreditation of hospitals, laboratories or clinics.

SEC. 34. *Disclosure to Sexual Partners.* – Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner at the earliest opportune time.

ARTICLE VII
DISCRIMINATORY ACTS AND POLICIES

SEC. 35. *Discrimination in the Workplace.* – Discrimination in any form from pre-employment to post-employment, including hiring, promotion or assignment, based on the actual, perceived or suspected HIV status of an

individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.

SEC. 36. *Discrimination in Schools.* – No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or prospective student on the basis of his/her actual, perceived or suspected HIV status.

SEC. 37. *Restrictions on Travel and Habitation.* – The freedom of abode, lodging and travel of a person with HIV shall not be abridged. No person shall be quarantined, placed in isolation, or refused lawful entry into or deported from Philippine territory on account of his/her actual, perceived or suspected HIV status.

SEC. 38. *Inhibition from Public Service.* – The right to seek an elective or appointive public office shall not be denied to a person with HIV.

SEC. 39. *Exclusion from Credit and Insurance Services.* – All credit and loan services, including health, accident and life insurance shall not be denied to a person on the basis of his/her actual, perceived or suspected HIV status: *Provided*, That the person with HIV has not concealed or misrepresented the fact to the insurance company upon application. Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said health condition.

SEC. 40. *Discrimination in Hospitals and Health Institutions.* – No person shall be denied health care service or be charged with a higher fee on account of actual, perceived or suspected HIV status.

SEC. 41. *Denial of Burial Services.* – A deceased person who had AIDS or who was known, suspected or perceived to be HIV-positive shall not be denied any kind of decent burial services.

SEC. 42. *Penalties for Discriminatory Acts and Policies.* – All discriminatory acts and policies referred to in this Act shall be punishable with a penalty of imprisonment for six (6) months to four (4) years and a fine not exceeding Ten thousand pesos (P10,000.00). In addition, licenses/permits of schools, hospitals and other institutions found guilty of committing discriminatory acts and policies described in this Act shall be revoked.

ARTICLE VIII

THE PHILIPPINE NATIONAL AIDS COUNCIL

SEC. 43. *Establishment.* – The Philippine National AIDS Council (PNAC) created by virtue of Executive Order No. 39 dated 3 December 1992 shall be reconstituted and strengthened to enable the Council to oversee an integrated and comprehensive approach to HIV/AIDS prevention and control in the Philippines. It shall be attached to the Department of Health.

SEC. 44. *Functions.* – The Council shall be the central advisory planning and policy-making body for the comprehensive and integrated HIV/AIDS prevention and control program in the Philippines. The Council shall perform the following functions:

(a) Secure from government agencies concerned recommendations on how their respective agencies could operationalize specific provisions of this Act. The Council shall integrate and coordinate such recommendations and issue implementing rules and regulations of this Act. The Council shall likewise ensure that there is adequate coverage of the following:

- (1) The institution of a nationwide HIV/AIDS information and education program;
- (2) The establishment of a comprehensive HIV/AIDS monitoring system;
- (3) The issuance of guidelines on medical and other practices and procedures that carry the risk of HIV transmission;
- (4) The provision of accessible and affordable HIV testing and counselling services to those who are in need of it;
- (5) The provision of acceptable health and support services for persons with HIV/AIDS in hospitals and in communities;
- (6) The protection and promotion of the rights of individuals with HIV; and
- (7) The strict observance of medical confidentiality.

(b) Monitor the implementation of the rules and regulations of this Act, issue or cause the issuance of orders or make recommendations to the implementing agencies as the Council considers appropriate;

(c) Develop a comprehensive long-term national HIV/AIDS prevention and control program and monitor its implementation;

(d) Coordinate the activities of and strengthen working relationships between government and non-government agencies involved in the campaign against HIV/AIDS;

(e) Coordinate and cooperate with foreign and international organizations regarding data collection, research and treatment modalities concerning HIV/AIDS; and

(f) Evaluate the adequacy of and make recommendations regarding the utilization of national resources for the prevention and control of HIV/AIDS in the Philippines.

SEC. 45. *Membership and Composition.* –

(a) The Council shall be composed of twenty-six (26) members as follows:

- (1) The Secretary of the Department of Health;
- (2) The Secretary of the Department of Education, Culture and Sports or his representative;
- (3) The Chairperson of the Commission on Higher Education or his representative;
- (4) The Director-General of the Technical Education and Skills Development Authority or his representative;
- (5) The Secretary of the Department of Labor and Employment or his representative;
- (6) The Secretary of the Department of Social Welfare and Development or his representative;
- (7) The Secretary of the Department of the Interior and Local Government or his representative;
- (8) The Secretary of the Department of Justice or his representative;
- (9) The Director-General of the National Economic and Development Authority or his representative;
- (10) The Secretary of the Department of Tourism or his representative;
- (11) The Secretary of the Department of Budget and Management or his representative;
- (12) The Secretary of the Department of Foreign Affairs or his representative;
- (13) The Head of the Philippine Information Agency or his representative;
- (14) The Present of the League of Governors or his representative;
- (15) The President of the League of City Mayors or his representative;
- (16) The Chairperson of the Committee on Health of the Senate of the Philippines or his representative;
- (17) The Chairperson of the Committee on Health of the House of Representatives or his representative;
- (18) Two (2) representatives from organizations of medical/health professionals;
- (19) Six (6) representatives from non-government organizations involved in HIV/AIDS prevention and control efforts or activities; and
- (20) A representative of an organization of persons dealing with HIV/AIDS.

(b) To the greatest extent possible, appointment to the Council must ensure sufficient and discernible representation from the fields of medicine, education, health care, law, labor, ethics and social services;

(c) All members of the Council shall be appointed by the President of the Republic of the Philippines, except for the representatives of the Senate and the House of Representatives, who shall be appointed by the Senate President and the House Speaker, respectively;

(d) The members of the Council shall be appointed not later than thirty (30) days after the date of the enactment of this Act;

(e) The Secretary of Health shall be the permanent chairperson of the Council; however, the vice-chairperson shall be elected by its members from among themselves, and shall serve for a term of two (2) years; and

(f) For members representing medical/health professional groups and the six (6) non-government organizations, they shall serve for a term of two (2) years, renewable upon recommendation of the Council.

SEC. 46. *Reports.* – The Council shall submit to the President and to both Houses of Congress comprehensive annual reports on the activities and accomplishments of the Council. Such annual reports shall contain assessments and evaluation of intervention programs, plans and strategies for the medium- and long-term prevention and control program on HIV/AIDS in the Philippines.

SEC. 47. *Creation of Special HIV/AIDS Prevention and Control Service.* – There shall be created in the Department of Health a Special HIV/AIDS Prevention and Control Service staffed by qualified medical specialists and support staff with permanent appointment and supported with an adequate yearly budget. It shall implement programs on HIV/ AIDS prevention and control. In addition, it shall also serve as the secretariat of the Council.

SEC. 48. *Appropriations.* – The amount of Twenty million pesos (P20,000,000.00) shall be initially appropriated out of the funds of the National Treasury. Subsequent appropriations shall be provided by Congress in the annual budget of the Department of Health under the General Appropriations Act.

ARTICLE IX

MISCELLANEOUS PROVISIONS

SEC. 49. *Implementing Rules and Regulations.* – Within six (6) months after it is fully reconstituted, the Council shall formulate and issue the appropriate rules and regulations necessary for the implementation of this Act.

SEC. 50. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 51. *Repealing Clause.* – All laws, presidential decrees, executive orders and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 52. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.
*Speaker of the House
of Representatives*

(Sgd.) NEPTALI A. GONZALES
President of the Senate

This Act which is a consolidation of Senate Bill No. 1818 and House Bill No. 10510 was finally passed by the Senate and the House of Representatives on February 6, 1998.

(Sgd.) ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

(Sgd.) HEZEL P. GACUTAN
Secretary of the Senate

Approved: FEB 13 1998

(Sgd.) FIDEL V. RAMOS
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/1998/02/13/republic-act-no-8504/RA08504.p65> (doh.gov.ph)

**APPENDIX H -
Magna Carta for Disabled Persons
RA 7277
AN ACT PROVIDING FOR THE REHABILITATION,
SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSON
AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY
AND FOR OTHER PURPOSES.**

TITLE ONE GENERAL PROVISIONS

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 the Philippine society, thus the Senate 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 person’s 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 capability 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.

(d). The State also recognizes the role of the private sector in promoting the welfare of disabled persons and shall encourage partnership in programs that address their needs and concerns.

(e). To facilitate integration of disabled persons into the mainstream of society, the State shall advocate for and encourage respect for disabled persons. The State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons.

SECTION 3. Coverage: This Act shall cover all disabled persons and, to the extend herein provided, departments, offices and agencies of the National Government or non-government organization involved in the attainment of the objectives of this Act.

SECTION 4. Definition of Terms: For purposes of this Act, these terms are defined as follows:

(a). Disabled Persons are those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;

(b). Impairment is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;

(c). Disability shall mean

(1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual;

(2) a record of such an impairment; or

3) being regarded as having such an impairment;

(d). Handicap refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the functions or activity, that is considered normal given the age and sex of the individual;

(e). Rehabilitation is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functional ability;

(f). Social Barriers refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tends to single out and exclude disabled persons and which distort roles and interpersonal relationship;

(g). Auxiliary Aids and Services include:

1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;

2) qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;

3) acquisition or modification of equipment or devices; and

4) other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;

(h). Reasonable Accommodation include

(1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and

(2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provisions of auxiliary aids and services, and other similar accommodations for disabled persons;

(i). Sheltered Employment refers to the provision of productive work for disabled persons through workshop providing special facilities, income producing projects or homework schemes with a view to given them the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.

(j). Auxiliary Social Services are the supportive activities in the delivery of social services to the marginalized sectors of society;

(k). Marginalized Disabled Persons refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose incomes fall below poverty threshold;

(l). Qualified Individual with a Disability shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's judgement as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;

(m). Readily Achievable means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include

1) the nature and cost of the action;

2) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

3) the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and;

4) the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facilities in question to the covered entity;

(n). Public Transportation means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis;

(o). Covered entity means employer, employment agency, labor organization or joint labor-management committee; and

(p). Commerce shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

TITLE TWO RIGHTS AND PRIVILEGES OF DISABLED PERSONS

CHAPTER I – Employment

SECTION 5. Equal Opportunity for Employment: No disabled persons shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and

the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able-bodied person. Five percent (5%) of all casual, emergency and contractual positions in the Department of Social Welfare and Development; Health; Education, Culture and Sports; and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons.

SECTION 6. Sheltered Employment:

If suitable employment for disabled persons cannot be found through open employment as provided in the immediately preceding Section, the State shall endeavor to provide it by means of sheltered employment. In the placement of disabled persons in sheltered employment, it shall accord due regard to the individual qualities, vocational goals and inclinations to ensure a good working atmosphere and efficient production.

SECTION 7. Apprenticeship:

Subject to the provision of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners; Provided, That their handicap is not much as to effectively impede the performance of job operations in the particular occupation for which they are hired; Provided, further, That after the lapse of the period of apprenticeship if found satisfactory in the job performance, they shall be eligible for employment.

SECTION 8. Incentives for Employers:

(a) To encourage the active participation of the private sector in promoting the welfare of disabled persons and to ensure gainful employment for qualified disabled persons, adequate incentives shall be provided to private entities which employ disabled persons.

(b). Private entities that employ disabled persons who meet the required skills or qualifications, either as regular employee, apprentice or learner, shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons: Provided, however, That such entities present proof as certified by the Department of Labor and Employment that disabled person are under their employ. Provided, further, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.

(c). Private entities that improved or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall also be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct costs of the improvements or modifications. This section, however, does not apply to improvements or modifications of facilities required under Batas Pambansa Bilang 344.

SECTION 9. Vocational Rehabilitation:

Consistent with the principle of equal opportunity for disabled workers and workers in general, the State shall take appropriate vocational rehabilitation measures that shall serve to develop the skills and potential of disabled persons and enable them to compete favorably for available productive and remunerative employment opportunities in the labor market. The State shall also take measures to ensure the provisions of vocational rehabilitation and livelihood services for disabled persons in the rural areas. In addition, it shall promote cooperation and coordination between the government and non-government organization and other private entities engaged in vocational rehabilitation activities. The Department of Social Welfare and Development shall design and implement training programs that will provide disabled persons with vocational skills to enable them to engage in livelihood activities or obtain gainful employment. The Department of Labor and Employment shall likewise design and conduct training programs geared towards providing disabled persons with skills for livelihood.

SECTION 10. Vocational Guidance and Counselling:

The Department of Social Welfare and Development shall implement measures providing and evaluating vocational guidance and counselling to enable disabled persons to secure, retain and advance in employment. It shall ensure the availability and training counsellors and other suitability qualified staff responsible for the vocational guidance and counselling of disabled persons.

SECTION 11. Implementing Rules and Regulations:

The Department of Labor and Employment shall in coordination with the Department of Social Welfare and Development (DSWD) and National Council for the Welfare of Disabled Persons (NCWDP), shall promulgate the rules and regulations necessary to implement the provision under this Chapter.

CHAPTER 2 – Education

SECTION 12. Access to Quality Education:

The State shall ensure that disabled persons are provided with adequate 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 institutions 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 education policies and program. 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, 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. 6728 shall be set aside for disabled students pursuing vocational or technical and degree courses.

SECTION 14. Special Education:

The State shall establish, maintain and support a complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other type of exceptional children in all regions of the country. Towards this end, the Department of Education, Culture and Sports shall establish special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities. The National Government shall allocate funds necessary for the effective implementation of the special education program nationwide. Local government units may likewise appropriate counterpart funds to supplement national funds.

SECTION 15. Vocational or Technical and Other Training Programs:

The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness program specifically designed for disabled persons taking into consideration the nature of their handicap.

SECTION 16. Non-Formal Education:

The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

SECTION 17. State Universities and Colleges:

If viable and needed, the State Universities or State Colleges in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for

vocational rehabilitation and special education instructions; and (c) the research on special problems, particularly of the visually-impaired, hearing-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and other, and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled (SPED) course in the curriculum. The National Government shall provide these state universities and colleges with the necessary special facilities for visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students. It shall likewise allocate the necessary funds in support of the above.

CHAPTER 3 – Health

SECTION 18. National Health Program:

The Department of Health, in coordination with National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

- (a) prevention of disability, whether occurring prenatally or post-natally;
- (b) recognition and early diagnosis of disability; and
- (c) early rehabilitation of the disabled.

SECTION 19. Rehabilitation Centers:

The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers. The Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

SECTION 20. Health Services:

The State shall protect and promote the right to health of disabled persons and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost. The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

- (a). prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counselling; and early detection of disability and timely intervention to arrest disabling condition; and
- (b). medical treatment and rehabilitation. The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

CHAPTER 4 Auxiliary Social Services

SECTION 21. Auxiliary Social Services:

The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Toward this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons. The components of such a program shall be as follows:

- (a). assistance in the acquisition of prosthetic devices and medical intervention of specialty services;
- (b). provision of specialized training activities designed to improved functional limitations of disabled persons related to communications skills;
- (c). development among disabled persons of a positive self-image through the provision of counselling, orientation and mobility and strengthening daily living capability;
- (d). provision of family care services geared towards developing the capability of families to respond to the needs of the disabled members of the family;
- (e). provision of substitute family care services and the facilities therefore for abandoned, neglected, abused and unattached disabled persons who need custodial care;
- (f). provision of after care and follow-up services for the continued rehabilitation in a community-based setting of disabled persons who were released from the residential care or rehabilitation center; and
- (g). provision of day care services for disabled children of pre-school age.

CHAPTER 5 – Telecommunications

SECTION 22. Broadcast Media:

Television stations shall be encouraged to provide a sign language inset or subtitles in at least one (1) newscast program a day and special program covering events of national significance.

SECTION 23. Telephone Services:

All telephone companies shall be encouraged to install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable them to communicate through the telephone system.

SECTION 24. Free Postal Charges for the Disabled: Postal charges shall be free on the following:

- (a). article and literature like books and periodicals, orthopedic and other devices, and teaching aids for the use of the disabled sent by mail within the Philippines and abroad; and

(b). aids and orthopedic devices for the disabled sent abroad by mail for repair; Provided, That the aforesaid items are for personal purposes only: Provided further, That the disabled person is a marginalized disabled as certified by the Social Welfare and Development Office of the local government unit concerned or the Department of Social Welfare and Development.

CHAPTER 6 – Accessibility

SECTION 25. Barrier-Free Environment:

The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the Accessibility Law. The national and local government shall allocate funds for the provision of architectural or structural features for disabled persons in government buildings and facilities.

SECTION 26. Mobility:

The State promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

SECTION 27. Access to Public Transport Facilities:

The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare. The said department shall also allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons. The Accessibility Law as amended, shall be made supplementary to this Act.

SECTION 28. Implementing Rules and Regulations:

The Department of Transportation and Communications shall formulate the rules and regulations necessary to implement the provision of this Chapter.

CHAPTER 7 Political and Civil Rights

SECTION 29. System of Voting:

Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election

offense. Polling places should be made accessible to disabled persons during the national or local elections.

SECTION 30. Right to Assemble:

Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerted action held in public.

SECTION 31. Right to Organize:

The State shall recognize the rights of disabled persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with necessary technical and financial assistance. Concerned government agencies and offices shall establish close linkages with organizations of disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions. To ensure the active participation of disabled persons in the social economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons. Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

TITLE THREE PROHIBITION ON DISCRIMINATION AGAINST DISABLED PERSONS

CHAPTER 1 Discrimination on Employment

SECTION 32. Discrimination on Employment:

No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:

- (a). Limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
- (b). Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out a disabled person unless such standards, tests or other selection criteria are shown to be job related for the position on question and are consistent with business necessity;
- (c). Utilizing standards, criteria, or methods of administration that:

- 1). have the effect of discrimination on the basis of disability; or
 - 2). perpetuate the discrimination of others who are subject to common administrative control;
- (d). Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
- (e). Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- (f). Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- (g). Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involve to the prejudice of the business entities; Provided, however, That the employer first sought provide reasonable accommodations for disabled persons;
- (h). Failing to select or administer in the effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
- (i). Excluding disabled persons from membership in labor unions or similar organization.

SECTION 33. Employment Entrance Examination:

Upon an offer of employment, a disabled applicant may be subjected to medical examination, on the following occasions:

- (a). all entering employees are subjected to such an examination regardless of disability;
- (b). information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, Provided, however, That:
 - 1). supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;
 - 2). first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;

- 3). government officials investigating compliance with this Act shall be provided relevant information on request; and
- 4). the results of such examination are used only accordance with this Act.

CHAPTER 2 Discrimination on Transportation

SECTION 34. Public Transportation:

It shall be considered discrimination for the franchises or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

CHAPTER 3 Discrimination on the Use of Public Accommodations and Services

SECTION 35. Public Accommodations and Services:

For purposes of this Chapter, public accommodations and services shall include the following:

- (a). an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- (b). a restaurant, bar or other establishment serving food or drink;
- (c). a motion picture, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (d). an auditorium, convention center, lecture hall, or other place of public gathering;
- (e). a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;
- (f). a bank, barber-shop, beauty-shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
- (g). a terminal, depot, or other station used for specified public transportation;
- (h). a museum, gallery, library or other place of public display or collection;
- (i). a park, zoo, amusement park, or other place of recreation;
- (j). a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
- (k). a gymnasium, health spa, bowling alley, golf course; or
- (l). other place of exercise or recreation.

SECTION 36. Discrimination on the Use of Public Accommodations

(a) No disabled persons shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who

owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:

1). denying a disabled person, directly through contractual, licensing, or other arrangement, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity by reason of his disability;

2). affording a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other able-bodied persons; and

3). providing disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantages, privilege, or accommodation that is different or separate from that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege or accommodation, or other opportunity that is as effective as that provided to others; For purpose of this section, the term “individuals or class individuals” refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

(b). Integrated Settings: Goods, services, facilities, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(c). Opportunity to Participate: Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(d). Association: It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, advantages, privileges, accommodations or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

(e). Prohibitions: For purposes of this Section, the following shall be considered as discriminatory.

1). The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class or individuals with disabilities from fully and equally enjoying and goods, services, facilities, privileges, advantages, accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, or accommodations being offered;

- 2). A failure to make reasonable modifications in policies, practices, or procedures, when such modification are necessary to afford such goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modification would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;
- 3). Failure to take steps as may be necessary to ensure that no individual with disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege or would result in undue burden;
- 4). A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and
- 5). Where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

SECTION 37. Use of Government Recreational or Sports Centers Free of Charge: Recreational or sports centers owned or operated by the Government shall be used, free of charge, by marginalized disabled persons during their social, sports or recreation activities.

SECTION 38. Implementing Rules and Regulations:
The Department of Public Works and Highway shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

TITLE FOUR FINAL PROVISIONS

SECTION 39. Housing Program: The National Government shall take into consideration in its national shelter programs the special housing requirement of disabled persons.

SECTION 40. Role of National Agencies and Local Government Units:
Local government units shall promote the establishment of organizations of disabled persons in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations or associations of disabled persons to explore livelihood opportunities and other undertaking that shall enhance the health, physical fitness and the economic and social well-being of disabled persons.

SECTION 41. Support from Non-Government Organizations: Non-government organizations or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of disabled persons shall, as they, are hereby encouraged, become partners of the Government in the implementation of vocational rehabilitation measures and other related programs and projects. Accordingly, their participation in the implementation of said measures, program and projects is to be extended all possible support by the Government. The Government shall sponsor a volunteer service program which shall harness the involvement of private individual in the provision of assistance to disabled persons.

SECTION 42. Tax Incentives: (a) Any donation, bequest, subsidy or financial aid which may be made to government agencies engaged in the rehabilitation of disabled persons and organizations of disabled persons shall be exempt from the donor's tax subject to the provisions of Section 94 of the National Internal Revenue Code (NIRC), as amended and shall be allowed as deduction from the donor's gross income for purposes of computing the taxable income subject to the provisions of Section 29 (h) of the Code.

(b). Donations from foreign countries shall be exempt from taxes and duties on importation subject to the provisions of Section 105 of the Tariff and Customs Code of the Philippines, as amended, Section 103 of the NIRC, as amended and other relevant laws and international agreements.

(c). Local manufacturing of technical aids and appliances used by disabled persons shall be considered as a preferred area of investment subject to the provisions of Executive Order No. 226 otherwise known as the Omnibus Investments Code of 1987 and, as such, shall enjoy the rights, privileges and incentives as provided in said Code such as, but not limited, to the following:

- 1). repatriation of investments;
- 2). remittance of earnings;
- 3). remittance of payments on foreign contracts;
- 4). freedom from expropriations;
- 5). freedom from requisition of investment;
- 6). income tax holiday;
- 7). additional deduction for labor expense;
- 8). tax and duty exemption on imported capital equipment;
- 9). tax credit on domestic capital equipment;
- 10). exemption from contractor's tax;
- 11). simplification of customs procedures;
- 12). unrestricted use of consigned equipment;
- 13). employment of foreign nationals;
- 14). tax credits for taxes and duties on raw materials;

- 15). access to bonded manufacturing/trading warehouse system;
- 16). exemption from taxes and duties on imported spare parts; and
- 17). Exemption from wharfage dues and any export tax, duty, impost and fee.

SECTION 43. Continuity Clause: Should any department or agency tasked with the enforcement or formulation of rules and regulations and guidelines for implementation of any provisions of this Act is abolished, merge with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that

(a). In case of abolition, the department or agency established to replace the abolished department or agency shall take-over the functions under this Act of the abolished department or agency.

(b). In case of the department or agency tasked with the enforcement of formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the merged department or agency.

(c). In case of modification, the department or agency modified shall continue the functions under this Act of the department or agency that has undergone modification.

SECTION 44. Enforcement by the Secretary of Justice

(a). Denial of Right

1). Duty to Investigate: The Secretary of Justice shall investigate alleged violations of this Act, and shall undertake periodic reviews of compliance of covered entities under this Act.

(b). Potential Violations: If the Secretary of Justice has reasonable cause to believe that

1). any person or group of persons is engaged in a pattern of practice of discrimination under this Act; or

2). any person or group of persons has been discriminated against under this Act and such discrimination raises and issue of general public importance, the Secretary of Justice may commence a legal action in any appropriate court.

SECTION 45. Authority of Court:

The court may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act:

(a). granting temporary, preliminary or permanent relief;

(b). providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and

(c). making facilities readily accessible to and usable by individuals with disabilities.

SECTION 46. Penal Clause:

(a) Any person who violates any provision of this Act shall suffer the following penalties:

- 1). for the first violation, a fine of not less than Fifty thousand pesos (P 50,000.00) but not exceeding One hundred thousand pesos (P 100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
- 2). for any subsequent violation, a fine of not less than One hundred thousand pesos (P 100,000.00) but not exceeding Two hundred thousand pesos (P 200,000.00) or imprisonment for less than two (2) years but not more than six (6) years, or both at the discretion of the court.

(b). Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P 5,000.00) but not more than Fifty thousand pesos (P 50,000.00), or both, at the discretion of the court.

(c). If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.

(d). If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 47. Appropriations: The amount necessary to carry out the provision of this Act shall be included in the General Appropriation Act of the year following its enactment into law and thereafter.

SECTION 48. Separability Clause: Should any provision of this Act be found unconstitutional by a court of law, such provisions shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SEC. 49. Repealing Clause. – All laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 50. Effectivity. — This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation

Approved:

RAMON V. MITRA
Speaker of the House

NEPTALI A. GONZALES
President of the Senate

This bill which is consolidation of Senate Bill No, 1286 and House Bill 35091, was finally passed by the Senate and the House of Representatives on January 22, 1992 and January 16, 1992, respectively.

CAMILO L. SABIO
House of Representatives

ANACLETO D. BADOY, JR.
Secretary of the Senate

Approved: March 24, 1992

CORAZON C. AQUINO
President of the Philippines

Reference:

<https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-7277/>

APPENDIX I - Volunteer Act of 2007

R.A. 9418

AN ACT INSTITUTIONALIZING A STRATEGY FOR RURAL DEVELOPMENT, STRENGTHENING VOLUNTEERISM AND FOR OTHER PURPOSES

SECTION 1. *Title.* — This Act shall be known and cited as the “Volunteer Act of 2007”.

SEC. 2. *Declaration of Policy.* — It shall be the policy of the State to promote the participation of the various sectors of the Filipino society, and as necessary, international and foreign volunteer organizations in public and civic affairs, and adopt and strengthen the practice of volunteerism as a strategy in order to attain national development and international understanding. The inculcation of volunteerism as a way of life shall rekindle in every Filipino the time-honored tradition of bayanihan to foster social justice, solidarity and sustainable development.

SEC. 3. *Statement of Goals and Objectives.* — To carry out the foregoing policy, the government shall pursue the attainment of the following goals and objectives:

(a) To provide a policy framework on volunteerism that shall underscore the fundamental principles necessary to harness and harmonize the broad and diverse efforts of the voluntary sector in the country into an integrative and effective partnership for local and national development as well as international cooperation and understanding.

(b) To provide a conducive and enabling environment for volunteers and volunteer service organizations by setting mechanism to protect volunteers' rights and privileges and give due recognition to highlight their roles and contributions to society; and

(c) To provide an effective institutional mechanism to strengthen the role of the Philippine National Volunteer Service Coordinating Agency (PNVSCA) to perform its mandates and to oversee the implementation of this Act.

SEC. 4. *Definition of Terms.* — For purposes of this Act, the following shall mean:

(a) “Volunteerism” refers to an act involving a wide range of activities, including traditional forms of mutual aid and developmental interventions that provides an enabling and empowering environment both on the part of the beneficiary receiving and the volunteer rendering the act, undertaken for reasons arising from sociodevelopmental, business or corporate orientation, commitment or conviction for the attainment of the public good and where monetary and other incentives or reward are not the primary motivating factors.

(b) “Volunteer” refers to an individual or group who for reasons arising from their sociodevelopmental, business and corporate orientation, commitment or conviction, contribute time, service and resources whether on full-time or part-time basis to a just and essential social development cause, mission or endeavor in the belief that their activity is mutually meaningful and beneficial to public interest as well as to themselves.

(c) “Volunteer service organization” refers to a local or foreign group that recruits, trains, deploys and supports volunteer workers to programs and projects implemented by them or by other organizations or any group that provides services and resources, including but not limited to, information, capability building, advocacy and networking for the attainment of the common good.

(d) “Voluntary sector” refers to those sectors of Philippine society that organizes themselves into volunteers to take advocacy and action primarily for local and national development as well as international cooperation and understanding.

SEC. 5. Role and Modalities of Volunteerism in the Private Sector. —

(a) Volunteerism in the academe includes, but is not limited to, provision of technical assistance and sharing of technology within the academic circle, target communities and other clienteles and the upgrading of the quality of education and curriculum methodologies while providing career enhancement and exposure to the volunteers;

(b) Volunteerism in the corporate sector as an expression of corporate social responsibility and citizenship, refers to activities recognized by the company, where employees give their time, skills and resources in the service of the company's internal and/or external communities. These volunteering activities include, but are not limited to, employee giving of material resources to specific causes; employee-led fund-raising; one-time outreach activities; environmental campaign; medical and health-related advocacies; knowledge and change management; scholarship programs; and sharing of expertise, particularly of business and developmental skills through mentoring, tutoring, training, business, consulting/advising and rendering of pro bono services on a case-to-case basis; and

(c) Volunteerism by not-for-profit organizations includes, but is not limited to, provision of complementary service delivery and human resource development in underserved communities as well as advocacy and articulation of the cause of the disadvantaged and vulnerable groups.

SEC. 6. Role and Modalities of Volunteerism by Foreign Volunteer Organizations. — Volunteerism by foreign volunteer organizations includes, but is not limited to, provision of technical assistance not locally accessible in priority development areas within the framework of technical cooperation and sociocultural exchange.

SEC. 7. Role of the Government. — The government shall coordinate, facilitate and encourage the participation of the voluntary sector in the promotion, utilization and recognition of volunteerism in national development and international cooperation. This shall be achieved through the provision of enabling and conducive environment for volunteer work.

SEC. 8. The Philippine National Volunteer Service Coordinating Agency (PNVSCA). — The PNVSCA created by Executive Order No. 134, as amended, shall undertake the implementation and execution of the provisions of this Act.

SEC. 9. *Mandates of the PNVSCA.* — The PNVSCA shall have the following functions:

(a) Review and formulate policies and guidelines concerning the national volunteer service program consistent with national development priorities;

(b) Coordinate, monitor and evaluate the national volunteer service program in order that volunteer assistance may fit into the total national development goals;

(c) Act as clearing house for matters pertaining to international volunteer services;

(d) Develop and implement prototypes and models of volunteering for adoption by institutions and communities;

(e) Provide technical services and support for capability building of volunteers and volunteer organizations;

(f) Undertake advocacy for the promotion and recognition of volunteerism as a tool for development;

(g) Establish and maintain a national network of volunteer organizations and serve as liaison between and among local and foreign governmental private voluntary organizations including the United Nations Volunteers (UNV); and

(h) Administer all the PNVSCA funds from all sources including foreign aid in accordance with accounting and auditing requirements.

For this purpose, the executive director of the PNVSCA shall submit an organizational plan upon advice of the MultiSectoral Advisory Body to the Department of Budget and Management.

SEC. 10. *The MultiSectoral Advisory Body (MSAB).* — To assist the PNVSCA, the Body created under Executive Order No. 635 shall be reconstituted with the following members:

(a) The National Economic and Development Authority (NEDA);

(b) The Department of Education (DepEd);

(c) The Department of Foreign Affairs (DFA);

(d) The Department of Justice (DOJ);

(e) The Department of the Interior and Local Government (DILG);

(f) The Department of Social Welfare and Development (DSWD);

- (g) The Commission on Higher Education (CHED);
- (h) The Presidential Management Staff (PMS), Office of the President;
- (i) The Representative/s from the corporate sector;
- (j) The Representative/s from the private academe sector; and
- (k) The Representative/s from the not-for-profit sector.

All member government agencies shall be represented at least by an assistant secretary while the private sector agencies shall be represented at least by their highest executive officers. The government agencies shall be permanent members while the representatives from the private sector shall serve for a two-year term. The chair of the MSAB shall be elected from among the members of the body. The PNVSCA executive director, being an ex officio member, shall serve as the permanent vice chair.

The MSAB may call on representatives of other government agencies and/or the private sector to serve as resource person/s on volunteerism as the need arises.

SEC. 11. *Functions of the MSAB.* — The MSAB shall have the following functions:

- (a) Provide advice in the formulation of policies and guidelines for the national volunteer service program;
- (b) Provide consultative and technical advisory services on volunteer matters; and
- (c) Serve as a forum to enhance and strengthen linkages between and among volunteer groups and communities.

SEC. 12. *Special Provisions.* —

- (a) Establishment of a National Volunteer Infrastructure and Forum. — The PNVSCA shall develop and establish a system of national registration and networking to improve coordination of volunteers and volunteer service organizations to widen horizon for sharing and complementing information, experiences and resources.
- (b) Integration of Volunteerism in the Basic and Higher Education Curriculum. — The DepEd and the CHED shall integrate volunteerism as part of the curriculum in basic and higher education to raise the consciousness of the youth and develop the culture of volunteerism among the citizenry.
- (c) Establishment of Volunteer Program in National Government Agencies and Local Government Units (LGUs). — National government agencies and LGUs shall establish volunteer programs in their respective offices to promote and encourage volunteering in government programs and projects as well as enjoy

government employees to render volunteer service in social, economic and humanitarian development undertakings in the community.

(d) *Recognition and Incentives to Volunteers.* — Government agencies and nongovernment organizations (NGOs) implementing volunteer programs are encouraged to develop and provide volunteers recognition and incentive package which may include, but not limited to allowance, insurance, training and the grant of privileges and status to Filipino overseas volunteers at par with Filipino overseas workers.

(e) *Visa Privileges for Foreign Volunteers.* — Foreign volunteers approved for assignment by the PNVSCA as well as their legal dependents may be entitled to 47 (a) (2) visa with multiple entry privileges and corresponding exemption from visa and immigration fees and other related processing/application fees or charges. Foreign nationals already in the Philippines who have been approved for volunteer assignment by the PNVSCA may avail of the above visa category and privileges upon endorsement by the PNVSCA to the DOJ.

SEC. 13. Institutional Mechanism for Research, Documentation, Recognition and Modeling of Best Volunteer Practices. — To carry out the purposes of this Act, an institutional mechanism shall be established, to be spearheaded and administered by the PNVSCA, for continuing research, documentation, recognition and modeling of best volunteer practices as an important component of implementing development programs and projects and undertaking humanitarian activities. For this purpose, the PNVSCA in consultation with any and all relevant government agencies, NGOs, private institutions and persons shall effect the setting up of the mechanisms as well as determine all requirements and, or necessary acts to ensure its effective implementation.

SEC. 14. Implementing Rules and Regulations. — The PNVSCA, with advice from the MSAB, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 15. Repealing Clause. — All laws, decrees, executive orders and rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act, including SEC. 12 of Executive Order No. 635 are hereby deemed repealed or modified accordingly.

SEC. 16. Effectivity. — This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,

(Sgd.) MANNY VILLAR
President of the Senate

(Sgd.) JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on April 5, 2006 and February 5, 2007, respectively.

(Sgd.) OSCAR G. YABES
Secretary of the Senate

(Sgd.) ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

Approved: **APR 10 2007**

(Sgd.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/2007/04/10/republic-act-no-9418/>

APPENDIX J – National Environmental Awareness and Education Act of 2008

R.A. 9512

AN ACT TO PROMOTE ENVIRONMENTAL AWARENESS THROUGH ENVIRONMENTAL EDUCATION AND FOR OTHER PURPOSES

Section 1. Title. – This Act shall be known as the “*National Environmental Awareness and Education Act of 2008*”.

Section 2. Declaration of Policy. – Consistent with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and in recognition of the vital role of the youth in nation building and the role of education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development, the state shall promote national awareness on the role of natural resources in economic growth and the importance of environmental conservation and ecological balance towards sustained national development.

Section 3. Scope of Environmental Education. – The Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Social Welfare and

Development (DSWD), in coordination with the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST) and other relevant agencies, shall integrate environmental education in its school curricula at all levels, whether public or private, including in barangay daycare, preschool, non-formal, technical vocational, professional level, indigenous learning, out-of-school youth courses or programs. Environmental education shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. It shall cover both theoretical and practicum modules comprising activities, projects, programs including, but not limited to, tree planting; waste minimization, segregation, recycling and composting; freshwater and marine conservation; forest management and conservation; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection law.

Section 4. *Environmental Education and Activities as Part of National Service Training Program.* – The CHED and the TESDA shall include environmental education and awareness programs and activities in the National Service Training Program under Republic Act No. 9163, as part of the Civic Welfare Training Service component required for all baccalaureate degree courses and vocational courses with a curriculum of at least two (2) years.

Section 5. *Declaration of Environmental Awareness Month.* – Pursuant to the policy set forth in this Act, the month of November of every year shall be known as the “Environmental Awareness Month” throughout the Philippines.

Section 6. *Interagency and Multi-Sectoral Effort.* – The DepEd, CHED, TESDA, DENR, DOST and other relevant agencies, in consultation with experts on the environment and the academe, shall lead in the implementation of public education and awareness programs on environmental protection and conservation through collaborative interagency and multi-sectoral effort at all levels. The DENR shall have the primary responsibility of periodically informing all agencies concerned on current environmental updates, including identifying priority environmental education issues for national action and providing strategic advice on the environmental education activities. The DepEd, CHED, TESDA, DENR, DOST, DSWD and barangay units shall ensure that the information is disseminated to the subject students. The DOST is mandated to create programs that will ensure that students receive science-based quality information on environmental issues to encourage the development of environment-friendly solutions, devices, equipment and facilities.

Section 7. *Capacity-Building.* – The DepEd, CHED and TESDA, in coordination with the DENR and other relevant agencies, shall undertake capacity-building programs

nationwide such as trainings, seminars, workshops on environmental education, development and production of environmental education materials, and teacher-education courses and related livelihood programs.

Section 8. Separability Clause. – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Section 9. Repealing Clause. – All other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

(SGD.) MANNY VILLAR
President of the Senate

(SGD.) PROSPERO C. NOGRALES
*Speaker of the House
of Representative*

This Act which is a consolidation of Senate Bill No. 1699 and House Bill No. 4381 was finally passed by the Senate and the House of Representatives on October 8, 2008.

Sgd. MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*

Sgd. EMMA LIRIO-REYES
Secretary of the Senate

Approved by:

SGD. GLORIA MACAPAGAL –ARROYO
President of the Philippines

Reference:

<https://www.officialgazette.gov.ph/2008/12/12/republic-act-no-9512/>

APPENDIX K – 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**

CHAPTER I GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Data Privacy Act of 2012”.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 5. Protection Afforded to Journalists and Their Sources. – Nothing in this Act shall be construed as to have amended or repealed the provisions of Republic Act No. 53, which affords the publishers, editors or duly accredited reporters of any newspaper, magazine or periodical of general circulation protection from being compelled to reveal the source of any news report or information appearing in said publication which was related in any confidence to such publisher, editor, or reporter.

SEC. 6. Extraterritorial Application. – This Act applies to an act done or practice engaged in and outside of the Philippines by an entity if:

(a) The act, practice or processing relates to personal information about a Philippine citizen or a resident;

(b) The entity has a link with the Philippines, and the entity is processing personal information in the Philippines or even if the processing is outside the Philippines as long as it is about Philippine citizens or residents such as, but not limited to, the following:

(1) A contract is entered in the Philippines;

(2) A juridical entity unincorporated in the Philippines but has central management and control in the country; and

(3) An entity that has a branch, agency, office or subsidiary in the Philippines and the parent or affiliate of the Philippine entity has access to personal information; and

- (c) The entity has other links in the Philippines such as, but not limited to:
- (1) The entity carries on business in the Philippines; and
 - (2) The personal information was collected or held by an entity in the Philippines.

CHAPTER II

THE NATIONAL PRIVACY COMMISSION

SEC. 7. Functions of the National Privacy Commission. – To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for data protection, there is hereby created an independent body to be known as the National Privacy Commission, which shall have the following functions:

(a) Ensure compliance of personal information controllers with the provisions of this Act;

(b) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report: *Provided*, That in resolving any complaint or investigation (except where amicable settlement is reached by the parties), the Commission shall act as a collegial body. For this purpose, the Commission may be given access to personal information that is subject of any complaint and to collect the information necessary to perform its functions under this Act;

(c) Issue cease and desist orders, impose a temporary or permanent ban on the processing of personal information, upon finding that the processing will be detrimental to national security and public interest;

(d) Compel or petition any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy;

(e) Monitor the compliance of other government agencies or instrumentalities on their security and technical measures and recommend the necessary action in order to meet minimum standards for protection of personal information pursuant to this Act;

(f) Coordinate with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal information in the country;

(g) Publish on a regular basis a guide to all laws relating to data protection;

(h) Publish a compilation of agency system of records and notices, including index and other finding aids;

(i) Recommend to the Department of Justice (DOJ) the prosecution and imposition of penalties specified in Sections 25 to 29 of this Act;

(j) Review, approve, reject or require modification of privacy codes voluntarily adhered to by personal information controllers: *Provided*, That the privacy codes shall adhere to the underlying data privacy principles embodied in this Act: *Provided, further*, that such privacy codes may include private dispute resolution mechanisms for complaints against any participating personal information controller. For this purpose, the Commission shall consult with relevant regulatory agencies in the formulation and administration of privacy codes applying the standards set out in this Act, with respect to the persons, entities, business activities and business sectors that said regulatory bodies are authorized to principally regulate pursuant to the law: *Provided, finally*. That the Commission may review such privacy codes and require changes thereto for purposes of complying with this Act;

(k) Provide assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person;

(l) Comment on the implication on data privacy of proposed national or local statutes, regulations or procedures, issue advisory opinions and interpret the provisions of this Act and other data privacy laws;

(m) Propose legislation, amendments or modifications to Philippine laws on privacy or data protection as may be necessary;

(n) Ensure proper and effective coordination with data privacy regulators in other countries and private accountability agents, participate in international and regional initiatives for data privacy protection;

(o) Negotiate and contract with other data privacy authorities of other countries for cross-border application and implementation of respective privacy laws;

(p) Assist Philippine companies doing business abroad to respond to foreign privacy or data protection laws and regulations; and

(q) Generally perform such acts as may be necessary to facilitate cross-border enforcement of data privacy protection.

SEC. 8. *Confidentiality.* – The Commission shall ensure at all times the confidentiality of any personal information that comes to its knowledge and possession.

SEC. 9. *Organizational Structure of the Commission.* – The Commission shall be attached to the Department of Information and Communications Technology (DICT) and shall be headed by a Privacy Commissioner, who shall also act as Chairman of the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Privacy Commissioner and the two (2) Deputy Privacy Commissioners shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed for another term of three (3) years. Vacancies in the Commission shall be filled in the same manner in which the original appointment was made.

The Privacy Commissioner must be at least thirty-five (35) years of age and of good moral character, unquestionable integrity and known probity, and a recognized expert in the field of information technology and data privacy. The Privacy Commissioner shall enjoy the benefits, privileges and emoluments equivalent to the rank of Secretary.

The Deputy Privacy Commissioners must be recognized experts in the field of information and communications technology and data privacy. They shall enjoy the benefits, privileges and emoluments equivalent to the rank of Undersecretary.

The Privacy Commissioner, the Deputy Commissioners, or any person acting on their behalf or under their direction, shall not be civilly liable for acts done in good faith in the performance of their duties. However, he or she shall be liable for willful or negligent acts done by him or her which are contrary to law, morals, public policy and good customs even if he or she acted under orders or instructions of superiors: *Provided*, That in case a lawsuit is filed against such official on the subject of the performance of his or her duties, where such performance is lawful, he or she shall be reimbursed by the Commission for reasonable costs of litigation.

SEC. 10. *The Secretariat.* – The Commission is hereby authorized to establish a Secretariat. Majority of the members of the Secretariat must have served for at least five (5) years in any agency of the government that is involved in the processing of personal information including, but not limited to, the following offices: Social Security System (SSS), Government Service Insurance System (GSIS), Land Transportation Office (LTO), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Commission on Elections

(COMELEC), Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Philippine Postal Corporation (Philpost).

CHAPTER III

PROCESSING OF PERSONAL INFORMATION

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 15. *Extension of Privileged Communication.* – Personal information controllers may invoke the principle of privileged communication over privileged information that they lawfully control or process. Subject to existing laws and regulations, any evidence gathered on privileged information is inadmissible.

CHAPTER IV

RIGHTS OF THE DATA SUBJECT

SEC. 16. *Rights of the Data Subject.* – The data subject is entitled to:

(a) Be informed whether personal information pertaining to him or her shall be, are being or have been processed;

(b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity:

- (1) Description of the personal information to be entered into the system;
- (2) Purposes for which they are being or are to be processed;
- (3) Scope and method of the personal information processing;
- (4) The recipients or classes of recipients to whom they are or may be disclosed;
- (5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;
- (6) The identity and contact details of the personal information controller or its representative;
- (7) The period for which the information will be stored; and
- (8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission.

Any information supplied or declaration made to the data subject on these matters shall not be amended without prior notification of data subject:

Provided, That the notification under subsection (b) shall not apply should the personal information be needed pursuant to a *subpoena* or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

(c) Reasonable access to, upon demand, the following:

- (1) Contents of his or her personal information that were processed;
- (2) Sources from which personal information were obtained;
- (3) Names and addresses of recipients of the personal information;
- (4) Manner by which such data were processed;
- (5) Reasons for the disclosure of the personal information to recipients;
- (6) Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
- (7) Date when his or her personal information concerning the data subject were last accessed and modified; and
- (8) The designation, or name or identity and address of the personal information controller;

(d) Dispute the inaccuracy or error in the personal information and have the personal information controller corrects it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information has been corrected, the personal information controller shall ensure the

accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof: *Provided*, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;

(e) Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from the personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information; and

(f) Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

SEC. 17. *Transmissibility of Rights of the Data Subject.* – The lawful heirs and assigns of the data subject may invoke the rights of the data subject for, which he or she is an heir or assignee at any time after the death of the data subject or when the data subject is incapacitated or incapable of exercising the rights as enumerated in the immediately preceding section.

SEC. 18. *Right to Data Portability.* – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

SEC. 19. *Non-Applicability.* – The immediately preceding sections are not applicable if the processed personal information are used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject: *Provided*, That the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable to processing of personal information gathered for the purpose of investigations in relation to any criminal, administrative or tax liabilities of a data subject.

CHAPTER V

SECURITY OF PERSONAL INFORMATION

SEC. 20. *Security of Personal Information.* – (a) The personal information controller must implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information against any accidental or unlawful destruction, alteration and disclosure, as well as against any other unlawful processing.

(b) The personal information controller shall implement reasonable and appropriate measures to protect personal information against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

(c) The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation. Subject to guidelines as the Commission may issue from time to time, the measures implemented must include:

- (1) Safeguards to protect its computer network against accidental, unlawful or unauthorized usage or interference with or hindering of their functioning or availability;
- (2) A security policy with respect to the processing of personal information;
- (3) A process for identifying and accessing reasonably foreseeable vulnerabilities in its computer networks, and for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach; and
- (4) Regular monitoring for security breaches and a process for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach.

(d) The personal information controller must further ensure that third parties processing personal information on its behalf shall implement the security measures required by this provision.

(e) The employees, agents or representatives of a personal information controller who are involved in the processing of personal information shall operate and hold personal information under strict confidentiality if the personal information are not intended for public disclosure. This obligation shall continue even after leaving the public service, transfer to another position or upon termination of employment or contractual relations.

(f) The personal information controller shall promptly notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes that such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject. The notification shall at least describe the nature of the breach, the sensitive personal information possibly involved, and the measures taken by the entity to address the breach. Notification may be delayed only to the extent necessary to determine the scope of the breach, to prevent further disclosures, or to restore reasonable integrity to the information and communications system.

(1) In evaluating if notification is unwarranted, the Commission may take into account compliance by the personal information controller with this section and existence of good faith in the acquisition of personal information.

(2) The Commission may exempt a personal information controller from notification where, in its reasonable judgment, such notification would not be in the public interest or in the interests of the affected data subjects.

(3) The Commission may authorize postponement of notification where it may hinder the progress of a criminal investigation related to a serious breach.

CHAPTER VI

ACCOUNTABILITY FOR TRANSFER OF PERSONAL INFORMATION

SEC. 21. *Principle of Accountability.* – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

(a) The personal information controller is accountable for complying with the requirements of this Act and shall use contractual or other reasonable means to provide a comparable level of protection while the information are being processed by a third party.

(b) The personal information controller shall designate an individual or individuals who are accountable for the organization’s compliance with this Act.

The identity of the individual(s) so designated shall be made known to any data subject upon request.

CHAPTER VII

SECURITY OF SENSITIVE PERSONAL / INFORMATION IN GOVERNMENT

SEC. 22. Responsibility of Heads of Agencies. – All sensitive personal information maintained by the government, its agencies and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission. The head of each government agency or instrumentality shall be responsible for complying with the security requirements mentioned herein while the Commission shall monitor the compliance and may recommend the necessary action in order to satisfy the minimum standards.

SEC. 23. Requirements Relating to Access by Agency Personnel to Sensitive Personal Information. – (a) On-site and Online Access – Except as may be allowed through guidelines to be issued by the Commission, no employee of the government shall have access to sensitive personal information on government property or through online facilities unless the employee has received a security clearance from the head of the source agency.

(b) Off-site Access – Unless otherwise provided in guidelines to be issued by the Commission, sensitive personal information maintained by an agency may not be transported or accessed from a location off government property unless a request for such transportation or access is submitted and approved by the head of the agency in accordance with the following guidelines:

(1) Deadline for Approval or Disapproval – In the case of any request submitted to the head of an agency, such head of the agency shall approve or disapprove the request within two (2) business days after the date of submission of the request. In case there is no action by the head of the agency, then such request is considered disapproved;

(2) Limitation to One thousand (1,000) Records – If a request is approved, the head of the agency shall limit the access to not more than one thousand (1,000) records at a time; and

(3) Encryption – Any technology used to store, transport or access sensitive personal information for purposes of off-site access approved under this subsection shall be secured by the use of the most secure encryption standard recognized by the Commission.

The requirements of this subsection shall be implemented not later than six (6) months after the date of the enactment of this Act.

SEC. 24. *Applicability to Government Contractors.* – In entering into any contract that may involve accessing or requiring sensitive personal information from one thousand (1,000) or more individuals, an agency shall require a contractor and its employees to register their personal information processing system with the Commission in accordance with this Act and to comply with the other provisions of this Act including the immediately preceding section, in the same manner as agencies and government employees comply with such requirements.

CHAPTER VIII PENALTIES

SEC. 25. *Unauthorized Processing of Personal Information and Sensitive Personal Information.* – (a) The unauthorized processing of personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

(b) The unauthorized processing of personal sensitive information shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

SEC. 26. *Accessing Personal Information and Sensitive Personal Information Due to Negligence.* – (a) Accessing personal information due to negligence shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

(b) Accessing sensitive personal information due to negligence shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

SEC. 27. *Improper Disposal of Personal Information and Sensitive Personal Information.* – (a) The improper disposal of personal information shall be penalized by imprisonment ranging from six (6) months to two (2) years and a fine of

not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

(b) The improper disposal of sensitive personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

SEC. 28. Processing of Personal Information and Sensitive Personal Information for Unauthorized Purposes. – The processing of personal information for unauthorized purposes shall be penalized by imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons processing personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

The processing of sensitive personal information for unauthorized purposes shall be penalized by imprisonment ranging from two (2) years to seven (7) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons processing sensitive personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

SEC. 29. Unauthorized Access or Intentional Breach. – The penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who knowingly and unlawfully, or violating data confidentiality and security data systems, breaks in any way into any system where personal and sensitive personal information is stored.

SEC. 30. Concealment of Security Breaches Involving Sensitive Personal Information. – The penalty of imprisonment of one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who, after having knowledge of a security breach and of

the obligation to notify the Commission pursuant to Section 20(f), intentionally or by omission conceals the fact of such security breach.

SEC. 31. *Malicious Disclosure.* – Any personal information controller or personal information processor or any of its officials, employees or agents, who, with malice or in bad faith, discloses unwarranted or false information relative to any personal information or personal sensitive information obtained by him or her, shall be subject to imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

SEC. 32. *Unauthorized Disclosure.* – (a) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party personal information not covered by the immediately preceding section without the consent of the data subject, shall he subject to imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

(b) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party sensitive personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from three (3) years to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00).

SEC. 33. *Combination or Series of Acts.* – Any combination or series of acts as defined in Sections 25 to 32 shall make the person subject to imprisonment ranging from three (3) years to six (6) years and a fine of not less than One million pesos (Php1,000,000.00) but not more than Five million pesos (Php5,000,000.00).

SEC. 34. *Extent of Liability.* – If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime. If the offender is a juridical person, the court may suspend or revoke any of its rights under this Act. If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties prescribed. If the offender is a public official or employee and lie or she is found guilty of acts penalized under Sections 27 and 28 of this Act, he or she shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

SEC. 35. *Large-Scale.* – The maximum penalty in the scale of penalties respectively provided for the preceding offenses shall be imposed when the personal information of at least one hundred (100) persons is harmed, affected or involved as the result of the above mentioned actions.

SEC. 36. *Offense Committed by Public Officer.* – When the offender or the person responsible for the offense is a public officer as defined in the Administrative Code of the Philippines in the exercise of his or her duties, an accessory penalty consisting in the disqualification to occupy public office for a term double the term of criminal penalty imposed shall be applied.

SEC. 37. *Restitution.* – Restitution for any aggrieved party shall be governed by the provisions of the New Civil Code.

CHAPTER IX MISCELLANEOUS PROVISIONS

SEC. 38. *Interpretation.* – Any doubt in the interpretation of any provision of this Act shall be liberally interpreted in a manner mindful of the rights and interests of the individual about whom personal information is processed.

SEC. 39. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the Commission shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 40. *Reports and Information.* – The Commission shall annually report to the President and Congress on its activities in carrying out the provisions of this Act. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data privacy, data protection and fair information rights and responsibilities.

SEC. 41. *Appropriations Clause.* – The Commission shall be provided with an initial appropriation of Twenty million pesos (Php20,000,000.00) to be drawn from the national government. Appropriations for the succeeding years shall be included in the General Appropriations Act. It shall likewise receive Ten million pesos (Php10,000,000.00) per year for five (5) years upon implementation of this Act drawn from the national government.

SEC. 42. *Transitory Provision.* – Existing industries, businesses and offices affected by the implementation of this Act shall be given one (1) year transitory period from the effectivity of the IRR or such other period as may be determined by the Commission, to comply with the requirements of this Act. In case that the

DICT has not yet been created by the time the law takes full force and effect, the National Privacy Commission shall be attached to the Office of the President.

SEC. 43. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 44. *Repealing Clause.* – The provision of Section 7 of Republic Act No. 9372, otherwise known as the “Human Security Act of 2007”, is hereby amended. Except as otherwise expressly provided in this Act, all other laws, decrees, executive orders, proclamations and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) **FELICIANO BELMONTE JR.**
*Speaker of the House
of Representatives*

(Sgd.) **JUAN PONCE ENRILE**
President of the Senate

This Act which is a consolidation of Senate Bill No. 2965 and House Bill No. 4115 was finally passed by the Senate and the House of Representatives on June 6, 2012.

(Sgd.) **MARILYN B. BARUA-YAP**
*Secretary General House
of Representatives*

(Sgd.) **EMMA LIRIO-REYES**
Secretary of the Senate

Approved: **AUG 15 2012**

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

Reference

<https://www.privacy.gov.ph/data-privacy-act/>

**APPENDIX L –
Retention Agreement**

This is to affirm that I, _____,
(Name of enrollee)

currently enrolled in the

- BS Medical Technology
- BS Nursing
- BS Pharmacy
- BS Physical Therapy
- BS Radiologic Technology
- BS Respiratory Therapy
- others (please specify) _____

program of the Institution, fully understand the retention policy of CLDHEI and I am willing to abide by its provisions. Should I fail to do so, I will shift to a non-board course or transfer to another educational institution.

Conforme:

Student:

Parent/Guardian:

Signature over Printed Name

Date:

Signature above Printed Name

Date

ANNEX A

FLEXIBLE LEARNING POLICIES AND GUIDELINES FOR ACADEMIC YEAR 2022-2023

SECTION 1: ONLINE ADMISSION AND ENROLLMENT

A. Entrance Exam

Online Entrance Exam and Interview

B. Admission and Enrollment

1. Submit requirements and application form
 - a. The application form can be downloaded thru the CLDHEI website
 - b. The student shall email the accomplished application form and clear scanned copy of requirements to any of the Registrar's staff, using the email address provided.
 - c. Subject of the email should be the Student's Name / Enrollment Application.
2. Payment Options for Assessed Fees are:
 - a. Deposit payment to any Metrobank branch
 - b. Mobile or online banking to Metrobank or thru Insta-pay for other bank
 - c. Appointment with Accounting office
3. Email validated deposit slip or screenshots of successful fund transfer to treasury@cldhei.edu.ph with the following details:
 - Name**
 - ID Number**
 - Course and Year Level**
 - Bank Branch where the deposit was made**
4. Receive Official Receipt (OR) thru the following:
 - a. Payments made directly at the cashier counters of CLDHEI shall be issued an Official Receipt (OR) right after the transaction.
 - b. Metrobank deposits and/or online payments shall be issued Official Receipts (OR) once the payments have been verified by our accounting staff.
5. Once the student, parent/guardian receives the Official Receipt (OR), the student is considered officially ENROLLED.

SECTION 2: ACADEMIC RULES AND REGULATIONS

A. Learning Delivery Thru Flexible Learning

Core Learning activities and support are delivered thru online, modular/offline and/or a combination of both whichever is applicable to the student's internet connectivity/status.

1. CLDHEI uses Google Education Suite as its main online platform in the delivery of learning to students. However, Instructors may use other online platforms that suit their teaching needs.
2. Online Classes
 - a. Students are advised to follow course policies given by the designated instructor for synchronous class discussions.
 - b. Avoid eating, playing, chatting, and/or surfing outside the lesson
 - c. Limit distractions by turning off notifications, closing or minimizing other running applications during open discussion.
 - d. Use the Chat Box function to raise a question during discussion; wait for the instructor's go signal before speaking.
 - e. Keep microphone muted when not speaking.
3. Modular/ Offline
 - a. Instructors shall provide the expected outputs on the class activities.
 - b. Always Acknowledge references and sources of information

NOTE: Follow the consultation hours set by the instructors.

B. Attendance and Punctuality

1. Students are advised to strictly follow the rules and regulations given by the instructor for the synchronous class.
2. Students must meet or submit their expected outputs as scheduled by their Instructors.
3. The Student is responsible for all the lessons and assignments taken up in the synchronous class during his absence.

SECTION 3: STUDENT SERVICES

NOTE: The following guidelines shall be observed only when the face-to-face classes are allowed. CLDHEI conforms to the CHED directives of the non-holding of class session/students reporting in school.

A. Dr. Constante D. Quirino Library

1. General Policies

- a. Face mask and face shield should always be worn when inside the Library premises.
- b. A two-meter distance must be maintained among users inside the library. The number of users will be limited based on available seats.
- c. The College Library shall have a closed-shelf system. Each borrower shall fill up a request sheet before a book/material is provided.
- d. The NO ID, NO ENTRY is strictly enforced. The ID card must be worn at all times inside the library premises and must be presented every time a book or material is borrowed.
- e. Library users must log in at the attendance sheet when entering the library. Users are advised to use their own pen when logging in at the attendance sheet.

2. Borrowing of Books Guidelines

- a. General reference books, handbooks, pamphlets, serials, theses/dissertations and other restricted materials are strictly for room use only.
- a. Circulation books, journals and magazines can only be borrowed for the following prescribed number of day/s with the following limit:

Students	1 week	Maximum of 3 books
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- b. For access on E-Journals, the learning resource staff can be sought for assistance.

B. Guidance and Testing Office

- 1. Counseling - Students who still have pending counselling sessions may request to continue their counselling sessions with their respective Guidance Counsellor considering the following:
 - a. The student may contact their Counsellor using a provided email address to secure an online appointment (via: Skype, Zoom, or any online video application).
 - b. The student/s shall submit an email with their Full Name, ID Number, Grade Level and Section/ Course and Year.
 - c. If the appointment date is approved, the counselee shall observe the following:

- Proper attire must be worn by both the student and the Counsellor to maintain professionalism during the session
 - A stable internet connection to ensure better interaction.
 - To maintain confidentiality during the session, the counsellor shall record the conversation with the permission from the counselee. The recorded conversation shall be transcribed within a day and shall be deleted by the counsellor.
2. Consultation, Exit interview and Psychological Assessment.
A Student who wishes to set an appointment with a SAO Staff may send their request thru email.
 3. Career and Placement. The Pre-Employment Orientation Seminar (PEOS) will be held online. This aims to provide students factual information about the world of work and other relevant information needed in search of employment, and to equip them with skills on how to apply for a job.

SECTION 5: STUDENT CODE OF CONDUCT AND DISCIPLINE

A. Dress Code for Synchronous Class (Online)

1. Appropriate Dress Code:
 - a. For Higher Year Students
 - Preferably School uniform or any CLDHEI T-shirts
If School uniform and CLDHEI T-shirts are not available:
 - Smart casual outfits for both male & female
 - Decent shirts, t-shirts, & blouse
 - Decent skirts, pants, & sweatpants/jogging pants
 - Neat looking hair for both male & female
 - b. For New Students
 - Smart casual outfits for both male & female
 - Decent shirts, t-shirts, & blouse
 - Decent skirts, pants, & sweatpants/jogging pants
 - Neat looking hair for both male & female
2. Inappropriate Outfit:
 - Tank tops (*sando*) for both male & female
 - Wearing of caps/hats and sunglasses during online classes
 - Spaghetti straps, plunging necklines, nighties, dusters, etc. for female

- Shorts of any kind and length for both male & female

B. Student Discipline

The institution recognizes the students' need for discipline in order to maintain peace and order inside and outside the school premises. To achieve this, rules and regulations are set and any student who fails to comply may be subjected to disciplinary action.

Class A Offenses:

1. Failure to wear the prescribed attire during the online class.
2. Failure to report the loss of I.D. to the Dean/Department Head within 24 hours.

Class B Offenses:

1. Eating and sleeping during on-going online class

Class C Offenses:

1. Smoking, selling, or bringing cigarettes during online class
2. Preventing to threatening (regardless how it was delivered) school authorities, faculty members and students from discharging their duties, or from attending online classes
3. Any form of student misconduct whether committed online or outside the school premises which directly or indirectly affects the name of the school

ANNEX B

COMPLETE CONTACT INFORMATION OF CLDHEI DEPARTMENTS

REGISTRAR'S OFFICE

Telephone Numbers: (045) 982-5019 /5052 loc. 250 and 249
Email Address : registrar@cldhei.edu.ph
School Registrar : Leonora B. Quiaoit
Tertiary : Archie Fernandez & Mark Lacandula
MSN : Jeleen Ramales

ACCOUNTING OFFICE

Telephone Numbers: (045) 982-5019/5052 loc. 271 and 231
Email Addresses: treasury@cldhei.edu.ph

GUIDANCE AND TESTING OFFICE (GTO)

Telephone Numbers: (045) 982-5019/5052 Loc. 200 and 212
Facebook Page : CLDH-EI Guidance and Testing Office
Email Addresses : admission@cldhei.edu.ph

STUDENT AFFAIRS OFFICE (SAO)

Telephone Numbers: (045) 982-5019/5052 Loc. 232 and 212
Facebook Page : CLDH-EI Guidance and Testing Office
Email Addresses : admission@cldhei.edu.ph

LEARNING RESOURCE CENTER (LRC)

Telephone Numbers: (045) 982- 5019/5052 loc. 233
Email Address: library@cldhei.edu.ph
Facebook Page: Cldh-Ei Library

MARKETING AND BOOKSTORE

Telephone Numbers: (045) 982- 5019/5052 loc. 207
Email Address: marketing@cldhei.edu.ph
Facebook Page: CLDH EI Central Luzon Doctors' Hospital Educational Institution

ANNEX C

GENDER AND DEVELOPMENT

Gender and Development

Gender and development is an interdisciplinary field of research and applied study that implements a feminist approach to understanding and addressing the disparate impact that economic development and globalization have on people based upon their location, gender, class background, and other socio-political identities. A strictly economic approach to development views a country's development in quantitative terms such as job creation, inflation control, and high employment – all of which aim to improve the 'economic wellbeing' of a country and the subsequent quality of life for its people. In terms of economic development, quality of life is defined as access to necessary rights and resources including but not limited to quality education, medical facilities, affordable housing, clean environments, and low crime rate.

Gender and development consider many of these same factors, however, gender and development emphasize efforts towards understanding how multifaceted these issues are in the entangled context of culture, government, and globalization. Accounting for this need, gender and development implements ethnographic research, research that studies a specific culture or group of people by physically immersing the researcher into the environment and daily routine of those being studied, in order to comprehensively understand how development policy and practices affect the everyday life of targeted groups or areas.



CURRICULAR OFFERINGS

TERTIARY

BS NURSING
BS PHARMACY
BS MEDICAL TECHNOLOGY
BS RADIOLOGIC TECHNOLOGY

GRADUATE PROGRAM

MASTER OF SCIENCE IN NURSING

BASIC EDUCATION DEPARTMENT
(RECOGNIZED BY THE DEPARTMENT OF EDUCATION)

KINDERGARTEN
ELEMENTARY – GRADE 1 TO 6
JUNIOR HIGH – GRADE 7 TO 10
SENIOR HIGH – GRADE 11 AND 12
(STRANDS: STEM, HUMSS, ABM)