



CITY COLLEGE OF ANGELES

STUDENT HANDBOOK

6th EDITION



Foreword

The CCA Student Handbook 2022 (6th edition) is a source of important information and a comprehensive guide for students regarding college policies, rules and regulations, services, and laws relevant to students. The Student Handbook is designed to acquaint CCA students with the standards expected of them as members of College community and what students may expect from the College.

As members of the academic community, it is every student's responsibility to be aware of, and to comply with all regulations, policies, procedures stipulated outlined within. Students must also be responsible on checking other school channels (eg. CCA website, Official College and Office Facebook page, bulletin boards and posting of announcements) to be constantly updated.

A printed copy of this handbook is available to each registered student through the Student Affairs and Services Office.

Student Handbook Acknowledgement

I have received an electronic copy of the Student/Parent Handbook. I have read the handbook and understand all the rules and expectations. I agree to be responsible for following all of the rules and expectations of the school and understand the consequences for failing to follow the requirements.

I understand that this handbook may be amended during the year without notice. The amendment is applicable to all students upon the implementation. The administration will notify all parents and students in writing, where possible, of any changes to the handbook as soon as practical.

Name and signature of student

Name and signature of parent

Table of Contents

Message from the Chairman of the Board	7
Message from the College President	8
Brief History of City College of Angeles	9
CCA Hymn	11
CCA Prayer	12
Student Handbook Development Committee 2022	13
College Profile	
Vision	15
Mission	15
Objectives	15
Core Values	15
The College Seal and Motto	16
A. ADMISSION AND REGISTRATION	
Section	
1 Admission Policies	16
2 Admission Procedures	17
3 Enrolment Procedures	17
4 Student Loading and Student Classification	18
5 Leave of absence	18
6 Shifting Policy	18
7 Request for Transcript of Records	19
8 Request for Diploma/Certificate of Completion	19
9 Honorable Dismissal	20
B. PAYMENT OR REFUND OF TUITION AND OTHER FEES	
Section	
1 Payment of Fee.....	20
2 Refund of Fees	20
3 Non-payment of Account.....	21
C. ACADEMIC PROGRAMS	
Section	
1 Institute of Computing Studies & Library and Information Science	21
2 Institute of Business and Management	22
3 Institute of Education, Arts and Sciences	22
D. RETENTION POLICIES	24
E. ACADEMIC POLICIES	
Section	
1 School Calendar	25
2 Academic Coaching	25
3 Guidelines for Academic Coaching	25
4 Class Attendance	26
5 Limits of Absences (Face to Face and Online class)	26
6 Classroom Behavior	27
7 Grading System	27
8 Grading Policies	28
9 Examinations	29
10 Academic Honors and Awards	29

11	Eligibility for Promotion and Graduation	30
F.	SCHOLARSHIP	31
G.	COLLEGE GUIDANCE AND FORMATION OFFICE	
	Section	
1	Guidance and Counseling Services	31
2	CCARES Program	33
H.	LIBRARY	
	Section	
1	Library Hours	34
2	Use of Library Facilities	34
3	Use of Library Card	34
4	Proper Behavior of User in the Library	35
5	Rules on the use of Library	35
6	Penalty and Sanctions	36
I.	MULTIMEDIA AND INFORMATION SYSTEMS AND SERVICES OFFICE	
	Section	
1	On borrowing School equipment	36
	(e.g. tablets, laptops, speakers, etc.)	
2	On the assignment and use of the CCA email account	37
3	On the use of computers in computer laboratories	37
J.	CULTURE AND THE ARTS OFFICE	37
K.	SPORTS OFFICE	38
L.	OFFICE OF THE VICE PRESIDENT FOR RESEARCH, EXTENSION AND QUALITY ASSURANCE	
	Section	
1	Research Consultation	38
2	Statistical Processing	38
3	Plagiarism Analysis	38
4	English Proofreading	38
5	Research Ethics Review	38
M.	COMMUNITY EXTENSION OFFICE	39
N.	STUDENT AFFAIRS AND SERVICES OFFICE	
	Section	
1	Student Organizations	40
2	Accreditation of Student organizations	40
3	Conduct of In- and Off-Campus Activities	42
4	On Activity Bans	42
5	Student Publication	43
6	Student Government	44
7	Health Services	44
8	Student Grievance	44
9	Non-Academic policies	45
10	Code of Discipline for Students	45
11	School Uniform and Personal Attire	46
12	Dress Code Policy	47
13	Act of Misconduct and Corrective Measures	48
14	Procedure for Processing of Disciplinary Cases	53
15	Online filing of Disciplinary cases	58

16	Lost and found section	59
16	Issuance of Certificate of good moral character	59
O.	SUPPORT AND TRAINING EMPLOYMENT PROGRAM (STEP)	59
Appendix A		
	Students Rights and Obligations	62
Appendix B		
	The Constitution And By-Laws Of The City College Of Angeles Student Council	65
Appendix C		
	The Phoenix Constitution and Bylaws	76
Appendix D		
	Retention Policy Bachelor of Science in Accountancy	87
Appendix E Republic Act No. 7079		
	An Act Providing For The Development And Promotion Of Campus Journalism And For Other Purpose	90
Appendix F Republic Act No. 10627		
	An Act Requiring All Elementary And Secondary Schools To Adopt Policies To Prevent And Address The Acts Of Bullying In Their Institutions	92
Appendix G 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.	96
Appendix H Republic Act No. 7877		
	An Act Declaring Sexual Harassment Unlawful In The Employment, Education Or Training Environment, And For Other Purposes	107
Appendix I - Republic Act No. 11313		
	An Act Defining Gender-Based Sexual Harassment In Streets, Public Spaces, Online, Workplaces, And Educational Or Training Institutions, Providing Protective Measures And Prescribing Penalties Therefor	111
Appendix J - 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	127

Appendix K Republic Act No. 9165	147
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	
Appendix L Board Regulation No. 6 Series of 2003	199
General Guidelines For The Conduct Of Random Drug Testing For Students Of Secondary, Tertiary, Vocational And Technical Schools, Amending Board Regulation No. 6, Series Of 2003	
Appendix M Republic Act No. 9442	211
An Act Amending Republic Act No. 7277, Otherwise Known As The "Magna Carta For Disabled Persons, And For Other Purposes	
Appendix O Republic Act No. 10175	216
An Act Defining Cybercrime, Providing For The Prevention, Investigation, Suppression And The Imposition Of Penalties Therefor And For Other Purposes	
Appendix P Executive Order No. Executive Order No. 26	229
Providing For The Establishment Of Smoke-Free Environments In Public and Enclosed Places	

Message from the Chairman of the Board



As Horace Mann, a pioneer of American public schools in the 19th century, said “education is the great equalizer of the conditions of men.”

Wherever you may come from, whatever your status maybe, education can provide you with the proper tool you need in order to succeed. With the right education, everybody is given a fighting chance to achieve his true potential, and live out his best life.

This is why I believe that education is one of the most basic human rights that should be given to each individual – and the reason why education

is one of the city government’s priority programs.

We will make sure to prioritize expenditures that would help our students and teachers such as constructing additional school buildings, improving classrooms, giving free learning modules, and providing access to better technology and learning equipment.

We will be with you every step of the way making sure that no Angeleños children are left behind, especially when it comes to getting the education that they deserve.

As you begin a new academic year here at the City College of Angeles, I urge you to take this opportunity to learn as much as you can. Take your academics seriously, and get involved with the college’s extra-curricular activities.

You will meet a lot of challenges along the way. But in the end, it will be all worth it.

The good thing about having the right education, is that no one can take it away from you. Everything you’ve learned in school will stay with you, and will help you in achieving your dreams.

So persevere, and soldier on.

I look forward to the day when I see you as contributing members of our society, as the next generation of Angeleños teachers, doctors, lawyers, entrepreneurs, and leaders.

Goodluck and may the good Lord guide all of you in your academic journey.

Luid ya ing siyudad na ning Angeles.

HON.CARMELO“PGI” LAZATIN, JR.
City Mayor

Message from the College President



Mahatma Handhi noted that “man is the center of a circle without a circumference, except the one he creates for himself”. These word echo the limitless possibilities and opportunities that abound in every person, that abound in you especially now that you have entered the portals of our beloved City College of Angeles.

You are now certified students of City College of Angeles. I am quite certain that such words give you a certain pride. The next four, three, two, or one year of your lives shall pave the way in realizing your aspirations in life.

I am confident that your strong hold of that dream coupled with your firm determination and actions will carry you through.

However, I likewise warn you that the trip will never be easy. Along the way, you'll encounter struggles and challenges that may dampen your spirit – the dilemma of whether to continue studying or start working, the overwhelming bulk of course requirements

But I say that do not be discouraged; instead rise to the occasion.

Every time that you are about to surrender, give yourself a pause and reflect on why you are here in CCA in the first place. When the time comes that you want to succumb to all the hardships that may come along the way, rekindle this sense of excitement that you have right now.

Do not solve your long term problems with short term solutions. Your college degree will open more opportunities for you.

Also remember that you have people around you – your family, your teachers, your friends – who can serve as your guide and inspiration to move forward every step of the way.

As what the American author Og Mandino, “I will persist until I succeed. Always will I take another step. If that is of no avail I will take another, and yet another. In truth, one step at a time is not too difficult. I know that small attempts, repeated, will complete any undertaking.”

Our dear students, I wish you nothing but greatness in the coming year ahead. Once again, I welcome you here at City College of Angeles, where hope resides and lives are transformed.

DR. FRANCISCO L. VILLANUEVA JR.
OIC-College President

Brief History of City College of Angeles

We will build a monument to the proudest resource of this great city: its citizens who desire to overcome poverty by sharpening their knowledge and skills for their own sake, and for the sake of their families through affordable but top-quality education.

- Mayor Edgardo D. Pamintuan

With these words, Mayor Edgardo D. Pamintuan articulated one of the terms of his covenant with Angeleños: to bring back the honor and dignity of Angeles City it once enjoyed, a *primus inter pares* among local governments in Central Luzon, and a city respected nationally for its cultural diversity, historical heritage and creative people.

In favorable proximity to the Clark Freeport Zone, Angeles City and its burgeoning young population should have been the primary source of skilled and able workers for the locators and investors inside the economic hub. Sadly, many were held back by the lack of adequate training that only the more privileged could afford. A former human rights lawyer, Mayor Pamintuan decried this inequality, and with an unwavering determination he certified as urgent the ordinance creating the City College of Angeles.

It was a happy happenstance when Mayor Pamintuan's son and namesake Edgardo Pamintuan Jr. was appointed in the city legislature as Chairman of the Committee on Education. The young Edu shepherded the ordinance with finesse so rarely seen in a neophyte city councilor. With the support of his fellow members of the City Council headed by Vice Mayor Vicky Vega-Cabigting, Maricel Morales, Alex Indiongco, Jericho Aguas, Will Rivera, Dan Lacson, Pogs Suller, Jay Sangil, Alfie Bonifacio, Bryan Nepomuceno, Jojo Dimapilis, JC Pamintuan, Ordinance 294 (s.2011) was finally approved.

Even then, the journey towards the realization of the community academe was delicate and tortuous. Many constraints had to be hurdled, but with resolute priorities in place, the partnership between the Mayor and the Sangguniang Panlungsod overcame every barrier, and the vision became more tangible with each passing day.

On January 24, 2012, Mayor Pamintuan and Vice Mayor Vicky V. Cabigting led the Sangguniang Panlungsod in the blessing of the college grounds and the symbolic laying of the ceremonial time capsule at Barangay Pampang even as construction was in full swing, creating a Php-320-million college building that can accommodate 4,000 students.

It was a blessed day on June 5, 2012, when the City College of Angeles opened its doors at last, and welcomed its first enrolled students who took the first steps toward a better future for themselves and their families. Responsive to market demands, the initial diploma and certificate courses were attuned to the

immediate needs of the Clark Freeport Zone and other employers in the city, thus assuring a better chance at employment. More importantly, as productive members of the community, their sense of dignity is reinforced.

Another milestone in the College took place on September 6, 2017 as the College was conferred the distinction of Center of Excellence for Events Management by the Asia Pacific Institute for Events Management, the first community college to be granted such status in the Asia Pacific region.

In a city boasting with scores of universities, colleges, training centers and other higher academic institutions, Angeleños know quite well how valuable a diploma is to the future of their youth. The City College of Angeles now stands tall among them, a mold of minds and muscle, and a testament to the will of many that never shall the poor be deprived of a quality education. Rather, with persistence and diligence, they may one day achieve total human development, *Totalis Humanae!*

CCA Hymn

Oh, City College of Angeles,
You inculcate faith in ourselves
Testament to our undying will
To earn wisdom of paramount quality
Hail, our Alma Mater, our sanctuary
You always call us to seek excellence
Yet beacon of humility and resilience
For hope's alive in us as our passion
To steward with kindness and compassion
Hail, CCA, our shelter and protection
Forever we'll hold fond memories
In molding us as paragons of greatness
Never we'll forget in all times of glory
To give thanks to God and our community
Hail, CCA, our beloved Alma mater

Verse by: Averell S. Laquindanum,
Arranged by: Larry Miranda
Music by: Jose Irwin M. Nucum

CCA Prayer

Loving Father, we give you thanks for our Alma mater, the City College of Angeles, our Institution of Hope.

Bless our college as we continue to be inspired by the values it holds dear.

Let us be excellent in all our endeavors as we offer our best to you both in our words and deeds.

Let our hearts and minds be continuously molded in your likeness, let us be resilient as we persevere despite the challenges we encounter as we reach our dreams.

Let us become stewards of the school that you have entrusted to us.

Let us embrace one another in the spirit of justice and charity.

Help us stand tall and be true leaders for community development and nation building as we serve you through our brothers and sisters.

Amen.

Student Handbook Development Committee 2022

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COLLEGE PROFILE

VISION

An institution of hope and a thought leader in its area of operations and the preferred provider of talent in the Metro Angeles area.

MISSION

City College of Angeles is committed to offer quality education for the holistic development of competitive and technically capable professionals with deep sense of excellence, resiliency, stewardship, and patrimony.

OBJECTIVES

- To provide degree and non-degree programs that are relevant to local and global demands and are in compliance with quality standards in education
- To strengthen the natural capability of the College through continuous benchmarking, program evaluation, innovation and professional development of the administrators, faculty and staff
- To develop networks and linkages with local and international institutions to ensure quality education
- To produce research which will contribute to the efficient and effective management of the institution and to serve the community better
- To develop and strengthen the moral values of administrators, faculty, staff and students
- To develop a positive image of corporate social responsibility that will benefit the community
- To serve as an active agent for the cultivation, promotion, preservation and appreciation of Kapampangan arts, culture and heritage

CORE VALUES

The City College of Angeles is committed to foster the following core values among its students:

Excellence

A CCA student possesses knowledge of theories and their application, professional and technical competence and global competitiveness.

Stewardship

A CCA student is a socially responsible citizen serving as an agent of change who respects others and the environment towards community development and nation-building.

Resiliency

A CCA student is willing to go through challenges to become a holistic individual who has the character of a true Angeleño turning tragedy into triumph.

Patrimony

A CCA student has love and respect for one's culture and preserves and promotes Kapampangan culture.

THE COLLEGE SEAL AND MOTTO



The seal of the College is a shield that contains the seal and symbol of the city as well as the year of foundation of the College.

The phoenix symbolizes triumph over tragedy. The man symbolizes every Angeleño. The broken chains represent the capability of Angeleños to set themselves free from the bondages of man-made and natural disasters. The shield epitomizes the dignity and respect for the self.

The olive green color signifies hope for a bright tomorrow. White is a symbol of purity of intentions to provide service to the community. The color gold represents how, like real gold, Angeleños are “tested in fire” of adversities and in the end emerge triumphant.

The Latin phrase “*Totalis Humanae*” summarizes the mission of the City College of Angeles towards man’s total human development, which also is the motto of the College.

A. ADMISSION AND REGISTRATION

Section 1. Admission Policies

Preference in the admission of students shall be given to the bona fide residents of Angeles City subject to the selection and admission policies of the College. Admission to the College is based on the selection process that is applied to all potential students regardless of age, race, sex, religion, national origin, and economic status. Every applicant is assessed in terms of his qualifications. The following factors are considered in the assessment:

- 1.1 Past scholastic records (40%)
- 1.2. College Entrance Test (60%)
- 1.3. Applicant’s acceptance of the policies, rules and regulations of the College

Student applicants are assisted by the Office of Admissions in processing their application based on the following admission requirements:

1.4 For Incoming Freshmen

- 1.4.1 Photocopy of F-138 (HS Report Card) with at least 2 grading period of grades
- 1.4.2 Certificate of Good Moral Character
- 1.4.3 Barangay Clearance/Certificate of Residency
- 1.4.4 Photocopy of PSA Birth Certificate
- 1.4.5 Four (4) copies of 2 x 2 colored photos (white background with name tag)

1.5 For Transferees

- 1.5.1 Must be willing to start as a freshman with no credited subjects.
- 1.5.2 Photocopy of copy of grades/Transfer Credentials/TOR
- 1.5.3 Certificate of Good Moral Character
- 1.5.4 Barangay Clearance/Certificate of Residency
- 1.5.5 Photocopy of PSA Birth Certificate
- 1.5.6 Four (4) copies of 2 x 2 colored photos (white background with name tag)

Section 2. Admissions Procedures

- 2.1 Register via online on the admissions link/s and attach initial documents required.
- 2.2 Submit required documents at the Admissions Office.
- 2.3 Entrance Exams: Either via online where applicant will receive an email and link to take the online exams. Or via face-to-face entrance exams in CCA.
- 2.4 Results of the qualified enrollees will be posted as they are ranked per course depending on the availability of slots per course.

Section 3. Enrolment Procedures

- 3.1 For Incoming Freshmen
 - 3.1.1 For qualified new enrollees only: Register on the enrollment link.
 - 3.1.2 Activate your student portal account and wait for your certificate of registration (COR).
- 3.2 For Returning/Shifting Students (first year students only)
 - 3.2.1 Get clearance form from the Registrar's Office and have it signed by all concerned offices.
 - 3.2.2 Secure returning or shifting form at the Registrar's office.
 - 3.2.3 Returning students with more than one (1) year leave of absence are required to retake the entrance test. Get test results & recommendation from the Guidance Office.
 - 3.2.4 Proceed to the Dean's Office for the interview and approval of return/shifting.
 - 3.2.5 Submit approved form signed by the Dean to the Registrar's office.
 - 3.2.6 Get Permit to Enroll from the Admissions Office.
 - 3.2.7 Follow the enrollment procedure.

Section 4. Student Loading and Student Classification

a. Guidelines/Policies

A student must carry the load prescribed in the curriculum of the respective year level to be considered as a regular student. The student loading for each semester and each academic year varies as noted by CHED in the curriculum of each program. No student may carry a load exceeding what is prescribed in the curriculum without permission from the Program Coordinator, the Dean and the Registrar.

Overload of subjects of not more than 6 units are allowed in the last 2 semesters of academic studies of graduating students. Overload of more than 6 units are subject to CHED advice depending upon the student's capability to pass the subjects without prejudice to their health and time to comply with the required lessons to be learned.

Based on academic loads and entry credentials, students are classified as follows:

4.1 Regular Student – one who carries the load prescribed in the program curriculum for his particular year level.

4.2 Irregular Student – one who does not carry the regular load in the program curriculum for his/her particular year level or one with at least two (2) subjects that differ from the prescribed curriculum. A student acquires the irregular status:

- 4.2.1 if he/she is a cross – enrollee ;
- 4.2.2 if he/she enrolls for the first time in the College in the second semester;
- 4.2.3 if he/she has failed subjects; and
- 4.2.4 if he/she is a returning student.
- 4.2.5 Shifter – one who is given the permission to shift to another course/major field if he/she complies with or qualifies to the admission requirements of the course where he/she is transferring to.

Section 5. Leave of absence

a. Guidelines/Policies

5.1 A student may apply for a one year leave of absence from studies for valid reasons like rest due to sickness. A doctor's medical certification is needed as a supporting document. Leave of absence has to be officially filed by the student for UniFAST documentation and consideration.

5.2 Leave of absence will take effect immediately for health reasons only.

5.3 Leave of absence will take effect in the coming semester and academic year that a student has filed it. (ex. Maternity leave)

- 5.4 A student may file a leave of absence for one full academic year in order to avail the privileges of UniFAST FHE scholarship.
- 5.5 Grades of the student will still be reflected for the current semester that the student files the leave of absence regardless whether they are passed or failed.
- 5.6 A student can return to study in CCA after one semester or one academic year of official absence. Grace period: The student must return within one academic year in order to avail of the UniFAST FHE scholarship. Failure to do so without justifiable and valid reasons can be grounds for forfeiture or deduction of the student's remaining years as a UniFAST FHE scholar.
- 5.7 A student can return to study in CCA after one semester or one academic year of official absence. Grace period: The student must return within one academic year in order to avail of the UniFAST FHE scholarship. Failure to do so without justifiable and valid reasons can be grounds for forfeiture or deduction of the student's remaining years as a UniFAST FHE scholar.
- 5.8 UniFAST will respect the school's policies and decisions on the number of semesters and academic years for student to avail.
- 5.9 CCA will subtract one semester or one academic year in the 5 academic year (equivalent to 10 semesters) grace period given to the student by UniFAST.

Section 6. Shifting Policy

a. Guidelines/Policies

- 6.1 A student may shift course provided that the student must follow the retention policies of the programs.
- 6.2 The student must secure the form and completely file and submit form to the Registrar.
- 6.3 Student's official guardian must also sign on the shifting form.
- 6.4 Shifting of program is only allowed once. The student will have to transfer to another school if the shifter still fails to comply with the retention policy of the CCA program where the shifter has transferred to.
- 6.5 If shifting is disapproved by the dean/s, the student retains the old program or transfers to another school.

Section 7. Request for Transcript of Records

- 7.1 Transcript of records is released two weeks after the submission of application at the Records Section of the Registrar's Office subject to the following procedures:
- 7.2 Pay the transcript fee at the Budget and Finance Office.
- 7.3 Secure and fill out the application form at the Registrar's Office.
- 7.4 Get the clearance form from the Registrar's Office and have it signed by all the concerned offices indicated.
- 7.5 Submit duly accomplished form at the Registrar's Office together with 1 x 1 photograph and documentary stamps.

- 7.6 Transcripts of records are sent directly to the institution designated by the student.

Section 8. Request for Diploma/Certificate of Completion

In requesting for diploma or certificate of completion, the following procedure will be observed.

- 8.1 Pay the transcript fee at the Budget and Finance Office
- 8.2 Secure and fill out the application form at the Registrar's Office.
- 8.3 Get the clearance form from the Registrar's Office and have it signed by all the concerned offices indicated.
- 8.4 Submit duly accomplished form at the Registrar's Office together with 1x1 photograph and documentary stamps.

Section 9. Honorable Dismissal

Students seeking honorable dismissal from the City College must observe the following procedure:

- 9.1 Secure and fill out an application form for transfer credentials at the Registrar's Office.
- 9.2 Obtain clearance from all units indicated in the clearance form.
- 9.3 Pay at the Budget and Finance Office all the charges for preparation and transmittal of the transcript of records to the school or college where the student will enroll. The required documentary stamps must be submitted upon payment of the above fees

B. PAYMENT OR REFUND OF TUITION AND OTHER FEES

Section 1. Payment of Fee

Tuition fees vary depending on the number of units enrolled by the student. The miscellaneous, laboratory and other fees collected are subject to existing rules and regulations as provided by law.

Only the College cashier is authorized to collect all fees of students. No unauthorized fees shall be paid by any student or collected by any teacher or employee of the school.

Section 2. Refund of Fees

A student who officially drops within two (2) weeks after the beginning of classes is entitled to a refund based on the following guidelines:

- 2.1 Prior to opening of classes – 100% refund on tuition fees
- 2.2 Within the first week of classes – 75 % refund on tuition fees
- 2.3 Within the second week of classes – 50% refund on tuition fees

2.4 After the second week of classes – no refund (Based on Section 100, MORPHE 2008)

Please note that miscellaneous and laboratory fees are non-refundable.

Section 3. Non-payment of Account

The administration reserves the right to withhold from a student the issuance of certain student records such as transcript of records, certificate of honorable dismissal, etc. unless the student has fully settled his financial obligations with the school.

Students are expected to pay tuition on time. A student with an account balance for a given semester is ineligible to register for any subsequent semester. Paying on time ensures timely registration into subsequent courses so that a student can continue to advance toward completing the program.

C. ACADEMIC PROGRAMS

Section 1. Institute of Computing Studies & Library and Information Science

1.1 Bachelor of Science in Computer Science (BSCS)

Bachelor of Science in Computer Science (BSCS) program prepares students to be IT professionals and researchers and to be proficient in designing and developing computing solutions. BSCS is the study of concepts and theories, algorithmic foundations, implementation and application of information and computing solutions.

1.2 Bachelor of Science in Information Systems (BSIS)

Bachelor of Science in Information Systems (BSIS) program prepares students to be IT professionals and be expert on design and implementation of IS for business processes. BSIS is the study of design and implementation of solutions that integrate information technology with business processes.

1.3 Bachelor of Library and Information Science (BLIS)

Bachelor of Library and Information Science (BLIS) is designed to provide students with knowledge and skills on the theories and concepts of provision of library and information services. BLIS seeks to prepare and train students for career opportunities in professional librarianship as well as effective management of libraries and management information system for better handling, organization, processing and use of information resources.

1.4 Associate in Computer Technology (ACT)

Anchored on CHED memorandum circular no. 5 series of 1998, Associate in Computer Technology is a two-year non-degree program leading to a diploma in Associate in Computer Technology. The first two years of the ACT program is equivalent to Bachelor of Science in Computer Science and may be considered as a ladderized program.

Section 2. Institute of Business and Management

2.1 Bachelor of Science in Accountancy

Accountancy is a program that provides general accounting education to students wanting to pursue a professional career in accountancy in general and in public accounting in particular.

2.2 Bachelor of Science in Accounting Technology

Bachelor of Science in Accounting Technology is a ladderized degree program which aims to equip students with specific skills for entry into the BPO industry and accounting profession and prepare the students for eventual entry into the regular degree program of the Bachelor of Science in Accountancy (BSA). The BSAct program will provide a foundation of knowledge, skills and values, ethics and attitudes that enable students to continue to learn and adapt to change.

2.3 Bachelor of Science in Entrepreneurship

Bachelor of Science in Entrepreneurship prepares an individual to start and manage his/her own business. It aims to develop entrepreneurs who are motivated and knowledgeable in identifying opportunities, developing and preparing business plans and actually starting and managing a business.

2.4 Bachelor of Science in Tourism Management

Bachelor of Science in Tourism Management will equip students with competencies related to the basic and core requirements as well as those associated with major and minor areas of concentration and elective courses. This curricular program aims to address the need for professionals who can help in promoting the tourism industry in the Philippines.

Section 3. Institute of Education, Arts and Sciences

3.1 Bachelor of Physical Education (BPE) major in School P.E.

Bachelor of Physical Education (BPE) is a four-year course program with a primary goal of providing the students with a broadly based understanding of the discipline through theoretical and practical courses in the physical education and sports management. This program allows maximum opportunity for students to pursue in teaching, coaching, programming and administration, and

within their particular areas of interest. Graduates of this program shall be conferred the degree of Bachelor of Physical Education major in School P.E (BPE-SPE).

3.2 Bachelor of Technical Teacher Education (BTTE) major in Food and Service Management

The Bachelor of Technical Teacher Education major in Food and Service Management (BTTE-FSM) curriculum shall provide the graduates knowledge, skills, attitudes, values and experiences needed in the management of food related industries and services and the necessary competencies essential for effective teaching and for passing the Licensure Examination for Teachers.

3.3 Bachelor of Arts in English Language Studies

The BAELS is a four-year degree program designed to integrate theory and practice to prepare students the students for effective communication in English in diverse contexts and situations.

It aims: to provide a comprehensive knowledge of the English language – its origin, growth and development, structures, and use; to enhance the students' competencies in the use of the English language in the real-world contexts; and to present appropriate strategies of language use through a heightened awareness of how English works in different situations in the Philippines and in Asia and the rest of the world.

3.4 Bachelor of Special Needs Education

The Bachelor of Special Needs Education (BSNEd) is an undergraduate degree program which specializes in special needs education.

The program goal is to prepare teachers who will instruct and manage students with additional needs in inclusive and segregated educational settings. Its graduates will be equipped to teach the basic education curriculum and alternate curricula depending on the needs of the students. Those who will teach in the elementary level will be trained across different areas. Those who will teach in the secondary level will provide educational support to students with additional needs in inclusive classrooms or provide educational services to students who may be enrolled in special education centers.

A graduate of this degree program should be able to teach in regular and special education schools as a teacher provided that he/she passes the Licensure Examination for Teachers in his/her subject area of specialization.

3.5 Bachelor of Science in Psychology

The BS Psychology is a four-year degree program that provides initial training for those interested in teaching, research and practice of psychology. The program

aims to study how the person's mental processes and behavior are affected by internal, relational and social factors.

3.6 Bachelor of Science in Mathematics

Mathematics is often described as the science of patterns. Mathematicians seek to discover, analyze, and classify abstract objects and natural phenomena. The traditional domains of study are quantity (arithmetic), structure (algebra), space (geometry), and change (analysis). Mathematics offers distinctive and potent modes of thought such as abstraction, generalization, deduction, inference, symbols, and the axiomatic method. Mathematical truth is established through logical analysis and proof. As a universal discipline, it is rich in both theory and applications.

E. RETENTION POLICIES

In order to monitor the academic performance of students in the programs they are pursuing, the City College implements a retention policy among students.

Section 1. General rule

- 1.1 A student shall no longer be admitted to the City College of Angeles if he/she fails 50% of the academics enrolled.
- 1.2 A student who does not meet the GWA requirement of the program will be on a probationary status and will be required to sign an undertaking.
- 1.3 A student who is on probationary status three (3) times will no longer be admitted to CCA.

Section 2. Institute of Business and Management

2.1 For the Programs: Bachelor of Science in Tourism Management, Bachelor of Science in Entrepreneurship and Bachelor of Science in Accounting Information System

2.1.1 A GPA of at least 2.50 is required for first year standing, at least 2.75 for second year standing, and at least 3.00 for third year and fourth year standing.

2.2 For the program Bachelor of Science in Accountancy: Please see Appendix C

Section 3. Institute of Computing Studies and Library Information Systems

- 3.1 A GWA of 2.50 is required for BLIS and a GWA of 2.75 for BSIS, BSIS and ACT

Section 4. Institute of Education, Arts, and Sciences

- 4.1 A GWA of at least 2.50 in all enrolled subjects (except PE and NSTP) in a semester;
- 4.2 A weighted average of 2.50 or better in all enrolled professional education subjects; and
- 4.3 A weighted average of at least 2.50 in all enrolled major/specialization subjects.
- 4.4 A student with a grade of 3.0, 5.0, 6.0 or 9.0 shall be required to report to the Dean for evaluation and consultation before being allowed to enroll the following semester.
- 4.5 A student who fails to meet the minimum required GWA in all enrolled subjects will no longer be admitted in the program the following semester.
- 4.6 A student who fails to meet the required average for professional and specialization subjects but with at least GWA of 2.50 in all enrolled subjects will still be accepted in the program the following semester but on a probationary status. The student will be asked to sign an undertaking.
- 4.7 A student with a failing grade but with at least 2.50 GWA in all enrolled subjects will still be admitted in the program but on a probationary status. The student will be asked to sign an undertaking.

F. ACADEMIC POLICIES

Section 1. School Calendar

The academic year at City College of Angeles consists of two (2) semesters. A semester is at least one hundred (100) days or eighteen (18) weeks of school days. (The first semester normally begins in June and ends in October while the second semester starts in November and ends in March.) The first semester normally begins in August and ends in December while the second semester starts in January and ends in May. Summer Classes for some students as prescribed by their curricula, are in between the first and second semesters.

Section 2. Academic Coaching

Academic coaching is a collective effort of administrators and faculty members which aims to facilitate a more in-depth learning apart from classroom hours to students who have difficulty in coping with their academics.

Section 3. Guidelines for Academic Coaching

- 3.1 Faculty members are required to submit their schedules of consultation hours to the dean's office.

- 3.2 Faculty members are expected to be present during their consultation hours.
- 3.3 Student can refer to the faculty members' consultation hours for academic coaching.
- 3.4 Students who do not show academic improvement after coaching may be referred by the faculty member to the Guidance Office for counseling.

Section 4. Class Attendance

Only officially enrolled students are admitted in the class. Any unofficial class attendance cannot be used as a basis for credit. Likewise, students are expected to attend classes regularly and take the required quizzes, examinations, laboratory and/or field work sessions of the courses for which they are enrolled in. Attendance is counted from the first regular class meeting regardless of the time of registration.

Section 5. Limits of Absences (Face to Face and Online class)

5.1 Students should not incur absences of more than twenty percent (20%) of the required total number of class and laboratory periods in a given semester. The maximum absences allowed per semester are:

- 5.1.1 3 for subjects held once a week
- 5.1.2 7 for subjects held twice a week; and
- 5.1.3 10 for subjects held thrice a week.

5.2 A student who incurs more than the allowed number of absences in any subject will be given a mark of "FA" (failure due to excessive absences) as his final rating for the semester, regardless of his performance in the class

5.3 Attendance is counted from the first official day of regular classes regardless of the date of enrolment of the student.

5.4 Absences due to sickness must be supported by a medical certificate or an excuse letter from a parent/guardian.

5.5 A student who participates in any school sponsored activity or who represents the City College in an official event is excused from his classes upon the approval of the Dean of Student Affairs and Services. An excused absence is noted on the student's attendance record but is not counted against the allowed number of absences in the subject. However, the student is held responsible in making up for missed work/lesson.

5.6 The faculty/personnel in-charge of the activity shall be the one to issue the excuse letter. The excuse letter must be prepared by the faculty/personnel and noted by the program coordinator (for faculty, if applicable) and Institute dean (for faculty) or immediate supervisor (for non-teaching personnel).

Section 6. Classroom Behavior

- 6.1 Students are expected to show respect to their teachers and classmates in the classroom
- 6.2 Students are not allowed to leave the class without the permission of the teacher.
- 6.3 Students are not allowed to eat and drink inside the classroom.
- 6.4 Using of cellular phones and/or other unauthorized gadgets during school hours
- 6.5 Students are expected to stay inside the classroom in case the teacher fails to come on time. If notice is not given after 15 minutes, the president of the class should notify the Dean's Office.
- 6.6 All students are compelled to always observe and maintain cleanliness and orderliness inside the classroom.
- 6.7 Students are expected to show respect to their teachers and classmates by turning off their microphone during lectures. Microphones should only be turned on when a student is asked to recite/report.
- 6.8 Students should be wearing appropriate clothing during classes as they might be asked by the teacher to turn on their camera.
- 6.9 Practice proper netiquette
- 6.10 Students should follow and adhere to the Online Learning Policies and Guidelines as discussed by their Instructors.

Section 7. Grading System

A student's academic performance is evaluated based on the standardized grading system of the College. The City College follows the decimal system of grading. The table below is used for the interpretation of grades in comparison with other schools.

Table of Grade Equivalents

Grade	Percentage Grade	Letter Grade	General Classification
1.00	97 or above	A+	Outstanding
1.25	94-96	A	Excellent
1.50	91-93	A-	Superior
1.75	88-90	B+	Very Good
2.00	85-87	B	Good
2.25	82-84	B-	Satisfactory
2.50	79-81	C+	Fairly Satisfactory
2.75	76-78	C	Fair
3.00	75	C-	Passed

5.00	Below 75	F	Failed
		INC	Incomplete
		NFE	No Final Examination
6.00		FA	Failure due to absences
8.00		UW	Unauthorized or Unreported Withdrawal
9.00		DRP	Dropped

Section 8. Grading Policies

8.1 The grade of “5.0” is given to:

- 8.1.1 A student whose performance does not meet the set standards; and
- 8.1.2 A student whose preliminary and mid-term grades are failing and who stops attending his classes after the mid-term examinations.

8.2 The grade of “FA”/6.00 is given to a student who has acquired absences of more than twenty percent (20%) of the total required number of hours in any given subject.

8.3 The grade “UW”/8.00 is given to a student who enrolled the subject but neither attended his/her classes nor officially dropped the subject

8.4 The grade “DRP”/9.00 is given to a student who officially drops any of his subjects before preliminary examination. However, after the preliminary examination, the student is no longer allowed to drop subject/s unless DROP ALL.

8.5 A student who is unable to take the final examination shall be given a grade of NFE (No Final Examination). Removal of the NFE grade must be done within the period of one (1) year by taking the final examination. Taking the final examination is not a guarantee of getting a passing mark as the student will be given a final mark based on his overall performance. Failure to take the examination within the prescribed period will automatically mean getting a failing grade. Furthermore, if the subject (with the grade of NFE) is a pre-requisite to another subject in the succeeding semester, the student will not be able to enroll the next subject unless the previous subject with the grade of NFE has been removed

8.6 Grade of Incomplete: A student who is unable to submit a final requirement of a subject shall be given a grade of INC. (Incomplete) Removal of the INC grade must be done within the period of one (1) year by submitting all the requirements of the subject. Failure to submit all the requirements of the subject within the prescribed period will automatically mean getting a failing grade. The subject whose prerequisite is the one with a grade of INC can be enrolled but a passing grade on this will be forfeited if a failing grade is given to the subject with INC.

Section 9. Examinations

Every semester, students are required to take two (2) scheduled examinations, namely: Midterm, and Final Examinations.

Section 10. Academic Honors and Awards

The College confers honors upon her students who exhibited outstanding academic excellence in their field of specialization.

10.1 Policies and Guidelines and Computation of Academic Grades for Honors

Each academic subject grade of every regular college student is multiplied by its corresponding number of units. All the partial products for all the academic subject grades are then added together. The grand total is then divided by the total number of units of all the academic subjects taken. The resulting quotient is the student's General Point Average.

10.2 Sample Computation of GPA for Dean's List and President's List

Grade	Units	Total	
1.50	3.00	4.50	
1.25	3.00	3.75	
1.00	3.00	3.00	
1.50	5.00	7.50	
1.75	3.00	5.25	
1.75	3.00	5.25	
1.50	3.00	4.50	
1.75	3.00	5.25	
	26.00	39.00	
		1.50	GPA

Note: These are applied for academic subjects only.

10.3 The honor students included in the President's and Dean's Lists are given recognition once every academic year with the publication of honor roll and awarding of certificates. The following are the requirements to qualify for honors:

10.3.1 A semestral weighted grade point average of:

1.0 - 1.25 for President's List

1.26 -1.75 for Dean's List

10.3.2 The minimum grade requirement in all subjects is 2.0 except for PE and NSTP.

10.3.3 The students must carry the number of units as prescribed by the curriculum

10.3.4 All NSTP subjects taken should have been passed.

10.3.5 Starting this First Semester AY 2024-2025, the grades in PE subjects are now included in the computation of honor students' grades (Dean's list and President's list and Latin

Awardees) as stated in CHED CMO. No. 39 Series of 2021. First year students for the said semester were informed about this new grade policy.

- 10.3.6 The following honors are awarded to graduating students, subject to the conditions provided.

10.3.6.1 SUMMA CUM LAUDE

To a student who has a general point average of 1.00 – 1.25 with no grade below 2.00 in any subject except NSTP and with residence in CCA for at least six consecutive semesters prior to graduation and must have never committed major or grave offenses and infraction of the College student manual nor have been convicted by final judgment of crimes

10.3.6.2 MAGNA CUM LAUDE

A general point average of 1.26 – 1.50 with no grade below 2.00 in any subject except NSTP and with residence in CCA for at least six consecutive semesters prior to graduation and must have never committed major or grave offenses and infraction of the College student manual nor have been convicted by final judgment of crimes

10.3.6.2 CUM LAUDE

A general point average of 1.51 – 1.75 with no grade below 2.00 in any subject except NSTP and with residence in CCA for at least six consecutive semesters prior to graduation and must have never committed major or grave offenses and infraction of the College student manual nor have been convicted by final judgment of crimes

Section 11. Eligibility for Promotion and Graduation

11.1 Promotion: For undergraduates, regular students are eligible for promotion to the next year level if they pass all of their enrolled subject as prescribed by their curriculum in a given semester and academic year. Irregular students are promoted if they pass the prerequisite subjects together with the prescribed subjects passed for each semester in the curriculum of their program.

11.2 Graduation: For graduating students, it is the policy of the College to confer upon a candidate the degree which he/she seeks upon satisfactory completion of all academic and other requirements prescribed for graduation. To be eligible for graduation, a candidate should meet the following requirements:

- 11.2.1 Satisfactory compliance with all academic, non- academic and other requirements of the given institute
- 11.2.2 Residence in the College should be at least one (1) year

- 11.2.3 Payment of all related graduation fees to the College
- 11.2.4 The student must have completed his/her clearance signed by all concerned offices.

F. SCHOLARSHIP

The City College of Angeles-Scholarships and Grants Office offers tuition fee assistance program focused on continuous generation of scholarship grants among generous benefactors as well as cultivating responsible and grateful scholars among indigent but deserving community residents. The scholarship grant is given per semester and renewal of such is based on the assessment of Scholarships and Grants Committee. All scholars must not have any disciplinary action. The scholarships and grants offered by the College include:

Section 1. Sponsorships. The benefactors pay the tuition fees of their selected student grantees. The scholarship grant is renewed provided they meet the standards set by the donors.

G. COLLEGE GUIDANCE AND FORMATION OFFICE

The Office consists of the Guidance and Counseling service, and the CCARES program. The office is committed in implementing preventive, remedial, formative enforcement of non-academic policy of the school towards total human development of students as they imbibe CCA core values of CCA – Excellence, Stewardship, Resiliency and Patrimony through the following services:

Section 1. Guidance and Counseling services

Guidance and Counseling services are established to deliver the City College of Angeles' school counseling program. This enterprise actively promotes development of students' holistic values, capacities, and interests in their tertiary years as they carry on life living and learning. The staff actively collaborates with parents/guardians, the school administration, and the students themselves to encourage involvement, standards, and accountability. The College Guidance and Formation Office devotes itself to the school's thrust by promotion of the school philosophy, mission, and vision while it adheres to ethical practices such as informed consent and confidentiality. Exception to confidentiality applies during inevitable cases of misdeed or injury against one's self or against others. Inspired by approaches that are developmental in scope and comprehensive in nature, the following services are accessible.

1.1 Student Transition Program

The Student Transition Program aims to assist all students in adjusting to their respective college program and college level to ensure academic success. The program aids students in developing pathways and

competencies to meet with personal challenges such as life stage transition and school-work transition. Successful student transition is linked to improved student performance. These are mainly delivered through seminars and class guidance namely adjustment talk, study habits, stress management, goal setting, assertiveness talk, self-care, teen sexuality, surviving college, how to maintain relationships, career pathing, and mental health awareness.

1.2 Information Service

This is a continuous and progressive service that aims to equip students with the responsibilities of college life, and life skills through print and interactive media, resources essential for successful decision-making and behavior.

1.3 Individual Inventory Service

This involves collection and recording of information about students. Data is collected through forms such as the personal data sheet and needs assessment survey. Information gathered will be used to develop client-centered programs that help enhance student success.

1.4 Counseling Service

This service is placed at the heart and is the core of the school guidance and counseling program. It is designed to help students attain self-realization and development in congruence to their personal needs for the purpose of becoming a fully integrated mature, knowledgeable, and responsible person. Students who need counseling may message the guidance counselors directly to their email accounts or on our official social media account and will be scheduled for online/tele counseling. Instructors can also refer students to gain purpose from a counseling relationship.

1.5 Testing Service

This pertains to both a school function and a service. Psychological tests administered to students for the purpose of empirical assessment are geared at revealing students' personal characteristics. Through the use of measures for determining intelligence, achievement, aptitude, interest, and personality, guidance personnel takes students through interpretation to reveal avenues for personal growth and development.

1.6 Career Guidance Program

Career Guidance Program is a developmental approach geared at assisting the learner to cultivate personal capacities and skills essential in identifying and preparing for his/her future vocation.

Section 2. CCARES Program

The CCARES program is one of the support units under the College Guidance and Formation Office. It caters to the values formation and development of students and it adheres to the vision and mission of the College and anchors all its programs and services on the college's core values of Excellence, Stewardship, Resiliency, and Patrimony. As an institution of Hope, the College envisions CCA students on realizing the expected character attributes to be part of the total human development of the CCA students – *Totalis Humanae*.

This program is an institutional requirement to all 1st and 2nd year students based on the given schedule on a weekly basis and integrated with the regular meetings of the students and CCARES facilitators. The formation process is also experiential, process-oriented, and action-reflection, as the students are made to contemplate on their daily experiences particularly with the module/topic, and what it means in terms of personal transformation. However, among the 3rd and 4th year students, seminars will be facilitated at least once every semester on a separate schedule to monitor assurance of continuity of promotion of values and the program envisions by the institution.

As a support unit of the College which responds to the holistic formation of students, the CCARES has the following objectives:

- a. To facilitate their values formation particularly in the context of the college's core values
- b. To facilitate their learning, appreciation, and application of CCA core values;
- c. To inculcate hope in acquiring the expected attributes of future graduates of CCA;
- d. To make students realize the importance of possessing right attitude in preparation for their future employment; and
- e. To feel the importance of character formation of an individual especially among the youth of this generation.

The program has the following requirements:

- a. Participation (activities, role-plays, simulations, group discussions, games and others)
- b. Portfolio

H. LIBRARY

Section 1. Library Hours

1.1 During regular semesters, the College Library is open from 7:00 A.M. to 7:00 P.M. from Mondays to Fridays and on Saturdays from 8:00 A.M. to 12:00 P.M. During summer term, the library is open from Mondays to Fridays at 8:00 A.M. to 5:00 P.M.

1.2 New normal set-up

The library is open to serve clients virtually and physically from Mondays to Thursdays at 8:00 A.M. to 7:00 P.M. Lending service is available physically while online service is provided thru the use of the following social media channels:

- a. FB account: cca college library
- b. Google account: cca.collegelibrary2012@gmail.com
- c. Yahoo account: cca.collegelibrary2012@yahoo.com
- d. Instagram: @ccalibrary

Section 2. Use of Library Facilities

2.1 The facilities of the library are easily accessible to the library clientele. It is quiet, well-lighted, ventilated and furnished with functional furniture and facilities. There is sufficient space for collections, work areas and reading areas.

2.2 The library is to be used exclusively for intended purpose such as studying, reading and research. It is not to be used as classroom, discussion area. However, if there is a necessity to do so, permission should be requested from the Chief Librarian.

Section 3. Use of Library Card

3.1 The library card (LC) serves as the means to avail of the library services especially in taking out books from the library. Non-fiction books can be taken out for overnight use only while fiction book is for one week. Extension may be granted upon request if there is no reservation made for the use of the book. All transactions between the library and the user are reflected in the library card (borrowing and returning). If the LC got full because of constant use, it will be surrendered to the library and a new one will be issued free of charge. But if it was lost or damaged due to negligence, it will be replaced with a fee of P20.00

3.2 This Library Card may be issued to student upon enrolment or during the semester. It may also be issued to faculty and employees upon request.

3.3 New normal set - up

3.3.1 Library Card is not required when availing of virtual services. It is only required when borrowing books physically. Book can be borrowed for a number of days depending on what is agreed upon between the librarian and borrower. The due date is reflected on the library card. Extension can be allowed upon request if there is no reservation made for the use of the book.

Section 4. Proper Behavior of User in the Library

Library users/readers are obligated to conduct in a manner that will not disturb the peace, quiet and order of the library. The following are suggested practice in the use of the library:

- 4.1 Walk quietly when entering the library
- 4.2 Silence must be observed in the library
- 4.3 When one desires to talk, he/she may do so briefly in modulated tone
- 4.4 Return borrowed books to the library staff.
- 4.5 Books, magazines and newspaper should be returned in the circulation desk after using.
- 4.6 Nobody should loiter, sleep, eat, play or do industrial works or cut-out projects in the library
- 4.7 Chairs are to be used properly and exclusively inside the library
- 4.8 Chairs are to be pushed under the table before leaving the library
- 4.9 Do not leave scratch paper on the table; throw them in the garbage container
- 4.10 Always practice courtesy and love of public property.

Section 5. Rules on the use of Library

- 5.1 Equitable lending policies should be extended to all qualified patrons.
- 5.2 Student has to bring his library card whenever he enters the library so that if he desires to take the book out of the library he can do so.
- 5.3 Library cards are non-transferable. Owner of the card is responsible for all the books issued in his name.
- 5.4 Bags are to be deposited in the baggage area. Only writing materials can be allowed to be brought inside the library.
- 5.5 Any library materials that will be taken out of the library must be properly recorded. Taking library materials out without permission is prohibited.
- 5.6 Library client should read directional signs posted inside the library to guide him/her the location of the books. If he encounters difficulties in locating the books he/she needs, he may ask the assistance of library staff.
- 5.7 Used library materials should be returned to the library staff at the Circulation Desk.
- 5.8 Not all books can be taken out of the library for home use or photocopy. To make sure, a student may ask the library staff for guidance. General references, theses, research studies, periodicals are to be read inside the library.

- 5.9 Fiction books can be borrowed for one week and can be renewed thereafter provided there is no reservation made by other users.
- 5.10 One copy of every book with several copies should be reserved for library use only.
- 5.11 Only one copy of multiple copies of book can be used for photocopy to avoid damaging all the copies from photocopy

Section 6. Penalty and Sanctions

Violation of any of the rules stated is subject to disciplinary action following the guidelines of the Student Conduct Office.

- 6.1 Failure to return a book on due date will be charged P10.00 per day excluding Sundays and holidays.
- 6.2 Lost/damaged/destroyed books should be reported immediately to avoid daily charges. This should be replaced with the same book or its latest edition, if there is any. However, if the book is no longer available, s/he may pay to the Treasurer's Office the acquisition cost plus 15% provision for incremental cost. It should be settled within 15 days.
- 6.3 A student caught mutilating or defacing library materials will be deprived of his privilege for one month and must replace the book.

I. MULTIMEDIA AND INFORMATION SYSTEMS AND SERVICES OFFICE

The Multimedia and Information Systems Services Office provides multimedia and information technology services. It is also responsible for the management and direction of technology initiatives in support of both academic and administrative operations in the college.

Section 1. On borrowing School equipment (e.g. tablets, laptops, speakers, etc.)

The MISS Office is offering to lend students school equipment to aid them in their studies. Students borrowing school equipment must take good care of the equipment to prolong its use and to give other students a chance to use it in the future.

- 1.1 Any damage to the equipment while in the possession of the student will be his/her responsibility.
- 1.2 The student borrowing equipment is bound to the terms and conditions set by the MISS Office.
- 1.3 Students must return the borrowed equipment in good working condition.
- 1.4 The MISS Office will not sign students' clearance if they fail to settle all issues with the office.

Section 2. On the assignment and use of the CCA email account.

- 2.1 Students are assigned CCA email accounts to be used for their class activities.
- 2.2 Students are advised not to associate the CCA email account with their personal online accounts (e.g. social media, financial accounts, etc.) to prevent inconvenience on possible CCA domain problems.
- 2.3 Students are prohibited to use CCA email for illegal activities, bullying, etc. and if found to do such, they will face necessary sanctions.
- 2.4 Students are given 30 days to download their data from their CCA email accounts if they are no longer connected with the school (e.g. graduated, transferred, etc.). After 30 days, the CCA email account will be deleted and will not be recovered.
- 2.5 Students having issues with their email accounts should inform the MISS Office for assistance.

Section 3. On the use of computers in computer laboratories.

- 3.1 Students should follow the computer laboratory policies and guidelines during their laboratory class.
- 3.2 The students are prohibited to use the computers unless they are allowed by their instructor.
- 3.3 Students are prohibited to change/alter the settings and/or configurations of the computer which will result in an unusable state.
- 3.4 Students must report to their instructor if the assigned computer unit is not working. Avoid troubleshooting as much as possible to prevent damaging the computer.

J. CULTURE AND THE ARTS OFFICE

The City College of Angeles – Center for Culture and the Arts is designed to expose the college community to different forms of cultural awareness and appreciation. It also provides opportunities to further develop the talents of students. Through this program, students with interest in music and dance may join the Sayaw Angeleño Dance Troupe, Tinig Angeleño Chorale, Marching Band and Rondalla. These groups also represent the college in off-campus cultural activities. Aside from being a training ground for students in developing their artistic talents in performing arts, the center carries out the school's advocacy in helping cultivate, preserve and promote the local culture and the arts.

Section 1. Center for Culture and the Arts

- 1.1 Establishes networking and linkages with the different sectors of the College and the city in the promotion of culture and the arts

- 1.2 Plans, organizes, and directs the cultural activities the foster aesthetic development and arts appreciation among the members of the academic and non-academic community of the college
- 1.3 Ensures continuous development of students-artists in to well-integrated personalities.
- 1.4 Collaborates and consult with academic and non-academic deans/head on programs and projects related to appreciation and preservation of culture and the arts.
- 1.5 Archiving of Learning Materials
- 1.6 Providing Seminar, Trainings, Conferences, Fora, Community Immersion and Competitions

K. SPORTS OFFICE

The College Sports Office promotes the physical and skill development of the students through various sports activities.

L. OFFICE OF THE VICE PRESIDENT FOR RESEARCH, EXTENSION AND QUALITY ASSURANCE

In the course of thesis/capstone writing, the Office of the Vice President for Research and Extension offers the following services to the students:

Section 1. Research Consultation. Student-researchers may set an appointment for a research consultation with any of the research staff or with the Vice President for Research, Extension, & Quality Assurance by sending a message to the official email address of the office: vpre@cca.edu.ph or thru its Facebook page.

Section 2. Statistical Processing. Student-researchers who need assistance in processing their quantitative data may send their request to either their preferred statistician or to the official email address of the office vpre@cca.edu.ph with the attachment of their encoded data in excel, research instrument, and their manuscript. A Certification of Statistical Processing will then be issued to the students as a proof of the authenticity of the results.

Section 3. Plagiarism analysis. Student researchers may send their manuscript for plagiarism analysis to vpre@cca.edu.ph. A Certificate of Originality will then be issued to papers which will successfully pass the accepted plagiarism level of 10%.

Section 4. English Proofreading. Student-researchers may request for a proofread of their manuscript to any of the CCA English teachers. They may send their request directly to their preferred grammar expert or to the official email of the office vpre@cca.edu.ph with the attachment of their manuscript and

Certificate of Originality. The office will then forward the request to the English department. A Certification of English Proofreading will then be issued by the office to the students as a proof of the authenticity of the results.

Section 5. Research Ethics Review. Student-researchers may subject their study for research ethics review to ensure that no ethical violations are committed in their study. They may send their request in the official email address of the office vpre@cca.edu.ph with the attachment of the documents stated in OVPREQA-2. The request will then be forwarded to the College Research Ethics Committee (CREC) to process the request. Research Ethics Clearance will then be issued once all concerns are addressed in the study.

M. COMMUNITY EXTENSION OFFICE

City College of Angeles (CCA) as a higher educational institution is mandated to perform three (3) major functions: instruction, research and extension in an intertwining mode as these areas are interrelated and complementary. The Community Extension Office (CEO) as the steward for the third function acts as CCA's service arm in providing assistance to those who are in dire need within the framework of partnership and empowerment among service providers and beneficiaries toward transformation and productivity.

Other services and programs of the Office can be accessed through this link:

<https://cca.edu.ph/forms/community-extension-policies-and-programs.pdf>

Section 1. Programs and Services

1.1 National Service Training Program (NSTP)

As mandated by the government, City College of Angeles (CCA) shall implement Republic Act (R.A.) 9163 also known as the NSTP or National Service Training Program through the Community Extension Office (CEO). One of the thrusts of the program is the enhancement of civic consciousness and defense preparedness among Filipino youths by inculcating among them the ethics of service and patriotism through any of its three program components: Reserve Officers' Training Corps (ROTC), Literacy Training Service (LTS) and Civic Welfare Training Service (CWTS). Section 3 in particular, indicates that these program components are designed to cultivate among the youths active contribution in promoting the people's general welfare. Finally, the law provides in Section 5 that all incoming college freshmen, enrolled in any baccalaureate degree or at least two-year technical-vocational courses in public and private educational institutions, shall be required to complete one of the NSTP components as a requisite for graduation.

1.2 Community Extension Projects (CEP)

Develop and implement college-wide programs where personnel and students are provided with opportunities to conceptualize and undertake their own community outreach and other service related activities based on their expertise and commitment to community and national development guided by the CCA's VMGO.

N. STUDENT AFFAIRS AND SERVICES OFFICE

Section 1. Student Organizations

1.1 The City College of Angeles recognizes the role of molding its students to become well rounded individuals by encouraging formation and membership in organization. Only student organizations whose objectives uphold the mission and vision of the College will be recognized.

1.2 The College prohibits membership of its students in fraternities, sororities, and other organizations operating within the school premises which is not recognized by CCA.

1.3 While the College encourages the formation of associations and societies not contrary to law, the school prohibits associations which may be harmful to its legitimate interests. The school strictly prohibits the employment of physical, psychological torture, force, violence, threat and intimidation as a requisite of membership. The school reserves the right to penalize students who persist in such memberships. Except for prohibited organizations, the school respects the student's rights to associate or to refrain from associating with interest groups.

1.4 Student organizations may be formed upon application for recognition with the Student Affairs and Services Office. Recognition may be renewed every year upon compliance with renewal requirements.

1.5 A group of fifteen (15) students of the College may apply with the SASO to organize and operate a student organization. The membership of such an organization shall be limited to bona fide students of the school. Solicitation using the school's name is not allowed.

Section 2. Accreditation of Student Organizations

2.1 Students who are establishing a new organization submits the following documents for evaluation:

2.1.1 Letter of intent addressed to the Dean of SASO thru the Student Activity Coordinator. The letter should clearly indicate the purpose of the organization.

- 2.1.2 Ratified Constitution and By-laws duly signed by the initial members and the adviser of the organization
- 2.1.3 List of officers and members with contact details. There should be at least 15 members to form an organization.
- 2.1.4 List of proposed activities for the entire academic year with at least one community service activity
- 2.1.5 Letter of acceptance from the adviser who must be a full-time faculty/employee
- 2.1.6 SASO must posts the accredited student organizations a week after the submission of required documents

2.2 Students who are establishing a CCA chapter of a regional and national organization should submit the following documents for evaluation:

- 2.2.1 Letter of intent addressed to the Dean of SASO thru the Student Activity Coordinator. The letter should clearly indicate the purpose of the organization. Ratified Constitution and By-laws duly signed by the initial members and the adviser of the organization
- 2.2.2 List of officers and members with contact details. There should be at least 15 members to form an organization.
- 2.2.3 List of proposed activities for the entire academic year with at least one community service activity
- 2.2.4 Letter of acceptance from the adviser who must be a full-time faculty/employee
- 2.2.5 Official certification from the regional or national organization recognizing the establishment of such chapter
- 2.2.6 SASO must posts the accredited student organizations a week after the submission of required documents

2.3 Student organizations which seek for re-accreditation must submit the following documents for evaluation:

- 2.3.1 Post-activity narrative reports with necessary photo documentation should be submitted two weeks after the activity.
- 2.3.2 Amended Constitution and By-Laws (if any)
- 2.3.3 Complete financial statement prepared by the treasurer/auditor, and duly verified by the organization's adviser
- 2.3.4 Minutes of the meeting of the regular/scheduled/emergency meetings with photo documentation and attendance record
- 2.3.5 Student organization's Action Plan, Portfolio, Program of Activities and photo documentation
- 2.3.6 Certificate of Participation/recognition/awards
- 2.3.7 Communication Letters
- 2.3.8 List of activities for the next academic year

Section 3. Conduct of In- and Off-Campus Activities

3.1 An activity is considered in-campus if it is conducted in any area of the school and whether it is within or outside the class schedule of the student/s concerned.

3.2 An activity is considered local off-campus if it is conducted outside the school in any place in the country and whether it is within or outside the class schedule of the student/s concerned.

3.3 An activity is considered curricular if it is “an integral part of the instructional program” and may be conducted within or outside the regularly scheduled class time”.

3.4 An activity is considered non-curricular if it is any of, but not limited to, the following: “mission-based activity (e.g. retreat, recollection etc.), conventions, seminars, conferences, symposiums, trainings, team-buildings, volunteer work including peer helper programs, relief operations, community outreach, immersion, advocacy projects and campaigns, participation in sports activities, activities initiated by recognized student groups, interschool competitions/tournaments, or cultural and arts performances and competitions”.

3.5 The activity can be organized by an office or an accredited student organization.

3.6 A non-curricular in- and off-campus activity organized by an outside party must be approved by the president. The letter of invitation/request is to be forwarded to the president for approval.

3.7 Only when the letter indicates approval of the President will the SASO issue Activity Request Form and/or parent permission form

3.8 A non-curricular in- or off-campus activity organized by an office, an Institute or an accredited student organization is to follow this approval flow:

3.8.1 For activity organized by an office or an Institute

3.8.1.1 A formal letter seeking for approval is to be sent to the Vice President for Academic Affairs.

3.8.1.2 The letter should be prepared by the head of the office (noted by the immediate supervisor for sub-offices) or by the dean of the Institute.

3.8.1.3 Only when the letter indicates approval of the Vice President for Academic Affairs will the OSAS issue Activity Request Form and/or parent permission form.

3.8.2 For activity organized by an accredited student organization

3.8.2.1 A formal letter seeking for approval is to be sent to the Vice President for Academic Affairs.

- 3.8.2.2 The letter is to be prepared by the president of the organization duly noted by the adviser. The Institute dean (for Institute-based organizations) or the Dean of SASO (for College-based organization) is to sign for recommending approval.
- 3.8.2.3 Only when the letter indicates approval of the Vice President for Academic Affairs will the SASO issue Activity Request Form and/or parent permission form.
- 3.8.2.4 The faculty/personnel in-charge shall be the one to conduct all necessary arrangements relative to the activity, which include but not limited to, issuing excuse letters, communicating with faculty affected by the activity, accomplishing an activity request form, etc. The excuse letter must be prepared by the faculty/personnel and noted by the program coordinator (for faculty, if applicable) and Institute dean (for faculty) or immediate supervisor (for non-teaching personnel).
- 3.8.2.5 The faculty/personnel in-charge shall ensure utmost safety and security of the participating students before, during and after the activity.
- 3.8.2.6 If the activity is scheduled on a weekend or holiday, participating students must accomplish parent permission form.
- 3.8.2.7 The faculty/personnel in-charge shall secure the parent permission form from the Office of Student Affairs and Services.
- 3.8.2.8 The same faculty/personnel shall return the duly accomplished parent permission form of all students at least a day before the actual activity. In some cases, parent permission forms must be notarized.

Section 4. On Activity Bans

All students shall observe the activity ban, which provides that no co-curricular and extra-curricular activity shall be conducted one week prior to the major examinations.

Section 5. Student Publication

5.1 The Phoenix is the official student publication of the College. The members of the editorial staff are selected through an editorial examination which is conducted annually. Previous staffers may re-apply but are required to take the annual editorial examination. Publication fees are authorized to be collected from the students.

5.2 Financial statements/reports with attached pertinent documents and official receipts must be submitted to SASO at the end of every semester and published in the Phoenix prior to the release of future publication budget/funds. Misuse/malversation of funds shall subject the erring student/s to disciplinary action and/ or administrative charge/s without prejudice to filing a legal suit.

5.3 The publication should release one tabloid per semester, one lampoon issue and one literary folio if available, within the year. The first tabloid should be released by the end of the first semester, and the second issue by the end of the second semester

Section 6. Student Government

The College recognizes the right of the students to govern themselves as a student body, to be transparent and accountable to their constituents and be represented in various areas where the students need to be consulted. Hence, the College acknowledges the establishment of the City College of Angeles – Student Councils. Please see student council's constitution and by-law on Appendix B.

Section 7. Health Services

The School Clinic aims to provide free access to health services among students and staff to ensure that students are healthy to learn and staff are on their optimum health to work. The clinic is open during school hours. The services offered are the following:

7.1. Medical services

7.1.1 First aid treatment

7.1.2 Medical consultations

7.1.3 Medical examinations

7.1.4 Medical referrals

7.2 Dental services

7.3 Health education programs

7.4 Canteen monitoring

7.5 Issuance of excuse slips and medical certificates to students after duly examined by the School Physician

Section 8. Student Grievance

8.1 On Processing of Student Grievance

8.1.1 Student reports the complaint to the Dean of Student Affairs and Services.

8.1.2 Complaint is formally filed (narrative account/anecdotal record)

8.1.2.1 If the subject of a complaint is a faculty member, the letter shall be addressed to the concerned Dean of the Institute to which the faculty belongs.

8.1.2.2 If the subject of the complaint is a CCA non-teaching personnel, the complaint shall be addressed directly to the Human Resource Management Office.

8. 2 The Dean of Student Affairs will then forward the complaint to the appropriate department (HRMO or Academic Department). A complaint, in any form, filed in any office, against any faculty member, non-teaching personnel, officers of the college, or any staff or employee of the college shall be transmitted to the Grievance Committee for appropriate action

8.3 The Grievance Committee will copy furnished its written decision to the Dean of Students Affairs and Services upon completion of the hearing.

8.4 For special or sensitive cases such as but not limited to gender-based sexual harassment or Hazing, Sexual Harassment, the Committee on Decorum and Investigation (CODI) will have jurisdiction and shall conduct the proceedings.

Section 9. Non Academic Policies

The City College of Angeles upholds discipline guided by the core values of the institution. Students are expected to observe proper decorum in and outside the school. Any reported violation committed outside the school premises will be subjected to due process. The Student Conduct Officer is responsible for upholding the CCA's core values and promoting discipline to ensure peace and orderliness in the campus.

Section 10. Code of Discipline for Students

10.1 Students are expected to show respect to all the members of the faculty, administration, non-teaching personnel, and to fellow students.

10.2 Students are not allowed to loiter in vacant rooms, dark places and/or other restricted areas.

10.3 All students are compelled to always observe and maintain cleanliness and orderliness inside the classroom.

10.4 Public display of affection (PDA) such as, intimate necking, petting, kissing and any indecent display of affection is strictly prohibited in the campus.

10.5 Students should refrain from being involved in public scandal.

10. 6 Silence should be observed in the library, corridors, classrooms, and during symposia or other assemblies.

10. 7 All students are expected to observe, abide and respect the laws of the land, the standards of organized society, and the code of conduct, policies and regulations of the College.

10. 8 All students must observe good manners and shall at all times be respectful and proper in their public conduct as well in social media especially when engaging in any action that may impact on the privacy, dignity, and/or rights of institutions, groups or individuals, including themselves.

10. 9 Every CCA student is a reflection and extension of the College. Students are expected to observe a code of good behavior at all times, on and off campus, and to refrain from any unlawful conduct outside of school.

Section 11. School Uniform and Personal Attire

Dress, grooming, personal cleanliness, and good hygiene standards contribute to the ambiance and character of the college. The College understand students' desire to express themselves in their clothing and personal appearance, however, promoting proper decorum is part of the teaching- learning process of the College. All students are required to wear the school uniform on the college campus. Further, as part of the overall health, safety and appropriate attire required on-campus, all students are expected to wear a face mask while this directive is in place as a result of the COVID-19 pandemic in 2020 until such time these requirements are lifted. If the health departments guidelines are changed, face masks will not be required on campus.

11.1 Wearing of School Uniform

11.1.1 Students are required to wear the prescribed school uniform. P.E./NSTP Uniforms are for P.E./NSTP classes only. Students are not allowed to enter their other classes in their P.E./NSTP uniform.

11.1.2 For female college students the following guidelines apply:

11.1.2.1 White blouse; the length must be (3) inches below the waistline

11.1.2.2 The skirt must be knee-length.

11.1.2.3 Closed black shoes.

11.1.2.4 Wearing of black or colored undergarments is not allowed

11.1.2 For male college students the following guidelines apply:

11.1.2.1 White polo with collar and plain white under shirt

11.1.2.2 Wool/linen slacks and closed black shoes.

11. 2 Wearing the School ID

11.2.1 Students are required to wear their identification cards (ID) inside the campus at all times.

11.2.2 Lost ID should be reported immediately to the Student Conduct Officer to secure a temporary pass until replacement. If the ID is not found after one week, a student must apply for a replacement ID

11.2.3 In promoting care and accountability of the issued ID, the ID will cost double on the second instance of losing it. On the third instance of losing the ID, the student will be required of an affidavit of loss and will be charged double the cost of the first-issued ID.

11.3 Uniform Exemption Passes

The following may be exempted in wearing the prescribed uniform

- 11.3.1 Students who have subjects with practicum. However, they are required to wear the prescribed practicum attire/uniform.
- 11.3.2 Pregnant women whose pregnancy is already evident. She should present a medical certificate issued by the attending OB Gyne.
- 11.3.3 Full-time employed students are allowed to wear the company uniform on campus, on the presumption they have come directly from the workplace. In cases where the company does not have a prescribed office uniform, the working student may be allowed to come to school in civilian clothes provided the attire is in accordance with the proper dress code set by the College. FWS should secure a Uniform Exemption ID from the Student Conduct Officer good for one semester and renewable on the next semester. He/she should present an original certificate of employment, company ID and a copy of working schedule endorsed by the employer.

Section 12. Dress Code Policy

12. 1 Students should observe proper decorum and attire during academic and non-academic events. Students are required to wear appropriate clothing and must observe proper grooming. Given the academic nature of the College, students are expected to practice values of decency, and appropriateness through their attire. The following, but not limited to, are not allowed:

- 12.1.1 Sleeveless T-shirt/blouse and those with spaghetti straps
- 12.1.2 Hanging/ blouse with plunging neckline
- 12.1.3 Slippers, “bakya”
- 12.1.4 Mini skirts
- 12.1.5 Shorts
- 12.1.6 Tattered pants
- 12.1.7 Peddle pushers (puruntongshorts)
- 12.1.8 Any apparel that may offend other students, faculty, administration and other members of the school community.
- 12.1.9 Clothing with malicious/rude slogans or messages
- 12.1.10 Body-hugging outfits

12.2 Loud/Bold (e.g. red, yellow, blue, violet, pink, green, orange, and ash gray) hair color. Refrain from sporting faddish haircut inappropriate for school. Wear neatly-done and well-groomed hair style.

12.3 The number of earrings should not exceed two pieces of pierced jewelry per ear. Wearing earrings in the nose, lips, tongue, navel, and eyebrows is not allowed. Male students are not allowed to wear earrings and/or make-up.

12.4 Any body piercings or tattoos, including temporary tattoos, must be covered at all times while students are under the school’s premises.

12.5 On occasion where students are allowed to wear civilian attire, students are expected to dress simply, appropriately, and decently and shall have the

right to dress according to their respective sexual orientation, gender identity and expression while keeping within the prescribed dress code of the College.

Section 13. Act of Misconduct and Corrective Measures

The imposition of the appropriate disciplinary action shall be progressive in character, taking into account the previous violations committed by the offender. Corrective measures and formative interventions shall be imposed for violations of the Student Code of Conduct. A corrective measure/intervention is a disciplinary measure imposed to instill in the student the understanding that any act of misbehavior, willful violation and / or defiance of lawful rules and regulations will not be tolerated by the College.

Specifically, corrective measures and formative interventions are intended to inculcate in the students the ideals of justice, to have a healthy respect for rules and authority, rectify unacceptable behavior, help strengthen the character of students and protect the good name and reputation, both of students and the College. Hence, the corrective measures imposed shall range from warning, parental admonition, suspension, exclusion to expulsion depending upon the gravity of the offense committed. The authority to impose corrective measures is reposed in the administration or its agents and shall be imposed only after due process has been observed.

The commission of any act of misconduct through the use of social media will be subject to the same corrective measures and formative interventions.

Acts of Misconduct	Corrective Measures		
	First Offense	Second Offense	Third Offense
Offenses Against Security			
A.1 Failure to wear the school official identification (ID) cards inside the school premises.	Verbal or written notice of warning	3 hours community service	6 hours community service
A.2 Unauthorized bringing in, or possession of, or drinking liquor/alcoholic beverages inside the campus and entering the school premises in the state of intoxication	One week suspension	Two week suspension	Non-readmission to the College
A.3 Creating commotion(s) or serious disturbance inside the school which also include bomb and fire jokes.	One week suspension	Two week suspension	Non-readmission to the College
A.4 Any violation as defined in the prevailing Comprehensive Dangerous Drugs Law within the school premises	Expulsion		

A.5 Possession of firearms, explosives, toxic chemicals and deadly weapons	Expulsion		
A.6 Refusing to conform to health and safety protocols.	Verbal or written notice of warning	3 hours community service	6 hours community service
Offenses Against Persons			
B.1 Discourtesy in any form (physical/ oral, written, online) by means of any medium of communication, such as, but not limited to: B.1.1 Bullying, defamation, inciting to fight, and/or any abusive behavior committed against any student B.1.2 Disrespect toward any member of faculty, administrators, non-teaching personnel, and towards another student. B.1.3 Cyber-bullying – the use of technology to deliberately harass, threaten or intimidate others or that which infringes upon or violates the rights of another person.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
B.2 Engaging in any form of voyeurism which includes the posting of indecent or lewd photos or videos on the internet	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
B.3 Preventing or threatening any student or school personnel from entering the school premises or from attending classes or discharging their duties	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
B.4 Direct assault or inflicting physical injuries on any person inside or outside the College during an academic function or school activity.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
B.5 Any violation as described in RA 8049 otherwise known as the Anti-Hazing Law	Expulsion		
B.6 Engaging or getting involved in brawls whether inside or outside the campus.	One week suspension	Two week suspension	Dismissal
B.7 Gender based sexual harassment committed within College premises or online as described in RA 11313 (Safe Space Act)	Suspension for a period of less than one term, with or without	Suspension for a period of one term or more, with or without	Non-readmission to the College/Exclusion/Expulsion

	community service	community service	
Offenses Against Property			
C.1 Theft or stealing or an attempt thereof	Suspension for a period of less than one term, with or without community service Payment for the damages caused	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
C.2 Vandalism or destruction of property belonging to any member of the school community	Suspension for a period of less than one term, with or without community service Payment for the damages caused	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
C.3 Misappropriation of the funds or assets of the College and its duly recognized student councils, publications and organizations.	Suspension for a period of less than one term, with or without community service Payment for the damages caused	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
Offenses Against Order			
D.1 Coming to school not in the prescribed and complete uniforms.	Verbal or written notice of warning	3 hours community service	6 hours community service
D.2 Violation of the Dress code policy.	Verbal or written notice of warning	3 hours community service	6 hours community service
D.3 Gambling in any form inside or outside the campus.	One week suspension	Two week suspension	Non-readmission to the College
D.4 Smoking including e-cigarettes within the school premises; smoking within a radius of 100 meters from the College.	Verbal or written notice of warning	3 hours community service	6 hours community service

D.5 Engaging in any form of extortion	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.6 Entering any restricted area within the school without prior permission or authority.	One week suspension	Two week suspension	Dismissal
D.7 Violation of any existing city ordinances which are applicable in the school (e.g. wearing of helmet, over speeding)	Verbal or written notice of warning	3 hours community service	6 hours community service
D.8 All other offenses which may distract the peace and order in the campus	Verbal or written notice of warning	3 hours community service	6 hours community service
D.9 Unauthorized use of school property, equipment and other school facilities	Verbal or written notice of warning	3 hours community service	6 hours community service
D.10 Formation of/or membership in illegal organizations or those not officially recognized by the college.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.11 Violation of the College policies on the use of IT resources.	Suspension for a period of less than one term, with or without community service Payment for the damages caused	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.12 Violation of Data Privacy Law	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.13 Commission of any cybercrime offense as defined under Republic Act 10175 or the Cybercrime Prevention Act of 2012, such as cyber libel, etc.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.14 Repetitive violation of the established policies and regulations of the college.	One week suspension	Two week suspension	Dismissal

Commission of four (4) minor offenses is equivalent to a major offense.			
D.15 Preparing, publishing, displaying, and distributing pornographic, obscene, immoral, libelous or subversive materials in the form of printed and/or electronic media.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
D.16 Any Act that brings the name of the College in bad light such as public and malicious imputations of a crime, vice or defect, real or imaginary; or any act, omission, condition, status or circumstance, tending to cause dishonor, discredit or contempt to the name of the College	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
Offenses Involving Dishonesty E.1 Academic dishonesty in an offline/ online learning environment includes but not limited to: The following acts are considered as cheating: Academic dishonesty in an offline/ online learning environment includes but not limited to: The following acts are considered as cheating: E.1.1 Looking at others' answer sheet during the examination E.1.2 Any form of unauthorized communication during the examination E.1.3 Possession and/or use of notes or any materials that may be related or of use to the subject of an on-going examination. E.1. 4 Giving/passing of answers during the examination E.1.5 Unauthorized use of cell phones or any gadgets during the examination E.1.6 Making unnecessary noise and movements/acts during the examination E.1.7 faking attendance E.1.8 using another official CCA email address/password or allowing another to access your account or password E.1.9 cheating such as looking up answers on another device	One week suspension	Two week suspension	Automatic failing grade on the subject cheated

E.1.10 having someone else within the home to complete exam or any portion of student's assignment E.1.11 Copying work from another student E.1.12 Email, cell phones, and other internet-based communication systems may not be used for cheating at any time			
E.2 Violating copyright laws or plagiarism of any material	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
E.3 Forging, falsifying and tampering of official school documents, records, and school requirements.	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
E.4 Lending/using/borrowing school Identification card/registration form to another student or to an outsider.	One week suspension	Two week suspension	Non-readmission to the College
Offenses against Public moral			
F.1 Acts of lasciviousness, indecent, scandalous or immoral acts or any form of lewd behavior that tend to offend accepted public morals and norms of decency inside the campus	Suspension for a period of less than one term, with or without community service	Suspension for a period of one term or more, with or without community service	Non-readmission to the College/Exclusion/Expulsion
F.2 Public Display of Affection (PDA)	Verbal or written notice of warning	3 hours community service	6 hours community service

Section 14. Procedure for Processing of Disciplinary Cases

In the processing of discipline cases, the College strives to provide for expeditious adjudication of student discipline cases; inculcate a sense of justice among students and develop in them self-discipline; maximize student learning experience by establishing a just and humane sanction; provide for remedies to redress a wrong; and protect the interests of the students.

14.1 Committee on Student Discipline (CSD)

The Committee shall be composed of:

- 1.5.7 Dean of the Office of Student Affairs and Services as the Chairman
- 1.5.8 Student Conduct Officer, acting as the Vice Chairman

- 1.5.9 Dean of Institute where the student belongs
- 1.5.10 Faculty Institute Representative, as committee member
- 1.5.11 President/Representative from the Student Council, as committee member
- 1.5.12 The Guidance Counselor as Non-Voting member

14.2 Jurisdiction of the Committee on Student Discipline (CSD)

The Committee on Student Discipline (CSD) has the jurisdiction to hear and decide the following cases, without prejudice to the complainant's right to seek redress of grievances in proper venue:

- 14.2.1 Violation of the policies in the Student Manual
- 14.2.2 Violation of a School Memorandum
- 14.2.3 Crimes involving moral turpitude
- 14.2.4 Any act that constitute a crime or offenses under Philippine Law

14.3 Filing of a Complaint and Reply thereof:

A complaint should be made in writing, dated and signed. The complainant should personally submit the written complaint to the Student Conduct Officer. Additional copies shall be required if there are more than one respondents.

14.3.1 A complaint should state:

- 14.3.1.1 The name of the complainant and the name of the student being complained. When the offense is committed by more than one student, all of them shall be included in the complaint.
- 14.3.1.2 The complaint should specify in details the acts or omission complained of, the damages it caused to the complainant, and the remedy the complainant sought to obtain.
- 14.3.1.3 If the offense is specified in the Student Handbook or Philippine laws.
- 14.3.1.4 The complaint should also indicate the date of the commission of the offense and the place where it was committed.

14.3.2 The Student Conduct Officer shall evaluate the complaint and shall determine whether or not the acts or omissions being complained constitute an infraction of the Student Handbook, standing school memoranda or the laws of the Republic of the Philippines. The Student Conduct Officer shall also determine whether there is enough ground to hold the respondent for due process.

14.3.3 If the Student Conduct Officer, in a sound exercise of his/her discretion, finds the complaint to be sufficient in form and substance and that there is a strong possibility that the act being complained, which constitutes an offense, had been committed, he/ she shall convene the Committee on Student Discipline (CSD). CSD shall order

the respondent to reply within 48 hours excluding Saturdays and Sundays and holidays.

- 14.3.4 The respondent should submit the reply to the Student Conduct Officer. Additional copies shall be required if there are more than one complaints. If the respondent fails to submit the reply within the time required, he/she shall be deemed to have waived his right to file the said reply. Requests for extension of time to file reply shall be allowed at the sound discretion of the Committee. Extension of time, if granted, may be allowed only once and should not exceed forty-eight (48) hours excluding Saturdays and Sundays and holidays.
- 14.3.5 Upon receipt of the reply, the complainant at his/her option may make a comment to the reply within forty-eight (48) hours from receipt thereof excluding Saturdays and Sundays and holidays. Upon the receipt of the comment, the respondent at his/her option, may also make a reply to the comment when forty-eight (48) hours from receipt thereof. After the lapse of forty-eight (48) hours excluding Saturdays and Sundays and holidays without comment or reply filed, the submission of said pleadings shall be deemed waived.

14.4 Hearing

14.4.1 After the submission of the last pleading, the parties are notified by the Committee on Discipline three (3) days before the scheduled date of the hearing. The parties are requested to bring along with them their witnesses and evidence/s to support their claims.

14.4.2 During the hearing, the complainant shall first establish his/her cause in the presence of the respondent. He/she shall produce testimonial, documentary and object pieces of evidence to prove his/her claims. He shall be examined, through questions and answers, either by the Committee on Discipline or by the respondent himself/herself to ascertain the veracity of his/her claims.

14.4.3 The respondent may, during the same hearing, present testimonial documentary and object pieces of evidence in defense of himself/herself. He/she shall also be examined, through questions in defense of himself. He shall also be examined, through questions and answers, by the Committee on Student Discipline who ascertain the veracity of his/her defenses and counterclaims.

14.4.4 Unjustified absence of any party during the hearing shall not postpone the hearing. The absent party's right to present any form of evidence apart from submitted as part of his/her pleadings shall be waived.

14.4.5 Parties may be assisted by counsel but the same is not mandatory. The absence of a counsel shall not be a ground for the postponement of any hearing.

14.5 Decision and Appeal

14.5.1 After the hearing of a case, the Committee on Student Discipline shall release the Decision within fifteen (15) days from the last day of hearing excluding Saturdays and Sundays and holidays. The respondent shall be notified of the decision. If the decision is contested, the respondent may submit an appeal to the President within three (3) days excluding Saturdays and Sundays and holidays from receipt of the decision. The decision of the President is final and executory.

14.5.2 For non-appealed decisions of the Committee on Discipline, the recommendations become executory. The list of corrective measures includes but is not limited to the following: verbal reprimand, written undertaking, community service, public apology, suspension, non-readmission, and expulsion.

14.5.3 For a persistent offender or one responsible of a major offense, a suspension or expulsion may be imposed. Suspension may be given for one (1) or two (2) semesters; but not more than one year. The school, however, should forward to the Commission on Higher Education Regional Office concerned within ten (10) days excluding Saturdays and Sundays and holidays from termination of the investigation of the case for its information.

14.5.4 Parents/Guardians will be informed about the alleged major offense committed by the student through a formal communication.

14.5.5 The Committee shall thereafter, submit its findings and recommendations to the Institute. The decision shall be in writing stating the reasons, copy furnished the Dean of the Institute to which the respondent belongs.

14.5.6 All disciplinary hearings will be treated as confidential to the parties concerned. A copy of the decision with the complaint is filed at the SCO and forms part of the respondent's record or folio. Where an allegation is proven a record will also be kept on the student's file and for as long as they remain a student at College.

14.6. Corrective Measures

14.6.1 Parents will be informed about the alleged offense of the student and will be called for a conference through formal communication. The following correctives measures and formative interventions may be imposed upon any student found responsible of violations of the Student Conduct Code. The CSD may recommend more than one correctives measures and formative interventions depending on the nature of the offense:

14.6.1.1 Warning/Verbal Reprimand

14.6.1.2 Written warning

14.6.1.3 Community/Academic Service

14.6.1.4 Written Apology

14.6.1.5 Suspension (the duration of which shall depend on the gravity of the offense)

14.6.1.6 Non-readmission

14.6.1.7 Expulsion

14.6.1.8 Other sanctions as may be imposed by the Committee on Student Discipline

14.6.2 Active suspension is a corrective measure in which the student is denied or deprived of attendance in classes but is required to report to the Student Conduct Officer for appropriate disciplinary action. This shall be imposed for major offenses or habitual violations of the Student Code of Conduct and Discipline. The length of suspension will depend on the gravity of the offense. Grave offenses may warrant the imposition of a longer duration of suspension for the student concerned which could range from a whole semester to an entire academic year as the assigned Panel for the case would deem appropriate and just.

14.6.3 A student under investigation of a case involving non-readmission or expulsion may be preventively suspended from entering the College premises if the merits of the case warrant it and the Student Conduct Officer is morally convinced that the continued stay of the student during the period of investigation would constitute a disturbance / distraction to the normal operations of the College or would pose a risk or danger to the life of persons and property of the College.

14.6.4 For serious violations of the Code of Conduct and Discipline, non-readmission, is given in which the College excludes or removes the name of the erring student from the rolls of the College may be imposed by the College.

14.6.5 The extreme consequence of expulsion in which the student is excluded from admission to any public or private school in the Philippines, shall be imposed only upon careful and objective determination by the school authorities that this is the proper imposable penalty for the offense or violation committed, taking into consideration:

14.6.5.1 The gravity of the offense or violation committed

14.6.5.2 Previous record of the student

14.6.5.3 Manifestation that the student, in violating the Code of Conduct, acted with intent, malice, and/or bad faith

14.6.5.4 The injury caused or the resultant loss

14.6.5.5 Absence of contrition or remorse despite clear proof of wrong doing

14.6.5.6 Other applicable variables

14.6.6 A simple reprimand for non-serious offenses may be immediately carried out by any faculty member or College official without need of formal proceedings by calling the student's attention to the transgression committed in the presence of such faculty member or College official.

14.6.7 Should the student in violation of rules be an elected or appointed officer in accredited student organizations or student council, the measures to be imposed may include suspension or removal from office as the case may be.

14.6.8 Other corrective measures which the school administration upon careful consideration of the case may deem necessary may also be imposed.

14.6.9 Alternative Dispute Resolution as mediated by the SASO is also applied for cases that do not warrant formal hearing and upon agreement of all parties.

14.6.10 For Offenses requiring only admonition and imposition of a light sanction, including the signing of an undertaking or behavioral contract by the respondent may be applied. In order for the students to understand the gravity of their misdemeanor, the Office of the Student Conduct may refer them to undergo counselling or formative sessions whose frequency and duration shall be fixed according to the discretion of the Head of College Guidance and Formation Office. It is recorded officially for future reference.

14.6.11 Deadline of the completion of the community service given as corrective measures both for minor and major infractions to a student shall be determined by the Student Conduct Office in consideration of the academic schedule and activities of the student.

Section 15. Online Processing of Disciplinary cases

The following guidelines are provided in the online filing of complaints against students for violation of any of the provisions of the CCA Student Handbook.

15.1 Formal complaints against CCA students should be filed through electronic mail (email); complaints may come from faculty members, school officials, non-teaching employees, students. All messages/communications and their contents coming from these email addresses are considered formal submissions and will remain confidential.

15.2 The complaint should be accompanied with all the evidence and testimonies to support it and must together be forwarded by the complainant via e-mail

15.3 The respondent shall be notified of the formal charge and furnished with a copy of the report and be required to submit an answer within the period stated in the Student Handbook.

15.4 The Student Conduct Officer may summon the parties or make further inquiries (Pre-hearing conference) via e-mail or video conference (ZOOM/Google meet/Messenger). If the SCO sees no probable cause or basis for the complaint, it shall dismiss the case. In case when the complaint is to be sufficient in form and substance, the SCO will continue the case processing.

15.5 The SCO coordinates with Committee on Student Discipline (CSD) the proposed schedule of the online case conference/hearing through email or any online platform. Once the schedule is finalized, the SCO sends an invitation to all concerned parties and offices through email.

15.6 The SCO prepares the Notice of Case Conference/Hearing and all documents pertinent to the case and sends them online to all parties involved, indicating the date, time, online platform, and basic guidelines that will be observed.

15.7 After the Case Conference/Hearings, the Committee on Student Discipline (CSD) deliberates on the decision or resolution of the case within 15 days after the termination of the hearing.

15.8 All parties concerned shall be furnished with a copy of the decision following the provisions in the Student Handbook via email.

15.9 The respondent may file an appeal with the College President within 3 days following the provisions in the CCA Student Handbook and shall also be sent and processed electronically, via email.

Section 16. Lost and Found Section

Lost and found articles should be reported immediately to the Student Conduct Officer for safe keeping. Items not claimed within the semester will be forwarded to the Community Extension Office for outreach programs.

Section 17. Issuance of Certificate of Good Moral Character

Every student is entitled for a certificate of good moral character upon request. A processing of three (3) working days will be observed to check the records of the student in terms of conduct related matters.

O. SUPPORT AND TRAINING EMPLOYMENT PROGRAM (STEP)

The **Alumni Affairs and Student Placement Office (AASPO)** is the lead unit in promoting alumni involvement in college events and programs and sustaining their continuous commitment to the college's vision and mission.

Furthermore, it promotes building and maintaining dynamic relations with alumni groups, industrial partners and prospective employers, career and placement services to provide career opportunities for students and alumni in collaboration with academic and non-academic personnel of the college, liaison between the college, employers, students, and alumni, and maintenance of alumni database.

The AASPO provides holistic developmental career programs for CCA students through STEP.

The Support and Training Employment Program (STEP) primarily aims to prepare students for successful careers after graduation. This provides students with opportunities to enhance their employability skills, including communication, problem-solving, teamwork, and leadership, which are essential in today's competitive job market. This also includes workshops and seminars on various professional development topics, such as time management, conflict resolution, and workplace etiquette, to help students succeed in their chosen careers. Furthermore, this encourages students to explore different career paths and industries to broaden their horizons and make informed choices about their future careers.

The following are the activities under this program:

CCA Career Fair	CCA Career Fair is an event created for second-year students to have the privilege of continuous exposure to their future respective industry partners as it caters to their distinct career needs to make informed decisions in determining their possible career paths and goals.
CCA Jumpstart	CCA Jumpstart is a program for graduating students that shall enhance skills needed for the world of work, provide them an opportunity to know the importance of executive presence in the workplace, and assist them with pre-employment document applications to help jumpstart their professional career and civil service.
CCA LEGS (Labor Education Seminar for Graduating Students)	Labor Education for Graduating Students (LEGS) was designed to guide “would-be workers” on their rights at work and responsibilities. LEGS seeks to increase participants’ awareness regarding workers’ and employers’ rights and responsibilities, work ethics, values, and

	skills to contribute to fostering more cooperative labor-management relations and attaining decent and productive work.
PEP (Pre-Employment Preparation) Talk	The PEP (Pre-Employment Preparation) Talk is designed to prepare graduating students through talks, workshops, and simulations that will delve into various employment preparation aspects such as personality development, resume building, communication skills enhancement, and face-to-face and online mock interviews delivered by partner organizations.
Student EXPO (Exposure to Partner Organization) Program	The Student Exposure to Partner Organization (EXPO) Program provides our third-year students first-hand exposure to the country's top local and multinational companies through a non-intimidating and student-friendly environment question-and-answer round-robin forum in preparation for their internship program . This program allows students to personally connect and ask questions to our industry partners to gain correct information and increase knowledge for familiarization and realization of expectations that benefit their future employment.
CCA Company Tours/Site Visit	CCA Company Tour is a program that opens opportunities for select second-year students to be exposed to industry partners' operations and workplaces. This allows students to observe workplace settings and interact with company representatives to help them realize whether they are on the right track regarding career and future employment.
CCA Job Fair	CCA Job Fair is an annual event to provide opportunities for CCA graduating students to find employment from reputable companies and organizations.

APPENDICES

APPENDIX A

Student Rights and Obligations

The following rights under the Philippine Constitution and the Education Act of 1982 shall be granted to every bona fide student of CCA:

1. Rights under the Philippine Constitution

- a. The right to due process of law;
- b. The right to equal protection of the laws;
- c. The right against unreasonable search and seizure and illegal arrest;
- d. The right of privacy of communication and correspondence;
- e. The freedom of speech and of expression;
- f. The right to assemble peacefully and petition the lawful authorities for redress of grievances;
- g. The right to free exercise and enjoyment of religious profession and worship;
- h. The right to public information;
- i. The right to form organizations or associations;
- j. The right to effective and reasonable participation in matters affecting their welfare and student life
- k. The right to academic freedom within the limitations as provided by law;
- l. The right to suffrage;
- m. The right to health;
- n. The right to quality education;
- o. The right to select a profession or course of study subject to fair, reasonable and equitable admission and academic requirements;
- p. The right to a balance and healthful ecology in accord with rhythm and harmony of nature;
- q. All other rights guaranteed under the Constitution not mentioned above

2. Rights under the Education Act of 1982

- a. The right to receive, primarily through competent instruction, relevant quality education in line with national goals and conducive to his full development as a person with human dignity;
- b. The right to choose freely a field of study, and to continue the course therein up to graduation, except in case of academic deficiency, or violation of disciplinary regulations;
- c. The right to school guidance and counseling services for making decisions and selecting the alternatives of work suited to potentialities;
- d. The right to access own school records, the confidentiality of which the school shall maintain and preserve;
- e. The right to the issuance of official certificates, diploma, transcript of records, transfer credentials and other similar documents within thirty (30) days from request;
- f. The right to publish a student newspaper and similar publications as well as the right to invite resource persons during assemblies, symposia and other activities of similar nature;
- g. The right to free expression of opinion and suggestions, and to effective channels of communication with appropriate academic and administrative bodies of the university;
- h. The right to form, establish, join and participate in organizations and societies recognized by the school to foster intellectual, cultural, spiritual and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law;
- i. The right to participate in the formulation and development of policies affecting the school in relation to the locality/region, and nation through representation in the appropriate body/bodies of the school to be determined by the Board of Trustees.
- j. The right to be free from involuntary contributions except those approved by their own organizations or societies.

OBLIGATIONS. A bona fide student of the College shall be covered by all obligations as a citizen mandated in the New Constitution and those stated under Education Act of 1982, as follows:

1. To render personal, military or civil service under conditions provided by law;
2. To develop patriotism and nationalism, love of humanity, respect for human rights, and appreciation of the role of national heroes in the historical development of the country;

3. To understand the rights and accept the duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, critical and creative thinking;
4. To exert utmost and to develop potential for service, particularly, by undergoing an education suited to abilities, so that the student may become an asset to the family and to society;
5. To uphold the academic integrity of the school, endeavor to achieve academic excellence and abide by the rules and regulations governing academic responsibilities and moral integrity;
6. To promote and maintain the peace and tranquility of the school by observing the rules of discipline, and by exerting effort to attain harmonious relationships with fellow students, the teaching and academic staff and other personnel;
7. To participate actively in civil affairs and in the promotion of the general welfare, particularly in the social, economic and cultural development of the community and in the attainment of a just, compassionate and orderly society;
8. To exercise rights responsibility in the knowledge that the student is answerable for any infringement or violation of the public welfare and the rights of others;
9. To strive to lead an upright, virtuous and useful life;
10. To love, respect, and obey parents, and cooperate with them to maintain family solidarity;
11. To respect the customs and traditions of our people, the duly constituted authorities, the aims of our country and the principles of democracy;
12. To help in the observance and exercise of individual and societal rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of progress, prosperity and world peace.

APPENDIX B

THE CONSTITUTION AND BY-LAWS OF THE CITY COLLEGE OF ANGELES STUDENT COUNCIL (CCA-SC)

PREAMBLE

We, the students of City College of Angeles, through the guidance of God, in order to create a Student Council that will bring together and govern and uplift the condition of the whole student body, protect and exercise the students' democratic rights and wellbeing, foster a closer relationship among students, academic community and other sectors of society, instill patriotic, mass-oriented, scientific and technological awareness, for the improvement of the Filipino students and the people as a whole, do hereby ordain and promulgate this Constitution.

ARTICLE I GENERAL PROVISIONS

Section 1. This Constitution shall be known as the "Constitution and By-Laws of the City College of Angeles Student Council."

Section 2. This Constitution shall govern students of the City College of Angeles

Section 3. The official offices of the Student Councils shall be within the CCA school premises.

Section 4. For the purpose of this constitution, unless the context implies otherwise,

- a) "Student Council" refers the Central Student Council and Institute Councils;
- b) "College Authorities" and "Administration" signify the duly constituted authorities or officials of the City College of Angeles; and
- c) Quorum for the purpose of this Constitution shall be two-thirds of the total membership of the council

ARTICLE II DECLARATION OF PRINCIPLES AND OBJECTIVES

Section 1. The Student Council is a self-governing organization of the students of the City College of Angeles which shall pursue programs, policies, projects, and activities towards the protection and development of the democratic rights and well-being of its members in a manner consistent with the CCA Student Code of Conduct and existing laws, rules and regulations.

Section 2. The Student Council is a part of City College of Angeles community and of Filipino society. As such, it shall:

- a) represent the united and genuine interest of the City College of Angeles' students, inculcating in them leadership, service,

- commitment, solidarity, loyalty and patriotism with integrity, equality and utmost responsibility;
- b) ensure an accessible, affordable and quality education;
- c) function as an active forum for student's ideas and sentiments;
- d) instill campus awareness and social consciousness among students;
- e) develop a responsible student body that will put educational opportunity to best possible use and look after the harmony and welfare of the students;
- f) seek and advocate educational reforms along nationalist, humanistic, and scientific methods, for the holistic development of the human potential, to respond to social realities and promote academic freedom;
- g) promote and protect the rights and welfare of the students;
- h) support the ideals of the College geared towards ensuring a holistic development of every student;
- i) unite with concerned sectors of the College in the pursuit of the common good of the students; and
- j) develop a sense of service and responsibility in the society among students.

ARTICLE III POWERS AND DUTIES

Section 1. Power. The Student Council shall exercise the following authority:

- a) create and adopt internal rules and regulations consistent with this Constitution and the rules and regulations of this College;
- b) present and make recommendations, which shall or may directly or indirectly affect the general welfare of the students and the College authorities;
- c) initiate and conduct any activity that will serve the needs of the students as long as it does not violate any rule and regulation of the College;
- d) articulate disagreement in a legal and professional manner to any policies or decisions of the College that shall or may affect the common interest of the students;
- e) make and publish resolutions, manifestos and measure of position in any matter that help improve the cause for which the councils stand for;
- f) draft and amend this Constitution and the student codes
- g) be given additional powers as the College authorities may assign from time to time, consistent with its stated powers, values, objectives as well as responsibilities.

Section 2. The Student Council shall have the following duties and responsibilities:

- a) uphold and protect the Constitution and By-Laws of the Student Council;

- b) make decisions, initiate and plan programs or projects including budgetary requirements;
- c) assess policies of the College affecting the students and provide
- d) recommendations for improvement;
- e) ensure that student concerns are brought to the attention of the appropriate
- f) persons or office concerned;
- g) make sure that council funds are managed properly;
- h) represent the students in the formulation and revision of the College Student Manual;
- i) assist school authorities in information dissemination to students
- j) perform duties and responsibilities necessary in carrying out its function.

ARTICLE IV MEMBERSHIP AND QUALIFICATIONS

Section 1. A Student Council officer must possess the following qualifications:

- a) He/she must be a regular student and have completed the immediate semester in CCA prior to the election
- b) He/she must be of good moral character and must not be under or have not undergone academic or disciplinary probation prior and during his/her term of office.
- c) He/She must be an example to others in following the College's rules and regulations.
- d) He/She must be willing to devote his/ her time and effort in the service of the students and the community
- e) He/She must not have a grade lower than 2.75 in all subjects prior to election.

Section 2. All positions in the council shall be filled in by eligible candidates earning the highest number of votes during the Election Day regardless of the voters' turn-out.

ARTICLE V CAMPAIGN AND ELECTION

Section 1. The campaign shall be done at designated places in the College. The scheduled Meeting de Avance will be assigned by the the Student Affairs and Services Office in coordination with the Campus Development Services Office.

Section 2. All officially enrolled students are qualified to vote.

Section 3. Guidelines for the CCA Central Student Council Election

- 1. The election of Central Student Council shall observe utmost fairness and transparency.
- 2. All applicants must duly accomplish the application for candidacy form to be secured from the Office.

3. Once properly acknowledged by the Office, the official candidates can start with their campaigning.
4. In case where there is only one candidate for a position, the candidate must secure 50% + 1 of the votes to be declared as winner. In case where the sole candidate did not get the assigned number of votes, the winning members of the Council, by majority vote of said members, shall appoint a student who will occupy the said position, PROVIDED, that the student who ran for the position and who did not get the required vote shall not be eligible for such appointment.
5. In case where no candidate ran for a position, the winning members of the Council, by a majority vote of said members, shall appoint a student who will occupy the said position.
6. The election shall be conducted immediately after the set meeting de avance. The electorates shall write the name/s of their choices in the official ballot to be provided by the Office.
7. The used official ballots shall be kept and handled with utmost security.
8. The counting of votes shall be conducted in the presence of the Dean of Student Affairs and Services and Office and a representative from the Institute. The schedule of counting of votes shall be conducted immediately once all the Institutes have casted their votes.
9. Once verified by the Office of the Vice President for Academic Affairs, the names of the winning candidates shall be posted on the SASO bulletin board.

ARTICLE VI

CITY COLLEGE OF ANGELES - CENTRAL STUDENT COUNCIL (CCA-CSC)

Section 1. The City College of Angeles - Central Student Council, herein after referred to as the CCA-CSC is the highest student governing body of the College composed of the officers who are duly elected by the students of the City College of Angeles.

Section 2. The CCA- CSC is a democratic student government that shall serve as the voice and liaison between the general student population and the College authorities.

Section 3. The CCA-SC shall coordinate with the Student Affairs and Services Office any matter affecting the welfare and interest of the students and in the conduct of College wide activities.

Section 4. The CCA-CSC shall be composed of the President, Vice-President for Internal Affairs, Vice-president for External Affairs, Secretary-General, Finance Officer, Press Secretary, Business Correspondent, Property Manager, Activity Coordinator and three Institute Representatives.

Section 5 The *PRESIDENT* shall act as the chief executive officer, who is in charge of the implementation of laws, rules, policies and programs formulated by the council. He/She also has the duty to:

- a) organize and preside over all meetings of the CCA-CSC;
- b) sign all resolutions, communication and papers of the CCA-CSC;
- c) represent the SC on occasions and events, in and out the campus, where representation is necessary;
- d) sign all requisitions and disbursements of the SC fund under the supervision of the CCA-CSC adviser and SASO dean
- e) certify the correctness of the minutes of meetings and other records under his care;
- f) perform any lawful act to promote and uphold the best interest of the SC and of the students; and
- g) perform such duties necessary or incidental to the discharge and performance of the functions of his office.

Section 6. The *VICE-PRESIDENT for INTERNAL AFFAIRS* shall assume powers and

Functions of the President in the absence or inability of the latter and shall among others:

- a) coordinate with the different sectors of the College the internal affairs of the council whenever necessary;
- b) attend and represent the CCA-CSC in all Committee on Discipline hearings; and perform other duties and functions as the President may assign.

Section 7. The *VICE-PRESIDENT for EXTERNAL AFFAIRS* shall take over the position of the Vice-President for Internal Affairs in the absence or inability of the latter and shall among others:

- a) coordinate with other schools, outside establishments and various sectors of the society any matter relevant and necessary in the implementation of CCA-CSC activities or programs;
- b) sign all appropriate communication for external matters and shall be noted by the CCA-CSC president; and
- c) perform other duties and functions as the president may assign.

Section 8 The *FINANCE OFFICER* shall

- a) keep a record, together with the supporting documents (official receipts, invoices, contracts, deposits and withdrawal slips, etc.) of all financial transactions of the CCA-CSC;
- b) guarantee that all disbursements are reasonable, justified and authorized;
- c) update from time to time the financial status of the council and present a financial report when requested;
- d) prepare the financial statement of the council every end of the semester; and
- e) presents financial reports to college publication.

Section 9. The *SECRETARY- GENERAL* shall

- a) prepare and keep all the minutes of meeting and proceeding of the CCA-CSC;
- b) report to and update the council regarding its activities and involvement;
- c) prepare the calendar of activities of the council and remind them of the schedule; and
- d) post important announcements or advertisements in the designated bulletin board

Section 10. The PRESS SECRETARY shall

- a) coordinate to the College Publications the activities the CCA-CSC wish to publish;
- b) promote good relations with the press and the public;
- c) answer inquiries about council activities; and
- d) act as the spokesperson of the CCASC.

**Section 11. The BUSINESS
CORRESPONDENT shall**

- a) prepare letters and memos for the CCA-CSC;
- b) prepare the minutes of meetings and proceedings of the CCA-CSC in the absence of the secretary; and
- c) receive and file all papers and correspondence of the CCA-CSC

Section 12. The PROPERTY MANAGER shall

- a) act as the custodian of the properties of the CCA-CSC;
- b) keep and control the inventories/supplies of the CCA-CSC; and
- c) canvass prices and quality materials and equipment as may be needed.

Section 13. The ACTIVITY COORDINATOR shall

- a) coordinate all the activities of the Councils with other concerned offices such as SASO.

Section 14. The duly elected chairperson of each institute council will automatically be AdHoc members of the CCA-CSC and shall serve as representatives. These Adhoc members shall

- a) disseminate the minutes of the meeting with their respective Institute Councils; and
- b) perform other relevant duties the CCA-CSC president may assign to them

Section 15. The CCASC shall have its regular meeting at least once a week. A quorum of two-thirds shall be required to make decisions of the CCA-CSC valid and enforceable.

Section 16. The CCA-CSC, however, may call a special meeting to be announced at least a day before the said meeting, whenever necessary. No decision shall be valid and enforceable if quorum is not met. However, in

case of urgent meeting where time and urgency is main consideration, the rule of the quorum may be abolished by the CCACSC President.

Section 17 Any member of the CCA-CSC who is absent in any of the meetings stated in Section 12-13 of this article, shall have the responsibility to update himself and read the minutes of the said meetings.

ARTICLE VII INSTITUTE COUNCIL

Section 1. The Institute Council, herein referred to as IC, is an independent and duly constituted central student organization.

Section 2. The IC is one of governing body in the College that shall ensure unity and cooperation among student groups within its jurisdiction.

Section 3. The IC shall be autonomous in the management of its own internal affairs and in the implementation of its programs and activities. However, in the conduct of College wide activities, the IC shall coordinate said activities with the CCA-CSC.

Section 4. The IC of each college shall be composed of Chairperson, Vice-Chairperson, Secretary, and Treasurer.

Section 5. The Officers must possess the following qualifications:

- a) He/She must be a member of the class officers of his/her respective institute.
- b) An incumbent CCA-CSC officer is not allowed to be part of the Institute Council.

Section 6. The members of the IC shall be elected in accordance with the provision of this Constitution.

Section 7. The IC election shall be presided by the Institute Dean or a college authority duly designated by the Institute Dean. The nominee garnering the highest votes in a quorum of two-thirds shall win the elective position.

Section 8. The following shall be observed in the election of Institute Council officers.

- a) The election of Institute Student Council shall observe utmost fairness and transparency.
- b) Only classroom officers of the current academic year can vote and be elected for a position.
- c) The Institute is given the freedom to observe any mode of casting of votes (e.g. secret balloting, raising of hands, etc.) which must be communicated to the Student Affairs and Services Office and at least a day prior to the election.
- d) The Dean shall submit a narrative report of the conducted election.

- e) Once verified by the Office of the Vice President for Academic Affairs and Student Affairs and Services Office, the names of the winning candidates shall be posted on the OSSA bulletin board

ARTICLE VIII FUNDS

Section 1. The funds of the Central Student Council shall consist of Student Activity Fee which is collected by the administration every semester and a Php 50.00 Student Council Fee to be collected by the CCA -CSC treasurer every first semester.

- a) The Student Activity Fee shall be requested in coordination with the Student Affairs and Services Office for College-wide activities;
- b) Student Activity Fee shall fall under the general funds of the Angeles City Government;
- c) The Student Council Fee shall be deposited to the bank account of CCA-CSC;
- d) The authorized signatories of the CCA-CSC bank account are the Treasurer, Adviser, and Dean of SASO;
- e) The collected Student Council Fee will be part of the General Appropriation funds for CCA-CSC .

Section 2. The appropriation of funds for Student Councils shall be based on the total number of enrollees.

Section 3. No money shall be paid out of the funds without the approval of the President / Chairperson as enclosed by the Treasurer / Finance officer. However, the budget of material amount shall be subjected to the approval of the council.

Section 4. All expenditures of the council must be properly documented and supported by valid financial evidences.

Section 5. The financial statement as of the given semester must be submitted to the Student Affairs and Services Office (SASO) not later than two weeks after the close of the said semester.

Section 6. The audited financial statements of the Council, particularly the Cash Flow Statement must be published in any of the college publications or posted for a period of at least one week in conspicuous places inside the campus.

Section 7. A year-end consolidated financial statements must be prepared at the end of the council term. It shall be submitted together with the first and second semester financial statements and original copies of supporting documents to the SASO.

Section 8. The financial statements shall be open to all students for inquiries and inspection at any reasonable time.

ARTICLE IX OFFICIAL INSIGNIA



The Central Student Council - City College of Angeles logo represents the four core values of the school. The shield that serves as the shape of the logo symbolizes resiliency. It portrays the oneness of the Council in facing and overcoming difficulties in serving the students of the school. The phoenix symbolizes patrimony that represents the aim of the Council to promote and preserve the Kapampangan culture. The gold color of the phoenix symbolizes excellence that portrays how Council always inculcates excellence in every action and decisions they make. The green color symbolizes stewardship that represents the aims of the Council to always serve the students of City College of Angeles for their betterment and development.

ARTICLE X DISCIPLINARY MEASURES

Section 1. The following shall be considered minor offenses and shall be punished by disciplinary action as determined by the council.

- a) Failure to submit reports on time
- b) Failure to attend a meeting without a valid reason
- c) Irregular and infrequent tardiness
- d) Cause a delay or interruption in any of the council meetings

Section 2. The following shall be considered major offenses and shall be a ground for suspension, termination, or impeachment:

- a) Willful violation of this Constitution and By-Laws
- b) Acting beyond the powers conferred in one's position
- c) Malversation and misappropriation of council funds
- d) Neglect/abandonment of duties
- e) Disrespect whether in words or in deed towards any member of the council

- f) Forging, falsifying and/or tampering Council papers and records or any school document of any kind
- g) Unauthorized lending of council equipment and use of supplies
- h) Three consecutive absences in the regular meetings of the council without notice
- i) Unauthorized representation of the council in any event or proceedings
- j) Willful destruction of properties of the council
- k) Disbursing funds for a legal transaction without a receipt, regardless of amount
- l) Any form of misconduct that destroys the image and dignity of any council member or the council as whole

Section 3. Any officer violating any provision of the offenses mentioned in this Article shall be subjected to investigation and observation of due process. However, he shall be given the right to defend himself during hearing set by the council.

Section 4. The head of the council shall create a special committee that will investigate the alleged violation of the respondent.

Section 5. The respondent shall be suspended from any activity of the council pending investigation.

Section 6. If the respondent was proven guilty, an affirmative vote of two-thirds of the Council shall be required to terminate the former.

Section 7. However, if the respondent has been proven to commit more than one major offense, the Section 6 of this Article shall no longer be required and an automatic termination shall be ascertained by the council.

Section 8. The decision shall be final and a copy of the proceedings shall be furnished to the SASO a week after the promulgation of the decision.

Section 9. The SASO shall forward the case to the Committee on Student Discipline for a hearing and the provision in the Student Manual shall apply.

ARTICLE X

VACANCY AND TRANSITORY PROVISIONS

Section 1. The duly elected Central Student Council shall hold office for one academic year including the summer term. The term of office shall start from the first day of the academic year succeeding election.

Section 2. There is permanent vacancy when the office of a Central Student Council officer or member has been vacated by reason of death, resignation, and impeachment, expulsion from the College or a permanent illness preventing him from performing his function in the office.

Section 3. Temporary vacancy exists when the office of a Central Council officer or member has been vacated by reason of temporary mental or physical incapacity, detention or any other reason that leaves the possibility of resuming his duties before the expiration of his term.

Section 4. Should there be a vacancy in the CCASC office, the following shall be observed: Permanent vacancy in the office of the President shall be filled by the Vice-President for internal Affairs. But should a permanent vacancy also exist in the Position of Vice-President for Internal for any cause whatsoever, the Vice-President for External shall assume the highest office. In such case, the council shall elect a new Vice-President for Internal and External Affairs from the representatives.

Section 5. Vacancy in the office of CCA-CSC representative shall be filled by the representative candidate of the same institute having the next highest votes in the most recent election.

Section 6: However, should all the next ranking candidates for the same position refuse, or there are no more subsequent candidate to assume office, the President shall appoint new officer as approved by the Council.

Section 7: The new council members, appointed by the President by reason of vacancy must meet the same qualifications as provided in the Article IV of this Constitution.

Section 8. All properties, records, supplies, facilities, equipment, money and other assets of the council under custody of the incumbent officers, shall turned over to the succeeding officers.

Section 9. The newly elected council shall not be held accountable to any liability by the incumbent council officers.

APPENDIX C

THE PHOENIX CONSTITUTION AND BYLAWS 2nd Amendment

PREAMBLE

We, the college publication, as a duly recognized publication, will uphold by the Philosophy, Mission-Vision, and Objectives of the school and the organization to be able to report and write about issues and events relevant to the readers and to provide significant information to the studentry.

DECLARATION OF PRINCIPLES

The students and the people have the right to know.

The students and the people have the right to freedom of thought and expression; to hold opinions free from any interference; and to seek, receive, and impart information and ideas through any media. The freedom of press is the veritable pillar that holds up the inviolable right of the students and the people to know. The campus press has the sacred duty to seek for the truth side by side with the students and the people to rise against any forces that aim to undermine truth, freedom, justice, and democracy.

VISION

The Phoenix Publication envisions itself as a vital partner of the City College of Angeles, the Institution of Hope, where hope resides and lives are transformed, a student body that aims to improve journalistic skills, communication skills, and creative skills of students concerned, who lead the development of campus journalism, as means of strengthening ethical values, encouraging critical and creative thinking, and developing moral character and personal discipline that promotes a responsible and free journalism, wherein students take part as catalysts of change, contributing in nation building.

MISSION

The Phoenix Publication commits to provide excellent quality of service to the Angeleños by releasing an organ and executing programs that would help to the development of the City College of Angeles as well as future professionals who can collaboratively work locally and globally.

MOTTO

The motto, “Talasese ning Katutūan” (Vanguards of the Truth) means that the publication must always be in the pursuit of the truth, the steward of the truth, and shall embody the truth in honor and excellence.

Article I

NAME, SCOPE, MOTTO, SEAL AND DOMICILE

Section 1. The official student publication of the City College of Angeles (CCA) shall be known as THE PHOENIX.

Section 2. The Phoenix shall serve primarily as a publication for and by the students and shall reflect the character of the City College of Angeles.

Section 3. The Phoenix shall be publishing tabloids at least once every semester.

Section 4. The official literary folio of The Phoenix shall be known as Bie (Life), which shall be published at least once a year.

Section 5. The Phoenix may publish articles and other materials relevant to the publication online through their official Facebook page only (www.facebook.com/CCAPHOENIX).

Section 6. The motto of The Phoenix shall be “Talasese ning Katutûan.”

Section 7. The Phoenix shall adopt for its seal the phoenix inside the shield, which represents the resiliency and ability to rise from a harrow. This denotes that every individual is known to be strong and valiant despite the obstacles that may occur. The brown body of the phoenix represents the modest characteristic of the institution while the red feathers indicate patrimony. The shield symbolizes the ward of right to express in the community of City College of Angeles. It will serve as a guard of identity for every individual on their personal and societal concerns. The green tint of the shield embodies the stewardship of the CCA community. All members in the CCA community should always seek and aim for greatness that implies the significance of the leaf which means excellence. The shade of gold infers to the luxury of joy of the community college despite their adversities. The quill and scroll in the phoenix’s claws indicates the freedom of speech and information that are based on unbiased truths. The motto “Talasese ning Katutûan” on the phoenix’s beak means that the publication must always be in the pursuant of the truth, the steward of the truth, and shall embody the truth in honor and excellence.

Section 8. The Phoenix shall hold business and editorial offices on the second floor, Right wing of the City College of Angeles, Arayat Boulevard, Pampang, Angeles City, Philippines.

Article II

CAMPUS JOURNALISM ACT OF 1991

Section 1. Declaration of Policy.

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

Section 2. Student Publication.

In the Campus Journalism Act of 1991, section 4 states that a student publication is published by the student body through an editorial board and publication staff composed of students selected but fair and competitive examinations.

Article III OBJECTIVES, RIGHTS, AND PRIVILEGES

Section 1. The Phoenix shall pursue the following objectives:

- A. Equip the skills needed for campus journalism;
- B. Uphold the ethics of journalism;
- C. Discuss different types of journalistic articles;
- D. Defend and support students' rights and welfare;
- E. Provide clarity and authenticity in disseminating information;
- F. Achieve independence of The Phoenix;
- G. Train budding writers; and
- H. Exercise the role of publications.

Section 2. To discuss and apply the conventions of the following:

- A. Cartooning;
- B. Copy reading;
- C. Editorial;
- D. Feature;
- E. Graphics Design;
- F. Literary;
- G. News;
- H. Photojournalism; and
- I. Sports News.

Section 3. The Phoenix staff has the following rights and privileges:

- A. Participate in all activities of The Phoenix and be informed with the policies, programs, projects, and actions;
- B. Participate in discussions or debates during meetings and press works;
- C. Have access to the facilities and equipment of the college in the course of their duties and responsibilities as a member of The Phoenix; and
- D. The right of the publication to celebrate the founding anniversary of the publication. The event shall include that the members of the press shall wear the official shirt of the publication on the said date.

Section 4. Leave of Absence.

- A. Every member has the right to file their leave of absences (LOA) to their respective editors and heads three (3) days prior to the day intended.
- B. The permission to be absent from the duties and meetings in the publication will only be valid for three (3) days to two (2) weeks every two (2) months.

C. Editors and members with approved LOA can only withdraw their leave for only one (1) to two (2) days before the expiration of LOA. Editors and members who wish to withdraw their LOA ahead of time shall be subjected to a denied LOA for the succeeding months.

Section 5. Letter of Request. The right of the press members to ask letters of request to the requesting organization/office beforehand. This shall also include that the publication has the right to decline coverage requests from the requesting organization/office depending on its relevance to the context of the city college.

Section 6. Coverage of college based activities only. The right of the publication to cover college based activities only. Any activities which aren't college based shall refer to Article III Section 5 of the constitution and bylaws of the Phoenix.

Section 7. Freedom of the Press. No outside force shall manipulate the information in the tabloid, folio, newsletter and articles published on The Phoenix's tabloids, folios, lampoons, newsletters, official Facebook page, and the Phoenix Constitution and Bylaws. This section is protected by the R.A 7079 or the Campus Journalism Act of 1991

Article IV

MEMBERSHIP, REQUIREMENTS, AND QUALIFICATIONS

Section 1. All bonafide students enrolled in any program within the college in the semester may become a member of The Phoenix through qualifying the given editorial exam.

Section 2. Members shall adhere with the requirements of the organization.

- A. Each member must observe punctuality and discipline.
- B. Each member shall maintain a General Weighted Average (GWA) not lower than 2.50.
- C. Each member shall not have demerit records from the Student Affairs and Services Office (SASO).

Section 3. The main duties of the members are:

- A. Regularly attend meetings;
- B. Participate actively according to their position;
- C. Submit assigned tasks on or before the appointed deadline; and
- D. Share their other talents for the common good.

Section 4. Qualifications of the adviser: A. The candidate shall be an employee/faculty member of the City College of Angeles.

B. The candidate shall have experienced the field of journalism.

C. The candidate shall be fluently speaking and writing the English language.

D. The candidate shall be included in the list recommended by the publication staff.

Article V

SELECTION OF THE EDITORS AND ADVISER

Section 1. Editors and section heads will be appointed by the adviser after an editorial exam and peer evaluation of the Phoenix members.

Section 2. Only members who stayed in the publication for at least one year are qualified to become editors.

Section 3. Editors and section heads shall maintain a General Weighted Average (GWA) not lower than 2.50.

Section 4. Under the Campus Journalism Act of 1991, the publication adviser shall be selected by the school administration from a list of recommendees submitted by the publication staff. The function of the adviser shall be limited to one of technical guidance.

Article VI

FUNCTIONS AND DUTIES OF THE EDITORIAL BOARD AND THE ADVISER

Section 1. General Functions and Duties of the Editorial Board

- A. Uphold the Constitution and By-laws of The Phoenix;
- B. Spearhead all programs and activities of The Phoenix; and
- C. To be in-charge in decision making of the publication.

Section 2. Position Duties and Rights

A. The Adviser shall have the power and duty:

- a. In implementing and evaluating plans and programs facilitating and moderating in the activities of the publication;
- b. To monitor all the events and performances of the members;
- c. To be the final step in proofreading of the articles; and
- d. To counsel the members in case it is needed.

B. The Editor-in-Chief shall have the power and duty:

- a. To take place the adviser in the case of the latter's absence;
- b. To manage the overall journalistic activities;
- c. To manage the internet-based publication;
- d. To proofread articles; and
- e. To make the final decision for the publication.

C. The Associate Editor shall have the power and duty:

- a. To take the place of the Editor-in-Chief in the case of the latter's absence;
- b. To assist the Editor-in-Chief in managing overall journalistic activities;
- c. To manage the internet-based publication;
- d. To proofread articles; and
- e. To distribute and/or write letters or emails within the publication.

D. The Managing Editor shall have the power and duty:

- a. To take the place of the Editor-in-Chief and/or Associate Editor in the case of their absence;
 - b. To manage the expenses of the publication;
 - c. To produce a liquidation of the expenses per semester or upon request;
 - d. To manage the internet-based publication; and
 - e. To distribute and/or write letters or emails outside the publication.
- E. The News Editor shall have the power and duty:
 - a. To delegate articles to fellow news writers; and
 - b. To proofread news articles.
- F. The Feature Editor shall have the power and duty:
 - a. To delegate tasks to fellow feature writers; and
 - b. To proofread feature articles.
- G. The Literary and Entertainment Editor shall have the power and duty:
 - a. To delegate tasks to fellow literary writers;
 - b. To proofread literary articles;
 - c. To manage the literary folio; and
 - d. To assign and select contents for the entertainment section.
- H. The Sports Editor shall have the duty:
 - a. To delegate tasks to fellow sports writers; and
 - b. To proofread sports articles.
- I. The Head Graphic Designer shall have the power and duty:
 - a. To delegate tasks to fellow graphic designers.
 - b. To accomplish the pubmats and newspaper layouts of the publication.
- J. The Head Artist shall have the duty:
 - a. To delegate tasks to fellow artists;
 - b. To choose artworks to be included in the layout;
 - c. To edit chosen artworks;
 - d. To submit edited artworks to respective editors on or before the appointed deadline;
 - e. To validate the appropriateness and quality of the comic strips or illustrations of the artists; and
 - f. To illustrate the editorial cartoon.
- K. The Head Photojournalist shall have the power and duty:
 - a. To delegate tasks to fellow photojournalists;
 - b. To choose photographs to be included in the layout;
 - c. To edit chosen photographs; and
 - d. To submit edited photographs to respective editors on the appointed deadline.
- L. The Senior Editor/s shall have the power and duty:

- a. To act as the second adviser of the publication;
- b. To assist in the activities of the publication;
- c. To carry out the tasks assigned by the editors; and
- d. To proofread articles.

Article VII

FUNCTIONS AND DUTIES OF THE MEMBERS

Section 1. General Functions and Duties of the members.

- A. Uphold the Constitution and By-laws of The Phoenix;
- B. Participate in all activities of The Phoenix;
- C. Regularly attend meetings;
- D. Participate actively according to their position;
- E. Submit assigned tasks on or before the appointed deadline; and
- F. Share their other talents for the common good.

Section 2. Position Duties and Rights

A. The writer/s shall have the duty:

- a. To cover the assigned stories; and
- b. To write articles and/or columns.

B. The artist/s shall have the duty:

- a. To provide illustrations to selected feature articles;
- b. To create comic strips for entertainment in tabloids and the publication page;
- c. To assist in the creation of the folio by collecting and creating artworks; and
- d. To illustrate the publication's editorial cartoons.

C. The photojournalist/s shall have the duty:

- a. To capture the event/s they are covering;
- b. To assist the head in choosing and editing the photos fit for uploading to the publication page; and
- c. To provide captions and cutlines for photos uploaded on the page and photos to be published on the tabloid.

D. The graphic designer/s shall have the duty:

- a. To create pubmats for the page
- b. To design publication layouts; and
- c. To assist the head graphic designer duties on the tabloid and folio.

Article VIII

PRESS WORK AND MEETINGS

Section 1. Press work and meetings shall be held regularly at least thrice a month.

Section 2. The Minutes of the Meeting (MOM) shall be recorded by the Associate Editor and noted by the publication adviser.

Section 3. The members and the editors of the publication shall have food allowance from the budget allotted during press work.

Article IX HONORARIA

The Publication adviser shall be receiving honoraria for every publication issue released (i.e. tabloids, folios, lampoons, and newsletters).

Article X SANCTIONS

Section 1. Staff who fail to submit on or before the deadline.

A. First Offense: Warning

B. Second Offense: Written warning and submission of letter of explanation
C. Third Offense: Suspension from one incoming seminar, a letter for suspension, submission of letter of explanation, and a promise of punctuality.

Section 2. Staff who cut press works or meetings.

A. First Offense: Warning and notification of adviser

B. Second Offense: Written warning and submission of letter of explanation
C. Third Offense: Suspension from one incoming seminar, a letter for suspension and submission of explanation and a promise of punctuality

Section 3. Staff who plagiarize. Members who are found to commit this violation shall be given the sanctions stated in the student handbook.

Section 4. Harassment. Any form of harassment is not tolerated within the publication members. An automatic termination shall take place should there be a case of harassment. The reported member/editorial board member shall be immediately reported to the SASO and their honorarium shall be withheld. Should there be an instance of termination of an editorial board member, the members under their section shall vie for the position under a nomination process.

Section 5. Only responsible members will be charged in any losses or damages to publication equipment.

Section 5. Withholding of honoraria, demotion, suspension, or termination depending on the gravity of the committed offense shall be imposed for:

A. Damage of publication equipment and/or property;

B. Insubordination;

C. Gross negligence of duty;

D. Violation of the code of ethics of journalism; and

E. Improper expenditure and injudicious handling of publication funds.

Section 5. Other than the Editor-in-chief, the rest of the Editorial Board shall decide the penalty/ies to be imposed on members who committed the aforementioned violations.

Section 6. If the violation is committed by the Editor-in-chief, the rest of the Editorial Board shall consult the Dean of the Student Affairs and Services Office (SASO) for the penalty/ies to be imposed.

Article XI

FINANCIAL MANAGEMENT OF THE PHOENIX PUBLICATION

Section 1. The Phoenix shall be financially supported by the City College of Angeles through the budget assistance provided by the UNIFAST based on the official number of enrolled students.

Section 2. The Managing Editor shall be handling the financial and business transactions of The Phoenix.

Section 3. To ensure judicious handling of The Phoenix funds, the following shall be observed:

- A. The Editorial Board shall come up with a budget proposal to be noted by the publication adviser which will be presented to the Dean of SASO for approval.
- B. The Editor-in-Chief and the Managing Editor shall be the signatories of the budget proposals.
- C. An estimated breakdown of the amount of the expenses should appear on the budget proposal.
- D. The Phoenix shall publish an audited summary of financial statements at the end of the academic year.
- E. The Managing Editor shall be handling the liquidation of funds.

Section 4. The Phoenix funds are only for publication purposes and expenses

Article XII

ACTIVITIES, PROJECTS, SEMINARS

Section 1. The Editorial Board shall come up with a proposal letter for activities, projects and/or seminars which will be presented to the Dean of SASO for approval.

Section 2. Proposal letters shall be noted by the publication adviser first before presenting to the Dean of SASO.

Section 3. The Phoenix shall celebrate the World Press Freedom Day every 3rd of May.

Section 4. The Publication shall celebrate National Campus Press Freedom Day every 25th of July.

Section 5. The Culeguran shall be the official and the counterpart event for the publication's folio (Bie).

Article XIII TENURE

Section 1. An editor or staff member shall hold his/her position for the whole academic year.

Section 2. Except for the Editor-in-Chief, the staff can be promoted depending on their performance and score in the editorial exam.

Section 3. If a former Editor-in-Chief who has not yet graduated from the college but still wants to be in The Phoenix, they will then be a Senior Editor.

Section 4. A former editor or staff of The Phoenix may be re-admitted provided that they pass the editorial exam.

Article XIV TRANSITORY

Section 1. The incumbent members of the Editorial Board shall maintain in position until the next Editorial Board assumes office.

Section 2. Any member of The Phoenix who desires to run for an elective post in the Student Council shall tender their resignation one week prior to their filing of candidacy

Article XV AMENDMENTS AND EFFECTIVITY CLAUSE

Section 1. This Constitution and Bylaws can be amended in whole or in part by a petition of at least two-thirds of the Editorial Board. However, this Constitution and Bylaws cannot be amended until the next four years.

Section 2. This Constitution and Bylaws shall take effect upon the approval of the Student Affairs and Services Office.

Date of Approval:

Signed by:

Shaira Valdez, LPT
The Phoenix Adviser

(eSGD) Ma. Lourdes L. Dizon
Feature/Literary Editor

(eSGD) Jamielyn L. Bacallo
Editor in Chief

(eSGD) Christian L. Fernandez
Head Artist

(eSGD) Gyan Rafael P. Ramos
Associate Editor

(eSGD) Gabriel S. Dincol
Head Photojournalist

(eSGD) Lhea C. Paras
Managing Editor/ Senior Editor

(eSGD) Mary Joyce B. Serrano
Head Graphic Designer

(eSGD) Billy Edward Yee
News Editor

APPENDIX D

RETENTION POLICY BACHELOR OF SCIENCE IN ACCOUNTANCY

A. BACHELOR OF SCIENCE IN ACCOUNTANCY

1. POLICIES AND POSITION STATEMENTS

Admission, Promotion, and Retention, Policy for the Accountancy Program:

RETENTION POLICY UNDER THE BACHELOR OF SCIENCE IN ACCOUNTANCY (BSA) PROGRAM

I. Long Title: Set of policy and guidelines for students in order to remain under the Bachelor of Science in Accountancy (BSA) program of the City College of Angeles (CCA).

II. Definition of terms:

A. Bachelor of Science in Accountancy (BSA) is a program that provides general accounting education to students wanting to pursue a professional career in Accountancy. Pursuant to the Accountancy Act of 2004, only holders of BSA degrees can take the CPA Licensure Examinations (CPALE).

B. Bachelor of Science in Accounting Information System (BSAIS) is a program that provides general accounting education to students wanting to pursue a professional career in Accounting Information System. This is the program that complies with the competency framework for professional accountants issued by the International Federation of Accountants (IFAC). Graduates of the program can take assessments leading to international certifications.

C. Cumulative weighted average (CWA) means the weighted average of all academic subjects taken by the student throughout his/her stay at the College beginning from his/her first semester until his/her last semester. It shall exclude his/her grades from Physical Education and ROTC/NSTP.

D. Qualifying exams shall mean set of exams administered by the Accountancy Department in between year levels for the purposes of promotions and disqualifications.

III. Qualifications. In order to continuously qualify under the BSA program, a student must have all the following qualifications.

A. A student of the College in good standing and must have enrolled under the BSA program and has taken the full number of units under BSA program in each semester.

B. Must have no failing grade on any subject taken throughout his/her stay at the College.

- C. Must have no grade lower than 2.50 on any subject administered by the Accountancy Department.
- D. Subject to the provisions on probationary and disqualifications, a cumulative weighted average (CWA) of at least 2.00
- E. Subject to the provisions on probationary, disqualifications and automatic promotions, a passing average on all qualifying exams.

IV. Probationary Status. Probationary status shall be divided into two categories.

- A. Probationary I – students who failed to maintained the required CWA at the end of their first and second year under the program.
- B. Probationary II – students who were able to maintained the required CWA but failed in one set of qualifying exams.

V. Qualifying Exams. Coverage, schedule and specific set of rules for the exams shall be announced by the Accountancy Department at least 30 calendar days prior to the first day of the exams.

VI. Disqualifications. The following students are hereby disqualified from further enrolling under the BSA program of the College.

- A. Those who failed to remain a student in good standing or has enrolled any number of units below the prescribed number under the BSA program in any semester.
- B. Those who received a failing grade on any subject or has a grade lower than 2.50 on any subject administered by the Accountancy Department.
- C. Those whose CWA at the end of their 3rd year in the program is below 2.00.
- D. Subject to provision on automatic promotion, students who failed to take any set of qualifying exams.
- E. Probationary I students who failed any set of qualifying exams.
- F. Probationary II students who failed for the second time any set of qualifying exams.

VII. Automatic Promotion. A student who at the end of his/her 3rd year in the program possesses all the qualifications enumerated under Title III and was never under probationary status is no longer require to take the Qualifying Examinations for Incoming Seniors. He/she is automatically allowed to enroll under the BSA program from his/her senior year.

VIII. Program Shift. Any student previously enrolled under the BSA program but were disqualified from further enrolling are hereby advised to shift under the BSAIS program of the College.

IX. Interpretation. The Accountancy Department reserves the right to interpret any provisions of the policy.

X. Non-impairment. No provision of this policy shall be interpreted to affect any substantive rights acquired by previous batches under the BSA program. Existing retention policies effective upon their admission in the program shall remain in force throughout their stay at the College.

XI. Effectivity. This set of policy and guidelines is effective upon approval.

Approved:

DR. LOVELL M. ABELLO, CPA, LPT

Chairperson, Accountancy Department

Asst. Prof. AMOR I. BARBA, MM

Dean, Institute of Business and Management

APPENDIX E

REPUBLIC ACT NO. 7079 AN ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF CAMPUS JOURNALISM AND FOR OTHER PURPOSES.

SECTION 1. Title. — This Act shall be known and referred to as the "*Campus Journalism Act of 1991.*"

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

SECTION 3. Definition of Terms.

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

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

c.) Student Journalist. — Any bona fide student enrolled for the current semester or term, who was passed or met the qualification and standards of the editorial board. He must likewise maintain a satisfactory academic standing.

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

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

SECTION 4. Student Publication. — A student publication is published by the student body through an editorial board and publication staff composed of students selected but fair and competitive examinations.

Once the publication is established, its editorial board shall freely determine its editorial policies and manage the publication's funds.

SECTION 5. Funding of Student Publication. — Funding for the student publication may include the savings of the respective school's appropriations,

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

SECTION 6. Publication Adviser. — The publication adviser shall be selected by the school administration from a list of recommendees submitted by the publication staff. The function of the adviser shall be limited to one of technical guidance.

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

SECTION 8. Press Conferences and Training Seminar. — The Department of Education, Culture and Sports shall sponsor periodic competitions, press conferences and training seminars in which student-editors/writers and teacher-adviser of student publications in the elementary, secondary and tertiary levels shall participate. Such competitions, conferences and seminars shall be held at the institutional, divisional, and regional levels, culminating with the holding of the annual national elementary, secondary or tertiary School Press Conferences in places of historical and/or cultural interest in the country.

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

SECTION 10. Tax Exemption. — Pursuant to paragraph 4, Section 4, Article XIV of the Constitution, all grants, endowments, donations, or contributions used actually, directly and exclusively for the promotion of campus journalism as provided for in this Act shall be exempt from donor's or gift tax.

SECTION 11. Appropriations. — For the initial year of implementation, the sum of Five million pesos (P5,000, 000.00) is hereby authorized to be charged against the savings from the current appropriations of the Department of Education, Culture and Sports. Thereafter, such amount as may be necessary shall be included in the General Appropriations Act.

SECTION 12. Effectivity. — This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

APPENDIX F

REPUBLIC ACT NO. 10627 AN ACT REQUIRING ALL ELEMENTARY AND SECONDARY SCHOOLS TO ADOPT POLICIES TO PREVENT AND ADDRESS THE ACTS OF BULLYING IN THEIR INSTITUTIONS

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

SECTION 1. Title. – This Act shall be known as the "*Anti-Bullying Act of 2013*".

SECTION 2. Acts of Bullying. – For purposes of this Act, "bullying" shall refer to any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:

- a.) Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;
- b.) Any act that causes damage to a victim's psyche and/or emotional well-being;
- c.) Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and
- d.) Cyber-bullying or any bullying done through the use of technology or any electronic means.

SECTION 3. Adoption of Anti-Bullying Policies. – All elementary and secondary schools are hereby directed to adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions which:

A. Prohibit the following acts:

- 1.) Bullying on school grounds; property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device owned, leased or used by a school;
- 2.) Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned,

leased or used by a school if the act or acts in question create a hostile environment

at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and

3.) Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;

B. Identify the range of disciplinary administrative actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense: Provided, That, in addition to the disciplinary sanctions imposed upon a perpetrator of bullying or retaliation, he/she shall also be required to undergo a rehabilitation program which shall be administered by the institution concerned. The parents of the said perpetrator shall be encouraged by the said institution to join the rehabilitation program;

C. Establish clear procedures and strategies for:

- 1.) Reporting acts of bullying or retaliation;
- 2.) Responding promptly to and investigating reports of bullying or retaliation;
- 3.) Restoring a sense of safety for a victim and assessing the student's need for protection;
- 4.) Protecting from bullying or retaliation of a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and
- 5.) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;

D. Enable students to anonymously report bullying or retaliation: Provided, however, that no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;

E. Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;

F. Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms of such school for the anonymous reporting of acts of bullying or retaliation;

G. Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and reinforce such policies at home; and

H. Maintain a public record of relevant information and statistics on acts of bullying or retaliation in school: Provided, That the names

of students who committed acts of bullying or retaliation shall be strictly confidential and only made available to the school administration, teachers directly responsible for the said students and parents or guardians of students who are or have been victims of acts of bullying or retaliation.

All elementary and secondary schools shall provide students and their parents or guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any.

The Department of Education (DepED) shall include in its training programs, courses or activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to any bullying act.

SECTION 4. Mechanisms to Address Bullying. – The school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of policies intended to address bullying.

Any member of the school administration, student, parent or volunteer shall immediately report any instance of bullying or act of retaliation witnessed, or that has come to one's attention, to the school principal or school officer or person so designated by the principal to handle such issues, or both. Upon receipt of such a report, the school principal or the designated school officer or person shall promptly investigate. If it is determined that bullying or retaliation has occurred, the school principal or the designated school officer or person shall:

- a.) Notify the law enforcement agency if the school principal or designee believes that criminal charges under the Revised Penal Code may be pursued against the perpetrator;
- b.) Take appropriate disciplinary administrative action;
- c.) Notify the parents or guardians of the perpetrator; and
- d.) Notify the parents or guardians of the victim regarding the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school, the school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

SECTION 5. Reporting Requirement. – All schools shall inform their respective schools division superintendents in writing about the anti-bullying policies formulated within six (6) months from the effectivity of this Act. Such notification shall likewise be an administrative requirement prior to the operation of new schools. Beginning with the school year after the effectivity of this Act, and every first week of the start of the school year thereafter, schools shall submit a report

to their respective schools division superintendents all relevant information and statistics on acts of bullying or retaliation. The schools division superintendents shall compile these data and report the same to the Secretary of the DepED who shall likewise formally transmit a comprehensive report to the Committee on Basic Education of both the House of Representatives and the Senate.

SECTION 6. Sanction for Noncompliance. – In the rules and regulations to be implemented pursuant to this Act, the Secretary of the DepED shall prescribe the appropriate administrative sanctions on school administrators who shall fail to comply with the requirements under this Act. In addition thereto, erring private schools shall likewise suffer the penalty of suspension of their permits to operate.¹

SECTION 7. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the DepED shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 8. Separability Clause. – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

SECTION 9. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.
Approved:

(Sgd.) JINGGOY EJERCITO ESTRADA
Acting Senate President

(Sgd.) FELICIANO BELMONTE 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 June 5, 2013.

(Sgd.) EMMA LIRIO-REYES
Secretary of the Senate

(Sgd.) MARILYN B. BARUA-YAP
Secretary General
House of Representatives

Approved: SEP 12 2013
(Sgd.) BENIGNO S. AQUINO III
President of the Philippines

APPENDIX G

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."

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

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

"SECTION 1. *Short Title.* - This Act shall be known as sthe "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: *Provide*, That the physical, mental, and practices to determine and enhance the physical, mental, and psychological fitness of prospective regular members of the AFP and the PNP as approved by the Secretary of National Defense and National Police Commission, duly recommended by the Chief of Staff of the AFP and Director General of the PNP, shall not be considered as hazing purposes of this Act: *Provided, further*, That the exemption provided herein shall likewise apply to similar procedures and practices approved by the respective heads of other uniformed learning institutions as to their prospective members, nor shall this provision apply to any customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective, subject to prior submission of a medical clearance or certificate.

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

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

"*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 scheduled initiation date;

"(b) The written application shall indicate the place and date of the initiation rites and the names of the recruits, neophytes, or applicants to be initiated and the manner by which they will conduct the initiation rites;

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

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

"(f) The application shall be under oath with a declaration that it has been posted in the official school bulletin board, the bulletin board of the office of the fraternity, sorority, or organization, and two(2) other conspicuous places in the school or in the premises of the organization; and

"(g) The application shall be posted from the time of submission of the written notice to the school authorities or head of organization and shall only be removed from its posting three (3) days after the conduct of the initiation rites.

"The school, fraternity, sorority, or organization shall provide for their respective bulletin boards for purposes of this section.1âwphi1

"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 disapproved the application to conduct initiation rites that do not conform with any of the requirements of this section, and in unequivocal terms in a formal advice to the fraternity sorority, or organization concerned, taking into consideration the safety and security of participants in the activity.

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

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

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

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 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 circumstances when discriminating 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 or 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 falling 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 are 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 attached to them unless it is proven that they failed to perform an overt act 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.*1awphi1*

"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) 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 impossible 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 *prision correccional* 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 identity 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 any 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 newspaper 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

APPENDIX H

REPUBLIC ACT No. 7877

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

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

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

(2) The above acts would impair the employee's rights or privileges under existing labor laws; or

(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

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

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

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

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

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

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

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

Section 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* - The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education

or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken.

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

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

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

Section 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:

(Sgd.) EDGARDO J. ANGARA
President of the Senate

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

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

(Sgd.) EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.) CAMILO L. SABIO
Secretary General
House of Representatives

Approved: February 14, 1995

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

APPENDIX I

REPUBLIC ACT No. 11313

An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor

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

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

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

Section 3. Definition of Terms. -As used in this Act:

(a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

(b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: *Provided*, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

(c) *Employer* refers to a person who exercises control over an employee: *Provided*, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

(d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

(e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual

harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;

(f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex in which case this person is considered transgender:

(g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

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

ARTICLE I

GENDER-BASED STREETS AND PUBLIC SPACES

SEXUAL HARASSMENT

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

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

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

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities.

Section 6. Gender-Based Sexual Harassment in Public Utility Vehicles. -In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarity liable for the offenses of the employee.

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

Section 8. Duties of Local Government Units (LGUs). -local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

(a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;

(b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;

(c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;

(d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;

(e) Create an anti-sexual harassment hotline; and

(f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

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

(a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;

(b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and

(c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

Section 10. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces. -The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: *Provided*, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in *flagrante delicto*. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together

with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

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

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

(1) The first offense shall be punished by a fine of One thousand pesos (₱1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (₱3,000.00);

(3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (₱10,000.00).

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

(1) The first offense shall be punished by a fine of Ten thousand pesos (₱10,000.00) and community service of twelve (12) hours inclusive of

attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (₱15,000.00);

(3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (₱20,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –

(1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (₱30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (₱50,000.00);

(3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (₱100,000.00).

ARTICLE II GENDER-BASED ONLINE SEXUAL HARASSMENT

Section 12. Gender-Based Online Sexual Harassment. -Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.

Section 13. Implementing Bodies for Gender-Based Online Sexual Harassment. -For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP

is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. ¹ *amphi*1 The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

Section 14. Penalties for Gender-Based Online Sexual Harassment. -The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

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

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

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

ARTICLE III

QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES

AND ONLINE SEXUAL HARASSMENT

Section 15. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment. -The penalty next higher in degree will be applied in the following cases:

(a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;

(b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;

(c) If the offended party is diagnosed with a mental problem tending to impair consent;

(d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and

(e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

ARTICLE IV

GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

Section 16. *Gender-Based Sexual Harassment in the Workplace.* -The crime of gender-based sexual harassment in the workplace includes the following:

(a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

(b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;

(c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) Information and communication 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 devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Section 17. Duties of Employers. -Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

(a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;

(b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

(c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;

(5) Observe due process;

(6) Protect the complainant from retaliation; and

(7) Guarantee confidentiality to the greatest extent possible;

(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and

(3) Set administrative penalties.

Section 18. *Duties of Employees and Co-Workers.* -Employees and co-workers shall have the duty to:

(a) Refrain from committing acts of gender-based sexual harassment;

(b) Discourage the conduct of gender-based sexual harassment in the workplace;

(c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and

(d) Report acts of gender-based sexual harassment witnessed in the workplace.

Section 19. *Liability of Employers.*— In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

(a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or

(b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (₱5,000.00) nor more than Ten thousand pesos (₱10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (₱10,000.00) nor more than Fifteen thousand pesos (₱15,000.00).

Section 20. *Routine Inspection.* -The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE V

GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS

Section 21. Gender-Based Sexual Harassment in Educational and Training Institutions.— All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall, ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Section 22. Duties of School Heads. -School heads shall have the following duties:

(a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;

(b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;

(c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;

(4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(5) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;

(6) Observe due process;

(7) Protect the complainant from retaliation; and

(8) Guarantee confidentiality to the greatest extent possible.

(d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Prescribe the procedures of the internal mechanism created under this Act; and

(3) Set administrative penalties.

Section 23. *Liability of School Heads.*— In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

(a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

Section 24. *Liability of Students.*— Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Section 25. *Routine Inspection.*— The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE VI COMMON PROVISIONS

Section 26. *Confidentiality.*— At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

Section 27. *Restraining Order.*— Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

Section 28. *Remedies and Psychological Counselling.*— A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

Section 29. *Administrative Sanctions.*— Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 30. *Imposition of Heavier Penalties.*— Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

Section 31. *Exemptions.*— Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII FINAL PROVISIONS

Section 32. PNP Women and Children's Desks.— The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

Section 33. Educational Modules and Awareness Campaigns.— The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

Section 34. Safety Audits. -LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Section 35. Appropriations.— Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of them annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Section 36. Prescriptive Period.— Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

(a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;

(b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;

(c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;

(d) Offenses committed under Section 12 of this Act shall be imprescriptible; and

(e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

Section 37. *Joint Congressional Oversight Committee.*— There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

Section 38. *Implementing Rules and Regulations (IRR).*— Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women's organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

Section 39. *Separability Clause.*— If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

Section 40. *Repealing Clause.*— Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 41. *Effectivity.*— This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any two (2) newspapers of general circulation in the Philippines.

Approved,

(Sgd) **GLORIA MACAPAGAL-ARROYO**
Speaker of the House of Representatives

(Sgd) **VICENTE C. SOTTO III**
President of the Senate

This Act which is a consolidation of Senate Bill No. 1558 and House Bill No. 8794 was passed by the Senate of the Philippines and the House of Representatives on February 6, 2019.

(Sgd) **DANTE ROBERTO P. MALING**
Acting Secretary General
House of Representatives

(Sgd.) **MYRA MARIE D. VILLARICA**
Secretary of the Senate

(Sgd) **RODRIGO ROA DUTERTE**
President of the Philippines

Approved: April 17, 2019.

APPENDIX J

REPUBLIC ACT NO. 10173

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES

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

CHAPTER I GENERAL PROVISIONS

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

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

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

(a) *Commission* shall refer to the National Privacy Commission created by virtue of this Act.

(b) *Consent of the data subject* refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.

(c) *Data subject* refers to an individual whose personal information is processed.

(d) *Direct marketing* refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals.

(e) *Filing system* refers to any act of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible.

(f) *Information and Communications System* refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar device by or which data is recorded, transmitted or stored and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document.

(g) *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

(h) *Personal information controller* refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

(1) A person or organization who performs such functions as instructed by another person or organization; and

(2) An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

(i) *Personal information processor* refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

(j) *Processing* refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

(k) *Privileged information* refers to any and all forms of data which under the Rides of Court and other pertinent laws constitute privileged communication.

(l) *Sensitive personal information* refers to personal information:

(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and

(4) Specifically established by an executive order or an act of Congress to be kept classified.

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

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

(1) The fact that the individual is or was an officer or employee of the government institution;

(2) The title, business address and office telephone number of the individual;

(3) The classification, salary range and responsibilities of the position held by the individual; and

(4) The name of the individual on a document prepared by the individual in the course of employment with the government;

(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

(c) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit;

(d) Personal information processed for journalistic, artistic, literary or research purposes;

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);

(f) Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and

(g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

Section 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.

Section 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

Section 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.

Section 8. Confidentiality. – The Commission shall ensure at all times the confidentiality of any personal information that comes to its knowledge and possession.

Section 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.

Section 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

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

Personal information must, be:

(a) Collected for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only;

(b) Processed fairly and lawfully;

(c) Accurate, relevant and, where necessary for purposes for which it is to be used the processing of personal information, kept up to date; inaccurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted;

(d) Adequate and not excessive in relation to the purposes for which they are collected and processed;

(e) Retained only for as long as necessary for the fulfillment of the purposes for which the data was obtained or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law; and

(f) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected and processed: *Provided*, That personal information collected for other purposes may lie processed for historical, statistical or scientific purposes, and in cases laid down in law may be stored for longer periods: *Provided, further*, That adequate safeguards are guaranteed by said laws authorizing their processing.

The personal information controller must ensure implementation of personal information processing principles set out herein.

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

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

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

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

(d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations: *Provided*, That such processing is only confined and related to the *bona fide* members of these organizations or their associations: *Provided*, *further*, That the sensitive personal information are not transferred to third parties: *Provided*, *finally*, That consent of the data subject was obtained prior to processing;

(e) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

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

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

Section 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

Section 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 correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have 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.

Section 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.

Section 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.

Section 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

Section 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 (but 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

Section 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

Section 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.

Section 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.

Section 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

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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).

Section 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 be 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).

Section 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).

Section 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.

Section 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.

Section 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.

Section 37. *Restitution.* – Restitution for any aggrieved party shall be governed by the provisions of the New Civil Code.

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.) **JUAN PONCE ENRILE**
President of the Senate

(Sgd.) **FELICIANO BELMONTE JR.**
Speaker of the House of
Representatives

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.) **EMMA LIRIO-REYES**
Secretary of Senate

(Sgd.) **MARILYN B. BARUA-YAP**
Secretary General
House of Representatives

Approved: AUG 15 2012

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

APPENDIX K

REPUBLIC ACT NO. 9165 June 7, 2002

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

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

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

Section 2. Declaration of Policy. – It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills.

Toward this end, the government shall pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs.

It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.

ARTICLE I

Definition of terms

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

(a) Administer. – Any act of introducing any dangerous drug into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or

other means, or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.

(b) Board. - Refers to the Dangerous Drugs Board under Section 77, Article IX of this Act.

(c) Centers. - Any of the treatment and rehabilitation centers for drug dependents referred to in Section 34, Article VIII of this Act.

(d) Chemical Diversion. - The sale, distribution, supply or transport of legitimately imported, in-transit, manufactured or procured controlled precursors and essential chemicals, in diluted, mixtures or in concentrated form, to any person or entity engaged in the manufacture of any dangerous drug, and shall include packaging, repackaging, labeling, relabeling or concealment of such transaction through fraud, destruction of documents, fraudulent use of permits, misdeclaration, use of front companies or mail fraud.

(e) Clandestine Laboratory. - Any facility used for the illegal manufacture of any dangerous drug and/or controlled precursor and essential chemical.

(f) Confirmatory Test. - An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.

(g) Controlled Delivery. - The investigative technique of allowing an unlawful or suspect consignment of any dangerous drug and/or controlled precursor and essential chemical, equipment or paraphernalia, or property believed to be derived directly or indirectly from any offense, to pass into, through or out of the country under the supervision of an authorized officer, with a view to gathering evidence to identify any person involved in any dangerous drugs related offense, or to facilitate prosecution of that offense.

(h) Controlled Precursors and Essential Chemicals. - Include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the attached annex, which is an integral part of this Act.

(i) Cultivate or Culture. - Any act of knowingly planting, growing, raising, or permitting the planting, growing or raising of any plant which is the source of a dangerous drug.

(j) Dangerous Drugs. - Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic

Substances as enumerated in the attached annex which is an integral part of this Act.

(k) Deliver. – Any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration.

(l) Den, Dive or Resort. – A place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form.

(m) Dispense. – Any act of giving away, selling or distributing medicine or any dangerous drug with or without the use of prescription.

(n) Drug Dependence. – As based on the World Health Organization definition, it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use.

(o) Drug Syndicate. – Any organized group of two (2) or more persons forming or joining together with the intention of committing any offense prescribed under this Act.

(p) Employee of Den, Dive or Resort. – The caretaker, helper, watchman, lookout, and other persons working in the den, dive or resort, employed by the maintainer, owner and/or operator where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, distributed, sold or used, with or without compensation, in connection with the operation thereof.

(q) Financier. – Any person who pays for, raises or supplies money for, or underwrites any of the illegal activities prescribed under this Act.

(r) Illegal Trafficking. – The illegal cultivation, culture, delivery, administration, dispensation, manufacture, sale, trading, transportation, distribution, importation, exportation and possession of any dangerous drug and/or controlled precursor and essential chemical.

(s) Instrument. – Any thing that is used in or intended to be used in any manner in the commission of illegal drug trafficking or related offenses.

(t) Laboratory Equipment. – The paraphernalia, apparatus, materials or appliances when used, intended for use or designed for use in the manufacture of any dangerous drug and/or controlled precursor and essential chemical, such

as reaction vessel, preparative/purifying equipment, fermentors, separatory funnel, flask, heating mantle, gas generator, or their substitute.

(u) Manufacture. – The production, preparation, compounding or processing of any dangerous drug and/or controlled precursor and essential chemical, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of such substances, design or configuration of its form, or labeling or relabeling of its container; except that such terms do not include the preparation, compounding, packaging or labeling of a drug or other substances by a duly authorized practitioner as an incident to his/her administration or dispensation of such drug or substance in the course of his/her professional practice including research, teaching and chemical analysis of dangerous drugs or such substances that are not intended for sale or for any other purpose.

(v) Cannabis or commonly known as "Marijuana" or "Indian Hemp" or by its any other name. – Embraces every kind, class, genus, or specie of the plant *Cannabis sativa* L. including, but not limited to, *Cannabis americana*, *hashish*, *bhanga*, *guaza*, *churrus* and *ganjab*, and embraces every kind, class and character of marijuana, whether dried or fresh and flowering, flowering or fruiting tops, or any part or portion of the plant and seeds thereof, and all its geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever.

(w) Methylenedioxymethamphetamine (MDMA) or commonly known as "Ecstasy", or by its any other name. – Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.

(x) Methamphetamine Hydrochloride or commonly known as "Shabu", "Ice", "Meth", or by its any other name. – Refers to the drug having such chemical composition, including any of its isomers or derivatives in any form.

(y) Opium. – Refers to the coagulated juice of the opium poppy (*Papaver somniferum* L.) and embraces every kind, class and character of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not.

(z) Opium Poppy. – Refers to any part of the plant of the species *Papaver somniferum* L., *Papaver setigerum* DC, *Papaver orientale*, *Papaver bracteatum* and *Papaver rhoeas*, which includes the seeds, straws, branches, leaves or any part thereof, or substances derived therefrom, even for floral, decorative and culinary purposes.

(aa) PDEA. – Refers to the Philippine Drug Enforcement Agency under Section 82, Article IX of this Act.

(bb) Person. – Any entity, natural or juridical, including among others, a corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture or other unincorporated organization or group capable of acquiring rights or entering into obligations.

(cc) Planting of Evidence. – The willful act by any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person, house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of this Act.

(dd) Practitioner. – Any person who is a licensed physician, dentist, chemist, medical technologist, nurse, midwife, veterinarian or pharmacist in the Philippines.

(ee) Protector/Coddler. – Any person who knowingly and willfully consents to the unlawful acts provided for in this Act and uses his/her influence, power or position in shielding, harboring, screening or facilitating the escape of any person he/she knows, or has reasonable grounds to believe on or suspects, has violated the provisions of this Act in order to prevent the arrest, prosecution and conviction of the violator.

(ff) Pusher. – Any person who sells, trades, administers, dispenses, delivers or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports dangerous drugs or who acts as a broker in any of such transactions, in violation of this Act.

(gg) School. – Any educational institution, private or public, undertaking educational operation for pupils/students pursuing certain studies at defined levels, receiving instructions from teachers, usually located in a building or a group of buildings in a particular physical or cyber site.

(hh) Screening Test. – A rapid test performed to establish potential/presumptive positive result.

(ii) Sell. – Any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration.

(jj) Trading. – Transactions involving the illegal trafficking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, email, mobile or landlines, two-way radios, internet, instant messengers and chat rooms or acting as a broker in any

of such transactions whether for money or any other consideration in violation of this Act.

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

ARTICLE II

Unlawful Acts and Penalties

Section 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.- The penalty of life imprisonment to death and a ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import any controlled precursor and essential chemical.

The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and canceled.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 6. Maintenance of a Den, Dive or Resort. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon

any person or group of persons who shall maintain a den, dive or resort where any dangerous drug is used or sold in any form.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used or sold in any form.

The maximum penalty provided for under this Section shall be imposed in every case where any dangerous drug is administered, delivered or sold to a minor who is allowed to use the same in such a place.

Should any dangerous drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of death and a fine ranging from One million (P1,000,000.00) to Fifteen million pesos (P500,000.00) shall be imposed on the maintainer, owner and/or operator.

If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: *Provided*, That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: *Provided, further*, That the prosecution shall prove such intent on the part of the owner to use the property for such purpose: *Provided, finally*, That the owner shall be included as an accused in the criminal complaint.

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 twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 7. Employees and Visitors of a Den, Dive or Resort. - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon:

(a) Any employee of a den, dive or resort, who is aware of the nature of the place as such; and

(b) Any person who, not being included in the provisions of the next preceding paragraph, is aware of the nature of the place as such and shall knowingly visit the same

Section 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any dangerous drug. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

(a) Any phase of the manufacturing process was conducted in the presence or with the help of minor/s:

(b) Any phase or manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;

(c) Any clandestine laboratory was secured or protected with booby traps;

(d) Any clandestine laboratory was concealed with legitimate business operations; or

(e) Any employment of a practitioner, chemical engineer, public official or foreigner.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 9. *Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals.* - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall illegally divert any controlled precursor and essential chemical.

Section 10. *Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person who shall deliver, possess with intent to deliver, or manufacture with intent to deliver equipment, instrument, apparatus and other paraphernalia for dangerous drugs, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal any dangerous drug and/or controlled precursor and essential chemical in violation of this Act.

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 (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed if it will be used to inject, ingest, inhale or otherwise introduce into the human body a dangerous drug in violation of this Act.

The maximum penalty provided for under this Section shall be imposed upon any person, who uses a minor or a mentally incapacitated individual to deliver such equipment, instrument, apparatus and other paraphernalia for dangerous drugs.

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

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (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, methylenedioxyamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (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.

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 (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: *Provided*, That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

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

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

Section 15. Use of Dangerous Drugs. – A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/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 (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided*, That this Section shall not be applicable where the person tested is also found to have 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.

Section 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos

(P10,000,000.00) shall be imposed upon any person, who shall plant, cultivate or culture marijuana, opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived: *Provided*, That in the case of medical laboratories and medical research centers which cultivate or culture marijuana, opium poppy and other plants, or materials of such dangerous drugs for medical experiments and research purposes, or for the creation of new types of medicine, the Board shall prescribe the necessary implementing guidelines for the proper cultivation, culture, handling, experimentation and disposal of such plants and materials.

The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 17. *Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of imprisonment ranging from one (1) year and one (1) day to six (6) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any practitioner, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the maintenance and keeping of the original records of transactions on any dangerous drug and/or controlled precursor and essential chemical in accordance with Section 40 of this Act.

An additional penalty shall be imposed through the revocation of the license to practice his/her profession, in case of a practitioner, or of the business, in case of a manufacturer, seller, importer, distributor, dealer or retailer.

Section 18. *Unnecessary Prescription of Dangerous Drugs.* - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) and the additional penalty of the revocation of his/her license to practice shall be imposed upon the practitioner,

who shall prescribe any dangerous drug to any person whose physical or physiological condition does not require the use or in the dosage prescribed therein, as determined by the Board in consultation with recognized competent experts who are authorized representatives of professional organizations of practitioners, particularly those who are involved in the care of persons with severe pain.

Section 19. *Unlawful Prescription of Dangerous Drugs.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any dangerous drug.

Section 20. *Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals.* – Every penalty imposed for the unlawful importation, sale, trading, administration, dispensation, delivery, distribution, transportation or manufacture of any dangerous drug and/or controlled precursor and essential chemical, the cultivation or culture of plants which are sources of dangerous drugs, and the possession of any equipment, instrument, apparatus and other paraphernalia for dangerous drugs including other laboratory equipment, shall carry with it the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the unlawful act, including, but not limited to, money and other assets obtained thereby, and the instruments or tools with which the particular unlawful act was committed, unless they are the property of a third person not liable for the unlawful act, but those which are not of lawful commerce shall be ordered destroyed without delay pursuant to the provisions of Section 21 of this Act.

After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture of all the proceeds of the offense and all the assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: *Provided, however,* That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.

During the pendency of the case in the Regional Trial Court, no property, or income derived therefrom, which may be confiscated and forfeited, shall be disposed, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same.

The proceeds of any sale or disposition of any property confiscated or forfeited under this Section shall be used to pay all proper expenses incurred in the proceedings for the confiscation, forfeiture, custody and maintenance of the

property pending disposition, as well as expenses for publication and court costs. The proceeds in excess of the above expenses shall accrue to the Board to be used in its campaign against illegal drugs.

Section 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

(3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the DOJ, civil society groups and any elected

public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provided, further*, That a representative sample, duly weighed and recorded is retained;

(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;

(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;

(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and

(8) Transitory Provision: a) Within twenty-four (24) hours from the effectivity of this Act, dangerous drugs defined herein which are presently in possession of law enforcement agencies shall, with leave of court, be burned or destroyed, in the presence of representatives of the Court, DOJ, Department of Health (DOH) and the accused/and or his/her counsel, and, b) Pending the organization of the PDEA, the custody, disposition, and burning or destruction of seized/surrendered dangerous drugs provided under this Section shall be implemented by the DOH.

Section 22. *Grant of Compensation, Reward and Award.* – The Board shall recommend to the concerned government agency the grant of compensation, reward and award to any person providing information and to law enforcers participating in the operation, which results in the successful confiscation, seizure or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals.

Section 23. *Plea-Bargaining Provision.* – Any person charged under any provision of this Act regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining.

Section 24. *Non-Applicability of the Probation Law for Drug Traffickers and Pushers.* – Any person convicted for drug trafficking or pushing under this Act, regardless of the penalty imposed by the Court, cannot avail of the privilege granted by the Probation Law or Presidential Decree No. 968, as amended.

Section 25. *Qualifying Aggravating Circumstances in the Commission of a Crime by an Offender Under the Influence of Dangerous Drugs.* – Notwithstanding the provisions of any law to the contrary, a positive finding for the use of dangerous drugs shall be a qualifying aggravating circumstance in the commission of a crime by an offender, and the application of the penalty provided for in the Revised Penal Code shall be applicable.

Section 26. *Attempt or Conspiracy.* – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

(a) Importation of any dangerous drug and/or controlled precursor and essential chemical;

(b) Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;

(c) Maintenance of a den, dive or resort where any dangerous drug is used in any form;

(d) Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and

(e) Cultivation or culture of plants which are sources of dangerous drugs.

Section 27. *Criminal Liability of a Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this Act.

Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or –controlled corporations.

Section 28. *Criminal Liability of Government Officials and Employees.* – The maximum penalties of the unlawful acts provided for in this Act shall be imposed, in addition to absolute perpetual disqualification from any public office, if those found guilty of such unlawful acts are government officials and employees.

Section 29. *Criminal Liability for Planting of Evidence.* – Any person who is found guilty of "planting" any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of death.

Section 30. *Criminal Liability of Officers of Partnerships, Corporations, Associations or Other Juridical Entities.* – In case any violation of this Act is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator, or officer who consents to or knowingly tolerates such violation shall be held criminally liable as a co-principal.

The penalty provided for the offense under this Act shall be imposed upon the partner, president, director, manager, trustee, estate administrator, or officer who knowingly authorizes, tolerates or consents to the use of a vehicle, vessel, aircraft, equipment or other facility, as an instrument in the importation, sale, trading, administration, dispensation, delivery, distribution, transportation or manufacture of dangerous drugs, or chemical diversion, if such vehicle, vessel, aircraft, equipment or other instrument is owned by or under the control or supervision of the partnership, corporation, association or juridical entity to which they are affiliated.

Section 31. *Additional Penalty if Offender is an Alien.* – In addition to the penalties prescribed in the unlawful act committed, any alien who violates such provisions of this Act shall, after service of sentence, be deported immediately without further proceedings, unless the penalty is death.

Section 32. *Liability to a Person Violating Any Regulation Issued by the Board.* – 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 (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person found violating any regulation duly issued by the Board pursuant to this Act, in addition to the administrative sanctions imposed by the Board.

Section 33. Immunity from Prosecution and Punishment. – Notwithstanding the provisions of Section 17, Rule 119 of the Revised Rules of Criminal Procedure and the provisions of Republic Act No. 6981 or the Witness Protection, Security and Benefit Act of 1991, any person who has violated Sections 7, 11, 12, 14, 15, and 19, Article II of this Act, who voluntarily gives information about any violation of Sections 4, 5, 6, 8, 10, 13, and 16, Article II of this Act as well as any violation of the offenses mentioned if committed by a drug syndicate, or any information leading to the whereabouts, identities and arrest of all or any of the members thereof; and who willingly testifies against such persons as described above, shall be exempted from prosecution or punishment for the offense with reference to which his/her information of testimony were given, and may plead or prove the giving of such information and testimony in bar of such prosecution: *Provided*, That the following conditions concur:

- (1) The information and testimony are necessary for the conviction of the persons described above;
- (2) Such information and testimony are not yet in the possession of the State;
- (3) Such information and testimony can be corroborated on its material points;
- (4) the informant or witness has not been previously convicted of a crime involving moral turpitude, except when there is no other direct evidence available for the State other than the information and testimony of said informant or witness; and
- (5) The informant or witness shall strictly and faithfully comply without delay, any condition or undertaking, reduced into writing, lawfully imposed by the State as further consideration for the grant of immunity from prosecution and punishment.

Provided, further, That this immunity may be enjoyed by such informant or witness who does not appear to be most guilty for the offense with reference to which his/her information or testimony were given: *Provided, finally*, That there is no direct evidence available for the State except for the information and testimony of the said informant or witness.

Section 34. Termination of the Grant of Immunity. – The immunity granted to the informant or witness, as prescribed in Section 33 of this Act, shall not attach should it turn out subsequently that the information and/or testimony is false, malicious or made only for the purpose of harassing, molesting or in any way prejudicing the persons described in the preceding Section against whom such information or testimony is directed against. In such case, the informant or witness shall be subject to prosecution and the enjoyment of all rights and benefits previously accorded him under this Act or any other law, decree or order shall be deemed terminated.

In case an informant or witness under this Act fails or refuses to testify without just cause, and when lawfully obliged to do so, or should he/she violate any condition accompanying such immunity as provided above, his/her immunity shall be removed and he/she shall likewise be subject to contempt and/or criminal prosecution, as the case may be, and the enjoyment of all rights and benefits previously accorded him under this Act or in any other law, decree or order shall be deemed terminated.

In case the informant or witness referred to under this Act falls under the applicability of this Section hereof, such individual cannot avail of the provisions under Article VIII of this Act.

Section 35. Accessory Penalties. – A person convicted under this Act shall be disqualified to exercise his/her civil rights such as but not limited to, the rights of parental authority or guardianship, either as to the person or property of any ward, the rights to dispose of such property by any act or any conveyance *inter vivos*, and political rights such as but not limited to, the right to vote and be voted for. Such rights shall also be suspended during the pendency of an appeal from such conviction.

ARTICLE III

Dangerous Drugs Test and Record Requirements

Section 36. Authorized Drug Testing. – Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Drug test certificates issued by accredited drug testing centers shall be valid for a one-year period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing:

(a) Applicants for driver's license. – No driver's license shall be issued or renewed to any person unless he/she presents a certification that he/she has undergone a mandatory drug test and indicating thereon that he/she is free from the use of dangerous drugs;

(b) Applicants for firearm's license and for permit to carry firearms outside of residence. – All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: *Provided*, That all persons who by the nature of their profession carry firearms shall undergo drug testing;

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

(d) Officers and employees of public and private offices. – Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law;

(e) Officers and members of the military, police and other law enforcement agencies. – Officers and members of the military, police and other law enforcement agencies shall undergo an annual mandatory drug test;

(f) All persons charged before the prosecutor's office with a criminal offense having an imposable penalty of imprisonment of not less than six (6) years and one (1) day shall have to undergo a mandatory drug test; and

(g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test.

In addition to the above stated penalties in this Section, those found to be positive for dangerous drugs use shall be subject to the provisions of Section 15 of this Act.

Section 37. Issuance of False or Fraudulent Drug Test Results. – Any person authorized, licensed or accredited under this Act and its implementing rules to conduct drug examination or test, who issues false or fraudulent drug test results knowingly, willfully or through gross negligence, shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00).

An additional penalty shall be imposed through the revocation of the license to practice his/her profession in case of a practitioner, and the closure of the drug testing center.

Section 38. Laboratory Examination or Test on Apprehended/Arrested Offenders. – Subject to Section 15 of this Act, any person apprehended or arrested for violating the provisions of this Act shall be subjected to screening laboratory examination or test within twenty-four (24) hours, if the apprehending

or arresting officer has reasonable ground to believe that the person apprehended or arrested, on account of physical signs or symptoms or other visible or outward manifestation, is under the influence of dangerous drugs. If found to be positive, the results of the screening laboratory examination or test shall be challenged within fifteen (15) days after receipt of the result through a confirmatory test conducted in any accredited analytical laboratory equipment with a gas chromatograph/mass spectrometry equipment or some such modern and accepted method, if confirmed the same shall be *prima facie* evidence that such person has used dangerous drugs, which is without prejudice for the prosecution for other violations of the provisions of this Act: *Provided*, That a positive screening laboratory test must be confirmed for it to be valid in a court of law.

Section 39. Accreditation of Drug Testing Centers and Physicians. – The DOH shall be tasked to license and accredit drug testing centers in each province and city in order to assure their capacity, competence, integrity and stability to conduct the laboratory examinations and tests provided in this Article, and appoint such technical and other personnel as may be necessary for the effective implementation of this provision. The DOH shall also accredit physicians who shall conduct the drug dependency examination of a drug dependent as well as the after-care and follow-up program for the said drug dependent. There shall be a control regulations, licensing and accreditation division under the supervision of the DOH for this purpose.

For this purpose, the DOH shall establish, operate and maintain drug testing centers in government hospitals, which must be provided at least with basic technologically advanced equipment and materials, in order to conduct the laboratory examination and tests herein provided, and appoint such qualified and duly trained technical and other personnel as may be necessary for the effective implementation of this provision.

Section 40. Records Required for Transactions on Dangerous Drug and Precursors and Essential Chemicals. –

a) Every pharmacist dealing in dangerous drugs and/or controlled precursors and essential chemicals shall maintain and keep an original record of sales, purchases, acquisitions and deliveries of dangerous drugs, indicating therein the following information:

- (1) License number and address of the pharmacist;
- (2) Name, address and license of the manufacturer, importer or wholesaler from whom the dangerous drugs have been purchased;
- (3) Quantity and name of the dangerous drugs purchased or acquired;

- (4) Date of acquisition or purchase;
- (5) Name, address and community tax certificate number of the buyer;
- (6) Serial number of the prescription and the name of the physician, dentist, veterinarian or practitioner issuing the same;
- (7) Quantity and name of the dangerous drugs sold or delivered; and
- (8) Date of sale or delivery.

A certified true copy of such record covering a period of six (6) months, duly signed by the pharmacist or the owner of the drugstore, pharmacy or chemical establishment, shall be forwarded to the Board within fifteen (15) days following the last day of June and December of each year, with a copy thereof furnished the city or municipal health officer concerned.

(b) A physician, dentist, veterinarian or practitioner authorized to prescribe any dangerous drug shall issue the prescription therefor in one (1) original and two (2) duplicate copies. The original, after the prescription has been filled, shall be retained by the pharmacist for a period of one (1) year from the date of sale or delivery of such drug. One (1) copy shall be retained by the buyer or by the person to whom the drug is delivered until such drug is consumed, while the second copy shall be retained by the person issuing the prescription.

For purposes of this Act, all prescriptions issued by physicians, dentists, veterinarians or practitioners shall be written on forms exclusively issued by and obtainable from the DOH. Such forms shall be made of a special kind of paper and shall be distributed in such quantities and contain such information and other data as the DOH may, by rules and regulations, require. Such forms shall only be issued by the DOH through its authorized employees to licensed physicians, dentists, veterinarians and practitioners in such quantities as the Board may authorize. In emergency cases, however, as the Board may specify in the public interest, a prescription need not be accomplished on such forms. The prescribing physician, dentist, veterinarian or practitioner shall, within three (3) days after issuing such prescription, inform the DOH of the same in writing. No prescription once served by the drugstore or pharmacy be reused nor any prescription once issued be refilled.

(c) All manufacturers, wholesalers, distributors, importers, dealers and retailers of dangerous drugs and/or controlled precursors and essential chemicals shall keep a record of all inventories, sales, purchases, acquisitions and deliveries of the same as well as the names, addresses and licenses of the persons from whom such items were purchased or acquired or to whom such items were sold or delivered, the name and quantity of the same and the date of the transactions. Such records may be subjected anytime for review by the Board.

ARTICLE IV

Participation of the Family, Students, Teachers and School Authorities in the Enforcement of this Act

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

Section 42. *Student Councils and Campus Organizations.* – All elementary, secondary and tertiary schools' student councils and campus organizations shall include in their activities a program for the prevention of and deterrence in the use of dangerous drugs, and referral for treatment and rehabilitation of students for drug dependence.

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

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

Section 44. *Heads, Supervisors, and Teachers of Schools.* – For the purpose of enforcing the provisions of Article II of this Act, all school heads, supervisors and teachers shall be deemed persons in authority and, as such, are hereby empowered to apprehend, arrest or cause the apprehension or arrest of any person who shall violate any of the said provisions, pursuant to Section 5, Rule

113 of the Rules of Court. They shall be deemed persons in authority if they are in the school or within its immediate vicinity, or even beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors, and teachers.

Any teacher or school employee, who discovers or finds that any person in the school 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.

Section 45. *Publication and Distribution of Materials on Dangerous Drugs.* – With the assistance of the Board, the Secretary of the Department of Education (DepEd), the Chairman of the Commission on Higher Education (CHED) and the Director-General of the Technical Education and Skills Development Authority (TESDA) shall cause the development, publication and distribution of information and support educational materials on dangerous drugs to the students, the faculty, the parents, and the community.

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

ARTICLE V

Promotion of a National Drug-Free Workplace Program With the Participation of Private and Labor Sectors and the Department of Labor and Employment

Section 47. *Drug-Free Workplace.* – It is deemed a policy of the State to promote drug-free workplaces using a tripartite approach. With the assistance of the Board, the Department of Labor and Employment (DOLE) shall develop, promote and implement a national drug abuse prevention program in the workplace to be adopted by private companies with ten (10) or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the workplace in close consultation and coordination with

the DOLE, labor and employer organizations, human resource development managers and other such private sector organizations.

Section 48. *Guidelines for the National Drug-Free Workplace Program.* – The Board and the DOLE shall formulate the necessary guidelines for the implementation of the national drug-free workplace program. The amount necessary for the implementation of which shall be included in the annual General Appropriations Act.

ARTICLE VI

Participation of the Private and Labor Sectors in the Enforcement of this Act

Section 49. *Labor Organizations and the Private Sector.* – All labor unions, federations, associations, or organizations in cooperation with the respective private sector partners shall include in their collective bargaining or any similar agreements, joint continuing programs and information campaigns for the laborers similar to the programs provided under Section 47 of this Act with the end in view of achieving a drug free workplace.

Section 50. *Government Assistance.* – The labor sector and the respective partners may, in pursuit of the programs mentioned in the preceding Section, secure the technical assistance, such as but not limited to, seminars and information dissemination campaigns of the appropriate government and law enforcement agencies.

ARTICLE VII

Participation of Local Government Units

Section 51. *Local Government Units' Assistance.* – Local government units shall appropriate a substantial portion of their respective annual budgets to assist in or enhance the enforcement of this Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents.

Section 52. *Abatement of Drug Related Public Nuisances.* – Any place or premises which have been used on two or more occasions as the site of the unlawful sale or delivery of dangerous drugs may be declared to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

(1) Any city or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances;

(2) any employee, officer, or resident of the city or municipality may bring a complaint before the Board after giving not less than three (3) days written notice of such complaint to the owner of the place or premises at his/her last known address; and

(3) After hearing in which the Board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his/her defense, the Board may declare the place or premises to be a public nuisance.

Section 53. *Effect of Board Declaration.* – If the Board declares a place or premises to be a public nuisance, it may declare an order immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

An order entered under this Section shall expire after one (1) year or at such earlier time as stated in the order. The Board may bring a complaint seeking a permanent injunction against any nuisance described under this Section.

This Article does not restrict the right of any person to proceed under the Civil Code against any public nuisance.

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.

Section 55. *Exemption from the 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.

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.

Section 57. Probation and Community Service Under the Voluntary Submission Program. – A drug dependent who is discharged as rehabilitated by the DOH-accredited Center through the voluntary submission program, but does not qualify for exemption from criminal liability under Section 55 of this Act, may be charged under the provisions of this Act, but shall be placed on probation and undergo a community service in lieu of imprisonment and/or fine in the discretion of the court, without prejudice to the outcome of any pending case filed in court.

Such drug dependent shall undergo community service as part of his/her after-care and follow-up program, which may be done in coordination with nongovernmental civil organizations accredited by the DSWD, with the recommendation of the Board.

Section 58. Filing of Charges Against a Drug Dependent Who is Not Rehabilitated Under the Voluntary Submission Program. – A drug dependent, who is not rehabilitated after the second commitment to the Center under the voluntary submission program, shall, upon recommendation of the Board, be charged for violation of Section 15 of this Act and prosecuted like any other offender. If convicted, he/she shall be credited for the period of confinement and rehabilitation in the Center in the service of his/her sentence.

Section 59. Escape and Recommitment for Confinement and Rehabilitation Under the Voluntary Submission Program. – Should a drug dependent under the voluntary submission program escape from the Center, he/she may submit himself/herself for recommitment within one (1) week therefrom, or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within said period, surrender him for recommitment, in which case the corresponding order shall be issued by the Board.

Should the escapee fail to submit himself/herself or be surrendered after one (1) week, the Board shall apply to the court for a recommitment order upon proof of previous commitment or his/her voluntary submission by the Board, the court may issue an order for recommitment within one (1) week.

If, subsequent to a recommitment, the dependent once again escapes from confinement, he/she shall be charged for violation of Section 15 of this Act and he subjected under section 61 of this Act, either upon order of the Board or upon order of the court, as the case may be.

Section 60. Confidentiality of Records Under the Voluntary Submission Program. – Judicial and medical records of drug dependents under the voluntary submission program shall be confidential and shall not be used against him for any purpose, except to determine how many times, by himself/herself or

through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, he/she voluntarily submitted himself/herself for confinement, treatment and rehabilitation or has been committed to a Center under this program.

Section 61. *Compulsory Confinement of a Drug Dependent Who Refuses to Apply Under the Voluntary Submission Program.* – Notwithstanding any law, rule and regulation to the contrary, any person determined and found to be dependent on dangerous drugs shall, upon petition by the Board or any of its authorized representative, be confined for treatment and rehabilitation in any Center duly designated or accredited for the purpose.

A petition for the confinement of a person alleged to be dependent on dangerous drugs to a Center may be filed by any person authorized by the Board with the Regional Trial Court of the province or city where such person is found.

After the petition is filed, the court, by an order, shall immediately fix a date for the hearing, and a copy of such order shall be served on the person alleged to be dependent on dangerous drugs, and to the one having charge of him.

If after such hearing and the facts so warrant, the court shall order the drug dependent to be examined by two (2) physicians accredited by the Board. If both physicians conclude that the respondent is not a drug dependent, the court shall order his/her discharge. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court finds him a drug dependent, it shall issue an order for his/her commitment to a treatment and rehabilitation center under the supervision of the DOH. In any event, the order of discharge or order of confinement or commitment shall be issued not later than fifteen (15) days from the filing of the appropriate petition.

Section 62. *Compulsory Submission of a Drug Dependent Charged with an Offense to Treatment and Rehabilitation.* – If a person charged with an offense where the imposable penalty is imprisonment of less than six (6) years and one (1) day, and is found by the prosecutor or by the court, at any stage of the proceedings, to be a drug dependent, the prosecutor or the court as the case may be, shall suspend all further proceedings and transmit copies of the record of the case to the Board.

In the event he Board determines, after medical examination, that public interest requires that such drug dependent be committed to a center for treatment and rehabilitation, it shall file a petition for his/her commitment with the regional trial court of the province or city where he/she is being investigated or tried: *Provided*, That where a criminal case is pending in court, such petition shall be filed in the said court. The court shall take judicial notice of the prior proceedings in the case and shall proceed to hear the petition. If the court finds him to be a drug dependent, it shall order his/her commitment to a Center for

treatment and rehabilitation. The head of said Center shall submit to the court every four (4) months, or as often as the court may require, a written report on the progress of the treatment. If the dependent is rehabilitated, as certified by the center and the Board, he/she shall be returned to the court, which committed him, for his/her discharge therefrom.

Thereafter, his/her prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case of conviction, the judgment shall, if the accused is certified by the treatment and rehabilitation center to have maintained good behavior, indicate that he/she shall be given full credit for the period he/she was confined in the Center: *Provided, however,* That when the offense is for violation of Section 15 of this Act and the accused is not a recidivist, the penalty thereof shall be deemed to have been served in the Center upon his/her release therefrom after certification by the Center and the Board that he/she is rehabilitated.

Section 63. Prescription of the Offense Charged Against a Drug Dependent Under the Compulsory Submission Program. – The period of prescription of the offense charged against a drug dependent under the compulsory submission program shall not run during the time that the drug dependent is under confinement in a Center or otherwise under the treatment and rehabilitation program approved by the Board.

Upon certification of the Center that he/she may temporarily be discharged from the said Center, the court shall order his/her release on condition that he/she shall report to the Board through the DOH for after-care and follow-up treatment for a period not exceeding eighteen (18) months under such terms and conditions as may be imposed by the Board.

If at anytime during the after-care and follow-up period, the Board certifies to his/her complete rehabilitation, the court shall order his/her final discharge from confinement and order for the immediate resumption of the trial of the case for which he/she is originally charged. Should the Board through the DOH find at anytime during the after-care and follow-up period that he/she requires further treatment and rehabilitation, it shall report to the court, which shall order his/her recommitment to the Center.

Should the drug dependent, having been committed to a Center upon petition by the Board escape therefrom, he/she may resubmit himself/herself for confinement within one (1) week from the date of his/her escape; or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within the same period, surrender him for recommitment. If, however, the drug dependent does not resubmit himself/herself for confinement or he/she is not surrendered for recommitment, the Board may apply with the court for the issuance of the recommitment order. Upon proof of previous commitment, the court shall issue an order for recommitment. If,

subsequent to such recommitment, he/she should escape again, he/she shall no longer be exempt from criminal liability for use of any dangerous drug.

A drug dependent committed under this particular Section who is finally discharged from confinement shall be exempt from criminal liability under Section 15 of this Act, without prejudice to the outcome of any pending case filed in court. On the other hand, a drug dependent who is not rehabilitated after a second commitment to the Center shall, upon conviction by the appropriate court, suffer the same penalties provided for under Section 15 of this Act again without prejudice to the outcome of any pending case filed in court.

Section 64. Confidentiality of Records Under the Compulsory Submission Program. – The records of a drug dependent who was rehabilitated and discharged from the Center under the compulsory submission program, or who was charged for violation of Section 15 of this Act, shall be covered by Section 60 of this Act. However, the records of a drug dependent who was not rehabilitated, or who escaped but did not surrender himself/herself within the prescribed period, shall be forwarded to the court and their use shall be determined by the court, taking into consideration public interest and the welfare of the drug dependent.

Section 65. Duty of the Prosecutor in the Proceedings. – It shall be the duty of the provincial or the city prosecutor or their assistants or state prosecutors to prepare the appropriate petition in all proceedings arising from this Act.

Section 66. Suspension of Sentence of a First-Time Minor Offender. – An accused who is over fifteen (15) years of age at the time of the commission of the offense mentioned in Section 11 of this Act, but not more than eighteen (18) years of age at the time when judgment should have been promulgated after having been found guilty of said offense, may be given the benefits of a suspended sentence, subject to the following conditions:

- (a) He/she has not been previously convicted of violating any provision of this Act, or of the Dangerous Drugs Act of 1972, as amended; or of the Revised Penal Code; or of any special penal laws;
- (b) He/she has not been previously committed to a Center or to the care of a DOH-accredited physician; and
- (c) The Board favorably recommends that his/her sentence be suspended.

While under suspended sentence, he/she shall be under the supervision and rehabilitative surveillance of the Board, under such conditions that the court may impose for a period ranging from six (6) months to eighteen (18) months.

Upon recommendation of the Board, the court may commit the accused under suspended sentence to a Center, or to the care of a DOH-accredited physician for at least six (6) months, with after-care and follow-up program for not more than eighteen (18) months.

In the case of minors under fifteen (15) years of age at the time of the commission of any offense penalized under this Act, Article 192 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended by Presidential Decree No. 1179 shall apply, without prejudice to the application of the provisions of this Section.

Section 67. *Discharge After Compliance with Conditions of Suspended Sentence of a First-Time Minor Offender.* – If the accused first time minor offender under suspended sentence complies with the applicable rules and regulations of the Board, including confinement in a Center, the court, upon a favorable recommendation of the Board for the final discharge of the accused, shall discharge the accused and dismiss all proceedings.

Upon the dismissal of the proceedings against the accused, the court shall enter an order to expunge all official records, other than the confidential record to be retained by the DOJ relating to the case. Such an order, which shall be kept confidential, shall restore the accused to his/her status prior to the case. He/she shall not be held thereafter to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him for any purpose.

Section 68. *Privilege of Suspended Sentence to be Availed of Only Once by a First-Time Minor Offender.* – The privilege of suspended sentence shall be availed of only once by an accused drug dependent who is a first-time offender over fifteen (15) years of age at the time of the commission of the violation of Section 15 of this Act but not more than eighteen (18) years of age at the time when judgment should have been promulgated.

Section 69. *Promulgation of Sentence for First-Time Minor Offender.* – If the accused first-time minor offender violates any of the conditions of his/her suspended sentence, the applicable rules and regulations of the Board exercising supervision and rehabilitative surveillance over him, including the rules and regulations of the Center should confinement be required, the court shall pronounce judgment of conviction and he/she shall serve sentence as any other convicted person.

Section 70. *Probation or Community Service for a First-Time Minor Offender in Lieu of Imprisonment.* – Upon promulgation of the sentence, the court may, in its discretion, place the accused under probation, even if the sentence provided under this Act is higher than that provided under existing law on probation, or impose community service in lieu of imprisonment. In case of probation, the supervision and rehabilitative surveillance shall be undertaken by the Board

through the DOH in coordination with the Board of Pardons and Parole and the Probation Administration. Upon compliance with the conditions of the probation, the Board shall submit a written report to the court recommending termination of probation and a final discharge of the probationer, whereupon the court shall issue such an order.

The community service shall be complied with under conditions, time and place as may be determined by the court in its discretion and upon the recommendation of the Board and shall apply only to violators of Section 15 of this Act. The completion of the community service shall be under the supervision and rehabilitative surveillance of the Board during the period required by the court. Thereafter, the Board shall render a report on the manner of compliance of said community service. The court in its discretion may require extension of the community service or order a final discharge.

In both cases, the judicial records shall be covered by the provisions of Sections 60 and 64 of this Act.

If the sentence promulgated by the court requires imprisonment, the period spent in the Center by the accused during the suspended sentence period shall be deducted from the sentence to be served.

Section 71. *Records to be kept by the Department of Justice.* – The DOJ shall keep a confidential record of the proceedings on suspension of sentence and shall not be used for any purpose other than to determine whether or not a person accused under this Act is a first-time minor offender.

Section 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.

Section 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.

Section 74. *Cost-Sharing in the Treatment and Rehabilitation of a Drug Dependent.* – The parent, spouse, guardian or any relative within the fourth degree of consanguinity of any person who is confined under the voluntary submission program or compulsory submission program shall be charged a certain percentage of the cost of his/her treatment and rehabilitation, the guidelines of which shall be formulated by the DSWD taking into consideration the economic status of the family of the person confined. The guidelines therein formulated shall be implemented by a social worker of the local government unit.

Section 75. *Treatment and Rehabilitation Centers.* – The existing treatment and rehabilitation centers for drug dependents operated and maintained by the NBI and the PNP shall be operated, maintained and managed by the DOH in coordination with other concerned agencies. For the purpose of enlarging the network of centers, the Board through the DOH shall encourage, promote or whenever feasible, assist or support in the establishment, operations and maintenance of private centers which shall be eligible to receive grants, donations or subsidy from either government or private sources. It shall also support the establishment of government-operated regional treatment and rehabilitation centers depending upon the availability of funds. The national government, through its appropriate agencies shall give priority funding for the increase of subsidy to existing government drug rehabilitation centers, and shall establish at least one (1) drug rehabilitation center in each province, depending on the availability of funds.

Section 76. *The Duties and Responsibilities of the Department of health (DOH) Under this Act.* – The DOH shall:

- (1) Oversee the monitor the integration, coordination and supervision of all drug rehabilitation, intervention, after-care and follow-up programs, projects and activities as well as the establishment, operations, maintenance and management of privately-owned drug treatment rehabilitation centers and drug testing networks and laboratories throughout the country in coordination with the DSWD and other agencies;
- (2) License, accredit, establish and maintain drug test network and laboratory, initiate, conduct and support scientific research on drugs and drug control;
- (3) Encourage, assist and accredit private centers, promulgate rules and regulations setting minimum standards for their accreditation to assure their competence, integrity and stability;

(4) Prescribe and promulgate rules and regulations governing the establishment of such Centers as it may deem necessary after conducting a feasibility study thereof;

(5) The DOH shall, without prejudice to the criminal prosecution of those found guilty of violating this Act, order the closure of a Center for treatment and rehabilitation of drug dependency when, after investigation it is found guilty of violating the provisions of this Act or regulations issued by the Board; and

(6) Charge reasonable fees for drug dependency examinations, other medical and legal services provided to the public, which shall accrue to the Board. All income derived from these sources shall be part of the funds constituted as special funds for the implementation of this Act under Section 87.

ARTICLE IX

Dangerous Drugs Board and Philippine Drug Enforcement Agency

Section 77. *The Dangerous Drugs Board.* – The Board shall be the policy-making and strategy-formulating body in the planning and formulation of policies and programs on drug prevention and control. It shall develop and adopt a comprehensive, integrated, unified and balanced national drug abuse prevention and control strategy. It shall be under the Office of the President.

Section 78. *Composition of the Board.* – The Board shall be composed of seventeen (17) members wherein three (3) of which are permanent members, the other twelve (12) members shall be in an *ex officio* capacity and the two (2) shall be regular members.

The three (3) permanent members, who shall possess at least seven-year training and experience in the field of dangerous drugs and in any of the following fields: in law, medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines. The President shall designate a Chairman, who shall have the rank of a secretary from among the three (3) permanent members who shall serve for six (6) years. Of the two (2) other members, who shall both have the rank of undersecretary, one (1) shall serve for four (4) years and the other for two (2) years. Thereafter, the persons appointed to succeed such members shall hold office for a term of six (6) years and until their successors shall have been duly appointed and qualified.

The other twelve (12) members who shall be *ex officio* members of the Board are the following:

(1) Secretary of the Department of Justice or his/her representative;

- (2) Secretary of the Department of Health or his/her representative;
- (3) Secretary of the Department of National Defense or his/her representative;
- (4) Secretary of the Department of Finance or his/her representative;
- (5) Secretary of the Department of Labor and Employment or his/her representative;
- (6) Secretary of the Department of the Interior and Local Government or his/her representative;
- (7) Secretary of the Department of Social Welfare and Development or his/her representative;
- (8) Secretary of the Department of Foreign Affairs or his/her representative;
- (9) Secretary of the Department of Education or his/her representative;
- (10) Chairman of the Commission on Higher Education or his/her representative;
- (11) Chairman of the National Youth Commission;
- (12) Director General of the Philippine Drug Enforcement Agency.

Cabinet secretaries who are members of the Board may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than undersecretary.

The two (2) regular members shall be as follows:

- (a) The president of the Integrated Bar of the Philippines; and
- (b) The chairman or president of a non-government organization involved in dangerous drug campaign to be appointed by the President of the Philippines.

The Director of the NBI and the Chief of the PNP shall be the permanent consultants of the Board, and shall attend all the meetings of the Board.

All members of the Board as well as its permanent consultants shall receive a per diem for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and

allowances: *Provided*, That where the representative of an *ex officio* member or of the permanent consultant of the Board attends a meeting in behalf of the latter, such representative shall be entitled to receive the per diem.

Section 79. *Meetings of the Board.* – The Board shall meet once a week or as often as necessary at the discretion of the Chairman or at the call of any four (4) other members. The presence of nine (9) members shall constitute a quorum.

Section 80. *Secretariat of the Board.* – The Board shall recommend to the President of the Philippines the appointment of an Executive Director, with the rank of an undersecretary, who shall be the Secretary of the Board and administrative officer of its secretariat, and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in the field of dangerous drugs, and in any of the following fields: law enforcement, law, medicine, criminology, psychology or social work.

Two deputies executive director, for administration and operations, with the ranks of assistant secretary, shall be appointed by the President upon recommendation of the Board. They shall possess the same qualifications as those of the executive director. They shall receive a salary corresponding to their position as prescribed by the Salary Standardization Law as a Career Service Officer.

The existing secretariat of the Board shall be under the administrative control and supervision of the Executive Director. It shall be composed of the following divisions, namely: Policy Studies, Research and Statistics; Preventive Education, Training and Information; Legal Affairs; and the Administrative and Financial Management.

Section 81. *Powers and Duties of the Board.* – The Board shall:

- (a) Formulate, develop and establish a comprehensive, integrated, unified and balanced national drug use prevention and control strategy;
- (b) Promulgate such rules and regulations as may be necessary to carry out the purposes of this Act, including the manner of safekeeping, disposition, burning or condemnation of any dangerous drug and/or controlled precursor and essential chemical under its charge and custody, and prescribe administrative remedies or sanctions for the violations of such rules and regulations;
- (c) Conduct policy studies, program monitoring and evaluations and other researches on drug prevention, control and enforcement;

(d) Initiate, conduct and support scientific, clinical, social, psychological, physical and biological researches on dangerous drugs and dangerous drugs prevention and control measures;

(e) Develop an educational program and information drive on the hazards and prevention of illegal use of any dangerous drug and/or controlled precursor and essential chemical based on factual data, and disseminate the same to the general public, for which purpose the Board shall endeavor to make the general public aware of the hazards of any dangerous drugs and/or controlled precursor and essential chemical by providing among others, literature, films, displays or advertisements and by coordinating with all institutions of learning as well as with all national and local enforcement agencies in planning and conducting its educational campaign programs to be implemented by the appropriate government agencies;

(f) Conduct continuing seminars for, and consultations with, and provide information materials to judges and prosecutors in coordination with the Office of the Court Administrator, in the case of judges, and the DOJ, in the case of prosecutors, which aim to provide them with the current developments and programs of the Board pertinent to its campaign against dangerous drugs and its scientific researches on dangerous drugs, its prevention and control measures;

(g) Design special trainings in order to provide law enforcement officers, members of the judiciary, and prosecutors, school authorities and personnel of centers with knowledge and know-how in dangerous drugs and/or controlled precursors and essential chemicals control in coordination with the Supreme Court to meet the objectives of the national drug control programs;

(h) Design and develop, in consultation and coordination with the DOH, DSWD and other agencies involved in drugs control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents;

(i) Design and develop, jointly with the DOLE and in consultation with labor and employer groups as well as nongovernment organizations a drug abuse prevention program in the workplace that would include a provision for employee assistance programs for emotionally-stressed employees;

(j) Initiate and authorize closure proceedings against non-accredited and/or substandard rehabilitation centers based on verified reports of human rights violations, subhuman conditions, inadequate medical training and assistance and excessive fees for implementation by the PDEA;

(k) Prescribe and promulgate rules and regulations governing the establishment of such centers, networks and laboratories as deemed necessary after

conducting a feasibility study in coordination with the DOH and other government agencies;

(l) Receive, gather, collect and evaluate all information on the importation, exportation, production, manufacture, sale, stocks, seizures of and the estimated need for any dangerous drug and/or controlled precursor and essential chemical, for which purpose the Board may require from any official, instrumentality or agency of the government or any private person or enterprise dealing in, or engaged in activities having to do with any dangerous drug and/or controlled precursors and essential chemicals such data or information as it may need to implement this Act;

(m) Gather and prepare detailed statistics on the importation, exportation, manufacture, stocks, seizures of and estimates need for any dangerous drug and/or controlled precursors and essential chemicals and such other statistical data on said drugs as may be periodically required by the United Nations Narcotics Drug Commission, the World Health Organization and other international organizations in consonance with the country's international commitments;

(n) Develop and maintain international networking coordination with international drug control agencies and organizations, and implement the provisions of international conventions and agreements thereon which have been adopted and approved by the Congress of the Philippines;

(o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the PDEA, about all dangerous drugs and/or controlled precursors and essential chemicals-related cases to which they have attended for statistics and research purposes;

(p) Receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of government and private rehabilitation centers subject to limitations, directions and instructions from the donors, if any;

(q) Issue guidelines as to the approval or disapproval of applications for voluntary treatment, rehabilitation or confinement, wherein it shall issue the necessary guidelines, rules and regulations pertaining to the application and its enforcement;

(r) Formulate guidelines, in coordination with other government agencies, the importation, distribution, production, manufacture, compounding, prescription, dispensing and sale of, and other lawful acts in connection with any dangerous drug, controlled precursors and essential chemicals and other similar or analogous substances of such kind and in such quantity as it may deem necessary according to the medical and research needs or requirements of the country including diet pills containing ephedrine and other addictive chemicals

and determine the quantity and/or quality of dangerous drugs and controlled precursors and essential chemicals to be imported, manufactured and held in stock at any given time by authorized importer, manufacturer or distributor of such drugs;

(s) Develop the utilization of a controlled delivery scheme in addressing the transshipment of dangerous drugs into and out of the country to neutralize transnational crime syndicates involved in illegal trafficking of any dangerous drugs and/or controlled precursors and essential chemicals;

(t) Recommend the revocation of the professional license of any practitioner who is an owner, co-owner, lessee, or in the employ of the drug establishment, or manager of a partnership, corporation, association, or any juridical entity owning and/or controlling such drug establishment, and who knowingly participates in, or consents to, tolerates, or abets the commission of the act of violations as indicated in the preceding paragraph, all without prejudice to the criminal prosecution of the person responsible for the said violation;

(u) Appoint such technical, administrative and other personnel as may be necessary for the effective implementation of this Act, subject to the Civil Service Law and its rules and regulations;

(v) Establish a regular and continuing consultation with concerned government agencies and medical professional organizations to determine if balance exists in policies, procedures, rules and regulations on dangerous drugs and to provide recommendations on how the lawful use of dangerous drugs can be improved and facilitated; and

(w) Submit an annual and periodic reports to the President, the Congress of the Philippines and the Senate and House of Representatives committees concerned as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

Section 82. *Creation of the Philippine Drug Enforcement Agency (PDEA).* – To carry out the provisions of this Act, the PDEA, which serves as the implementing arm of the Board, and shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in this Act.

The PDEA shall be headed by a Director General with the rank of Undersecretary, who shall be responsible for the general administration and management of the Agency. The Director General of the PDEA shall be appointed by the President of the Philippines and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in

the field of dangerous drugs, and in any of the following fields: law enforcement, law, medicine, criminology, psychology or social work.

The Director General of the PDEA shall be assisted in the performance of his/her duties and responsibilities by two (2) deputies director general with the rank of Assistant Secretary; one for Operations and the other one for Administration. The two (2) deputies director general shall likewise be appointed by the President of the Philippines upon recommendation of the Board. The two (2) deputies director general shall possess the same qualifications as those of the Director General of the PDEA. The Director General and the two (2) deputies director general shall receive the compensation and salaries as prescribed by law.

Section 83. *Organization of the PDEA.* – The present Secretariat of the National Drug Law Enforcement and Prevention Coordinating Center as created by Executive Order No. 61 shall be accordingly modified and absorbed by the PDEA.

The Director General of the PDEA shall be responsible for the necessary changes in the organizational set-up which shall be submitted to the Board for approval.

For purposes of carrying out its duties and powers as provided for in the succeeding Section of this Act, the PDEA shall have the following Services, namely: Intelligence and Investigation; International Cooperation and Foreign Affairs; Preventive Education and Community Involvement; Plans and Operations; Compliance; Legal and Prosecution; Administrative and Human Resource; Financial Management; Logistics Management; and Internal Affairs.

The PDEA shall establish and maintain regional offices in the different regions of the country which shall be responsible for the implementation of this Act and the policies, programs, and projects of said agency in their respective regions.

Section 84. *Powers and Duties of the PDEA.* – The PDEA shall:

(a) Implement or cause the efficient and effective implementation of the national drug control strategy formulated by the Board thereby carrying out a national drug campaign program which shall include drug law enforcement, control and prevention campaign with the assistance of concerned government agencies;

(b) Undertake the enforcement of the provisions of Article II of this Act relative to the unlawful acts and penalties involving any dangerous drug and/or controlled precursor and essential chemical and investigate all violators and other matters involved in the commission of any crime relative to the use, abuse or trafficking of any dangerous drug and/or controlled precursor and essential chemical as provided for in this Act and the provisions of Presidential Decree No. 1619;

(c) Administer oath, issue *subpoena* and *subpoena duces tecum* relative to the conduct of investigation involving the violations of this Act;

(d) Arrest and apprehend as well as search all violators and seize or confiscate, the effects or proceeds of the crimes as provided by law and take custody thereof, for this purpose the prosecutors and enforcement agents are authorized to possess firearms, in accordance with existing laws;

(e) Take charge and have custody of all dangerous drugs and/or controlled precursors and essential chemicals seized, confiscated or surrendered to any national, provincial or local law enforcement agency, if no longer needed for purposes of evidence in court;

(f) Establish forensic laboratories in each PNP office in every province and city in order to facilitate action on seize or confiscated drugs, thereby hastening its destruction without delay;

(g) Recommend to the DOJ the forfeiture of properties and other assets of persons and/or corporations found to be violating the provisions of this Act and in accordance with the pertinent provisions of the Anti-Money-Laundering Act of 2001;

(h) Prepare for prosecution or cause the filing of appropriate criminal and civil cases for violation of all laws on dangerous drugs, controlled precursors and essential chemicals, and other similar controlled substances, and assist, support and coordinate with other government agencies for the proper and effective prosecution of the same;

(i) Monitor and if warranted by circumstances, in coordination with the Philippine Postal Office and the Bureau of Customs, inspect all air cargo packages, parcels and mails in the central post office, which appear from the package and address itself to be a possible importation of dangerous drugs and/or controlled precursors and essential chemicals, through on-line or cyber shops via the internet or cyberspace;

(j) Conduct eradication programs to destroy wild or illegal growth of plants from which dangerous drugs may be extracted;

(k) Initiate and undertake the formation of a nationwide organization which shall coordinate and supervise all activities against drug abuse in every province, city, municipality and barangay with the active and direct participation of all such local government units and nongovernmental organizations, including the citizenry, subject to the provisions of previously formulated programs of action against dangerous drugs;

(l) Establish and maintain a national drug intelligence system in cooperation with law enforcement agencies, other government agencies/offices and local government units that will assist in its apprehension of big-time drug lords;

(m) Establish and maintain close coordination, cooperation and linkages with international drug control and administration agencies and organizations, and implement the applicable provisions of international conventions and agreements related to dangerous drugs to which the Philippines is a signatory;

(n) Create and maintain an efficient special enforcement unit to conduct an investigation, file charges and transmit evidence to the proper court, wherein members of the said unit shall possess suitable and adequate firearms for their protection in connection with the performance of their duties: *Provided*, That no previous special permit for such possession shall be required;

(o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the Board, about all dangerous drugs and/or controlled precursors and essential chemicals which they have attended to for data and information purposes;

(p) Coordinate with the Board for the facilitation of the issuance of necessary guidelines, rules and regulations for the proper implementation of this Act;

(q) Initiate and undertake a national campaign for drug prevention and drug control programs, where it may enlist the assistance of any department, bureau, office, agency or instrumentality of the government, including government-owned and or –controlled corporations, in the anti-illegal drugs drive, which may include the use of their respective personnel, facilities, and resources for a more resolute detection and investigation of drug-related crimes and prosecution of the drug traffickers; and

(r) Submit an annual and periodic reports to the Board as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

Section 85. *The PDEA Academy.* – Upon the approval of the Board, the PDEA Academy shall be established either in Baguio or Tagaytay City, and in such other places as may be necessary. The PDEA Academy shall be responsible in the recruitment and training of all PDEA agents and personnel. The Board shall provide for the qualifications and requirements of its recruits who must be at least twenty-one (21) years old, of proven integrity and honesty and a Baccalaureate degree holder.

The graduates of the Academy shall later comprise the operating units of the PDEA after the termination of the transition period of five (5) years during which

all the intelligence network and standard operating procedures of the PDEA has been set up and operationalized.

The Academy shall be headed by a Superintendent, with the rank of Director. He/she shall be appointed by the PDEA Director General.

Section 86. *Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions.* – The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: *Provided*, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of this Act: *Provided*, That personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: *Provided, however*, That when the investigation being conducted by the NBI, PNP or any *ad hoc* anti-drug task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: *Provided, further*, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.

ARTICLE X

Appropriations, Management of Funds and Annual Report

Section 87. *Appropriations.* – The amount necessary for the operation of the Board and the PDEA shall be charged against the current year's appropriations of the Board, the National Drug Law Enforcement and Prevention Coordinating Center, the Narcotics Group of the PNP, the Narcotics Division of the NBI and other drug abuse units of the different law enforcement agencies integrated into the PDEA in order to carry out the provisions of this Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

All receipts derived from fines, fees and other income authorized and imposed in this Act, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12,000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: *Provided*, That no amount shall be disbursed to cover the operating expenses of the Board and other concerned agencies: *Provided, further*, That at least fifty percent (50%) of all the funds shall be reserved for assistance to government-owned and/or operated rehabilitation centers.

The fines shall be remitted to the Board by the court imposing such fines within thirty (30) days from the finality of its decisions or orders. The unclaimed and forfeited prizes shall be turned over to the Board by the PCSO within thirty (30) days after these are collected and declared forfeited.

A portion of the funds generated by the Philippine Amusement and Gaming Corporation (PAGCOR) in the amount of Five million pesos (P5,000,000.00) a month shall be set aside for the purpose of establishing adequate drug rehabilitation centers in the country and also for the maintenance and operations of such centers: *Provided*, That the said amount shall be taken from the fifty percent (50%) share of the National Government in the income of PAGCOR: *Provided, further*, That the said amount shall automatically be remitted by PAGCOR to the Board. The amount shall, in turn, be disbursed by the Dangerous Drugs Board, subject to the rules and regulations of the Commission on Audit (COA).

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing guidelines set by the government.

Section 88. *Management of Funds Under this Act; Annual Report by the Board and the PDEA.* – The Board shall manage the funds as it may deem proper for the attainment of the objectives of this Act. In addition to the periodic reports as may be required under this Act, the Chairman of the Board shall submit to the President of the Philippines and to the presiding officers of both houses of Congress, within fifteen (15) days from the opening of the regular session, an annual report on the dangerous drugs situation in the country which shall include detailed account of the programs and projects undertaken, statistics on crimes related to dangerous drugs, expenses incurred pursuant to the provisions of this Act, recommended remedial legislation, if needed, and such other relevant facts as it may deem proper to cite.

Section 89. *Auditing the Accounts and Expenses of the Board and the PDEA.* – All accounts and expenses of the Board and the PDEA shall be audited by the COA or its duly authorized representative.

ARTICLE XI

Jurisdiction over Dangerous Drugs Cases

Section 90. Jurisdiction. – The Supreme Court shall designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of this Act. The number of courts designated in each judicial region shall be based on the population and the number of cases pending in their respective jurisdiction.

The DOJ shall designate special prosecutors to exclusively handle cases involving violations of this Act.

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

When the preliminary investigation is conducted by a public prosecutor and a probable cause is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a probable cause is found to exist, the corresponding information shall be filed by the proper prosecutor within forty-eight (48) hours from the date of receipt of the records of the case.

Trial of the case under this Section shall be finished by the court not later than sixty (60) days from the date of the filing of the information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case for resolution.

Section 91. Responsibility and Liability of Law Enforcement Agencies and other Government Officials and Employees in Testifying as Prosecution Witnesses in Dangerous Drugs Cases. – Any member of law enforcement agencies or any other government official and employee who, after due notice, fails or refuses intentionally or negligently, to appear as a witness for the prosecution in any proceedings, involving violations of this Act, without any valid reason, shall be punished with imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years and a fine of not less than Five hundred thousand pesos (P500,000.00), in addition to the administrative liability he/she may be meted out by his/her immediate superior and/or appropriate body.

The immediate superior of the member of the law enforcement agency or any other government employee mentioned in the preceding paragraph shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00) and in addition, perpetual absolute disqualification from public office if despite due

notice to them and to the witness concerned, the former does not exert reasonable effort to present the latter to the court.

The member of the law enforcement agency or any other government employee mentioned in the preceding paragraphs shall not be transferred or re-assigned to any other government office located in another territorial jurisdiction during the pendency of the case in court. However, the concerned member of the law enforcement agency or government employee may be transferred or re-assigned for compelling reasons: *Provided*, That his/her immediate superior shall notify the court where the case is pending of the order to transfer or re-assign, within twenty-four (24) hours from its approval; *Provided, further*, That his/her immediate superior shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00) and in addition, perpetual absolute disqualification from public office, should he/she fail to notify the court of such order to transfer or re-assign.

Prosecution and punishment under this Section shall be without prejudice to any liability for violation of any existing law.

Section 92. *Delay and Bungling in the Prosecution of Drug Cases.* – Any government officer or employee tasked with the prosecution of drug-related cases under this act, who, through patent laxity, inexcusable neglect, unreasonable delay or deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases, shall suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years without prejudice to his/her prosecution under the pertinent provisions of the Revised Penal Code.

Section 93. *Reclassification, Addition or Removal of Any Drug from the List of Dangerous Drugs.* – The Board shall have the power to reclassify, add to or remove from the list of dangerous drugs. Proceedings to reclassify, add, or remove a drug or other substance may be initiated by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a national or local government agency, or an individual citizen. When a petition is received by the Board, it shall immediately begin its own investigation of the drug. The PDEA also may begin an investigation of a drug at any time based upon the information received from law enforcement laboratories, national and local law enforcement and regulatory agencies, or other sources of information.

The Board after notice and hearing shall consider the following factors with respect to each substance proposed to be reclassified, added or removed from control:

(a) Its actual or relative potential for abuse;

- (b) Scientific evidence of its pharmacological effect if known;
- (c) The state of current scientific knowledge regarding the drug or other substance;
- (d) Its history and current pattern of abuse;
- (e) The scope, duration, and significance of abuse;
- (f) Risk to public health; and
- (g) Whether the substance is an immediate precursor of a substance already controlled under this Act.

The Board shall also take into account the obligations and commitments to international treaties, conventions and agreements to which the Philippines is a signatory.

The Dangerous Drugs Board shall give notice to the general public of the public hearing of the reclassification, addition to or removal from the list of any drug by publishing such notice in any newspaper of general circulation once a week for two (2) weeks.

The effect of such reclassification, addition or removal shall be as follows:

- (a) In case a dangerous drug is reclassified as precursors and essential chemicals, the penalties for the violations of this Act involving the two latter categories of drugs shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (b) In case a precursors and essential chemicals is reclassified as dangerous drug, the penalties for violations of the Act involving precursors and essential chemicals shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (c) In case of the addition of a new drug to the list of dangerous drugs and precursors and essential chemicals, no criminal liability involving the same under this Act shall arise until after the lapse of fifteen (15) days from the last publication of such notice;
- (d) In case of removal of a drug from the list of dangerous drugs and precursors and essential chemicals, all persons convicted and/or detained for the use and/or possession of such a drug shall be automatically released and all pending criminal prosecution involving such a drug under this Act shall forthwith be dismissed; and

(e) The Board shall, within five (5) days from the date of its promulgation submit to Congress a detailed reclassification, addition, or removal of any drug from the list of dangerous drugs.

ARTICLE XII

Implementing Rules and Regulations

Section 94. *Implementing Rules and Regulations.* – The present Board in consultation with the DOH, DILG, DOJ, DepEd, DSWD, DOLE, PNP, NBI, PAGCOR and the PCSO and all other concerned government agencies shall promulgate within sixty (60) days the Implementing Rules and Regulations that shall be necessary to implement the provisions of this Act.

ARTICLE XIII

Final Provisions

Section 95. *Congressional Oversight Committee.* – There is hereby created a Congressional Oversight Committee composed of seven (7) Members from the Senate and seven (7) Members from the House of Representatives. The Members from the Senate shall be appointed by the Senate President based on the proportional representation of the parties or coalitions therein with at least two (2) Senators representing the Minority. The Members from the House of Representatives shall be appointed by the Speaker, also based on proportional representation of the parties or coalitions therein with at least two (2) Members representing the Minority.

The Committee shall be headed by the respective Chairpersons of the Senate Committee on Public Order and Illegal Drugs and the House of Representatives Committee on Dangerous Drugs.

Section 96. *Powers and Functions of the Oversight Committee.* – The Oversight Committee on Dangerous Drugs shall, in aid of legislation, perform the following functions, among others:

(a) To set the guidelines and overall framework to monitor and ensure the proper implementation of this Act;

(b) To ensure transparency and require the submission of reports from government agencies concerned on the conduct of programs, projects and policies relating to the implementation of this act;

(c) To approve the budget for the programs of the Oversight Committee on Dangerous Drugs and all disbursements therefrom, including compensation of all personnel;

(d) To submit periodic reports to the President of the Philippines and Congress on the implementation of the provisions of this Act;

(e) To determine inherent weaknesses in the law and recommend the necessary remedial legislation or executive measures; and

(f) To perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of this Act.

Section 97. *Adoption of Committee Rules and Regulations, and Funding.* – The Oversight Committee on Dangerous Drugs shall adopt its internal rules of procedure, conduct hearings and receive testimonies, reports, and technical advice, invite or summon by *subpoena ad testificandum* any public official, private citizen, or any other person to testify before it, or require any person by *subpoena duces tecum* documents or other materials as it may require consistent with the provisions of this Act.

The Oversight Committee on Dangerous Drugs shall be assisted by a secretariat to be composed by personnel who may be seconded from the Senate and the House of Representatives and may retain consultants.

To carry out the powers and functions of the Oversight Committee on Dangerous Drugs, the initial sum of Twenty-five million pesos (P25,000,000.00) shall be charged against the current appropriations of the Senate. Thereafter, such amount necessary for its continued operations shall be included in the annual General Appropriations Act.

The Oversight Committee on Dangerous Drugs shall exist for a period of ten (10) years from the effectivity of this Act and may be extended by a joint concurrent resolution.

Section 98. *Limited Applicability of the Revised Penal Code.* – Notwithstanding any law, rule or regulation to the contrary, the provisions of the Revised Penal Code (Act No. 3814), as amended, shall not apply to the provisions of this Act, except in the case of minor offenders. Where the offender is a minor, the penalty for acts punishable by life imprisonment to death provided herein shall be *reclusion perpetua* to death.

Section 99. *Separability Clause.* – If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or

unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in force and effect.

Section 100. *Repealing Clause.* – Republic Act No. 6425, as amended, is hereby repealed and all other laws, administrative orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Section 101. *Amending Clause.* – Republic Act No. 7659 is hereby amended accordingly.

Section 102. *Effectivity.* – This Act shall take effect fifteen (15) days upon its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd)

FRANKLIN M. 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. 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)

OSCAR G. YABES
Secretary of the Senate

(Sgd)

ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: January 23, 2002

(Sgd)

GLORIA MACAPAGAL-ARROYO
President of the Philippines



APPENDIX L

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BOARD REGULATION NO. 6

Series of 2003

**SUBJECT : GENERAL GUIDELINES FOR THE CONDUCT OF RANDOM DRUG
TESTING FOR STUDENTS OF SECONDARY, TERTIARY, VOCATIONAL
AND TECHNICAL SCHOOLS, AMENDING
BOARD REGULATION NO. 6, SERIES OF 2003**

WHEREAS, Section 36 (c) , Article III of Republic Act 9165, mandates that the students of secondary and tertiary schools shall undergo drug testing and that all drug testing expenses whether in public or private schools under this Section will be borne by the government;

WHEREAS, government already implemented a similar random drug testing activity in 2005 for secondary level students, and in 2007, for tertiary level students;

WHEREAS, there is a need to amend provisions of the implementing guidelines in order to adopt new policy directives and remedy perceived ambiguities in the previous issuance;

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to amend Board Regulation No. 6, Series of 2003 specifically the following provisions thereof:

SECTION 1. Subject, is hereby amended by including “students of vocational and technical schools”, as among those covered by the guidelines which should now read as follows:

Subject: “GENERAL GUIDELINES FOR THE CONDUCT OF RANDOM DRUG TESTING FOR STUDENTS OF SECONDARY, TERTIARY, VOCATIONAL AND TECHNICAL SCHOOLS”

A. GUIDING PRINCIPLES IN THE IMPLEMENTATION OF RANDOM DRUG TESTING IN SCHOOLS AND MANAGEMENT OF DRUG TEST RESULTS

1. Government recognizes the primary responsibility of the family, particularly the parents for the education and awareness of its members of the ill effects of dangerous drugs.
2. Parental involvement shall be maximized in the implementation of drug education, random drug testing, treatment and rehabilitation of drug users and dependents.
3. The school, with the assistance of Local Government Units (LGUs) and other agencies where the school is located, has the obligation to employ every reasonable means to provide a healthy and drug-free environment to its populace.
4. Cognizant of the right of the students to continue and complete their studies, the government and the schools shall give emphasis to the implementation of measures aimed at guidance and counseling together with the treatment and rehabilitation of any student found to have used or to be dependent on dangerous drugs.
5. Academic freedom of institutions of higher learning shall be respected in the implementation of random drug testing and all other pertinent provisions of RA 9165.
6. The implementation of drug abuse prevention and education programs in schools shall be intensified as an integral part of the over-all demand reduction efforts of the government.
7. The random drug testing shall be implemented as a collaborative undertaking of the government, the schools, the students and their parents. The whole process shall not in any manner be utilized to harass the students.
8. Random drug testing shall be implemented primarily for prevention and rehabilitation.
9. The drug-testing program shall guarantee and respect the personal privacy and dignity of the student.
10. The drug test results shall be treated with utmost confidentiality.
11. The test results shall not be used in any criminal proceedings.
12. Random drug testing for students is considered by the government as entirely a "health" issue and aims to provide appropriate interventions, to those who will be tested positive for dangerous drug use, which will help the student stop further use and/or abuse of the substance.

B. PURPOSES OF RANDOM DRUG TESTING

1. To determine the prevalence of drug users among the students
2. To assess the effectivity of school-based and community based prevention programs
3. To deter the use of illegal drugs
4. To facilitate the rehabilitation of drug users and dependents

5. To strengthen the collaboration efforts of identified agencies against the use of illegal drugs and in the rehabilitation of drug users and dependents.

C. DEFINITION OF TERMS

“Drug Counselor” shall mean a person trained in the techniques of guidance counseling particularly dealing with cases of drug dependency. The Drug Testing Coordinator shall designate such person.

“Drug Testing Coordinator” shall be the point person in the school tasked with handling random drug testing which shall be the principal of a secondary school, the administrator of a technical vocational education and training institution or the administrator appointed by the president/chief executive officer in tertiary institutions.

“Parents” shall, for purposes of these guidelines, include court appointed guardians.

“Random selection” refers to the unbiased process of selecting students who are to undergo drug testing.

“Rehabilitation” is the dynamic process, including after-care and follow-up treatment, directed towards the physical, emotional/psychological, vocational, social and spiritual change/enhancement of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his/her capabilities and potentials and render him/her to become a law-abiding and productive member of the community.

“Schools” shall mean an institution that has as its primary purpose the education of students including secondary, tertiary and technical vocational education and training institutions.

“Selection Board” shall be the board constituted at the level of the school composed of the Drug Testing Coordinator as chairperson, one representative each from the students, faculty and parents as members. The authorized governing body duly recognized by their respective constituents shall choose the representatives from these stakeholders based on a set of selection criteria formulated for this purpose. In the absence of a parents' association, the School Head may appoint any parent who shall be a member of the Selection Board.

“Supervising Agency” shall refer to the government agency that exercises supervision over the school such as the Department of Education (DepEd), Commission on Higher Education (CHED), or the Technical Education and Skills Development Authority (TESDA).

CHAIN OF CUSTODY- refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that

a Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.

INTERVENTIONS- are therapeutic programs appropriate for high-risk individuals/students who are using dangerous drugs and who need special assistance to recognize the signs and symptoms of initial drug use and dependency. It may include corrective or rehabilitative actions that may take the form of crisis intervention, peer counseling, peer leadership programs, parent/peer groups, or psychological counseling at the individual or family level and structured rehabilitation programs. It may also include medical intervention of the afflicted student whenever necessary.

LABORATORY- refers to a DOH-Accredited private or government facility that is capable of testing a specimen to determine the presence of dangerous drugs therein.

D.PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING

a. Notification

a. The Supervising Agency through an appropriate order that includes these guidelines on random drug testing, shall inform all schools under its supervision about the government's actions against illegal drugs.

The schools' administration shall be required to explain these provisions and their procedures to the school community and when applicable, include these in the schools' handbook or listing of procedures.

(The Supervising Agencies' Memorandum Circulars should include a list of DOH-accredited Testing Centers/Laboratories.)

b. All students and their parents shall be notified in writing on the process and manner by which the random drug testing shall be conducted. Such notification may be sent at any time during the school term. Failure to return the acknowledgment receipt shall not be a bar to the conduct of the drug testing.

b. Samples

i. "The Supervising Agency shall inform all schools on their inclusion in the random drug testing program."

ii. The whole student population of the school selected shall be included in the random sampling.

- iii. The number of samples should yield a statistical 95% confidence level for the whole student population

c. Selection of Samples

a. The Drug Testing Coordinator shall convene the Selection Board within five days from the receipt of notice from the Supervising Agency stating that the school is included in the program.

b. On the day of the testing, the Selection Board shall conduct the random selection of those to be tested.

c. The Selection Board shall ensure the confidentiality and integrity of the random selection process.

d. The selection process shall be random through a lottery, which may be computerized, or in any other manner that shall be agreed upon by the Board

e. The random selection of students and the drug testing shall be done on the same day.

f. Prior to testing, the selected students shall be asked to reveal the prescription medicines, vitamins, food supplements that they had ingested within the past five (5) days. The Drug Testing Coordinator shall keep the listing and utilize this in the evaluation of the confirmatory drug test.

g. The laboratory shall follow the DOH prescribed guidelines in the collection of urine specimens. Universal precautions shall be observed at all times. DOH Prescribed Guidelines shall be posted in strategic places/visible areas of the school.

h. The monitor assigned to ensure the integrity of the collection process should be of the same sex as the student.

i. The drug testing shall be done in the school and conducted by a duly accredited drug-testing laboratory. The school, through its respective

health personnel, shall assist the Drug Testing Laboratory in the conduct of the drug testing.

j. The Drug Testing Coordinator shall ensure the confidentiality and integrity of the random drug testing for the students, teachers, administration and personnel of the school. It is strongly recommended that the drug testing for students, the teachers, administration and personnel be done simultaneously.

4. Treatment of Random Drug Test Results

a. The results of the test shall be strictly confidential. No school shall publish or post results whether positive or negative.

b. Any person who violates the rules of confidentiality of the results and selection shall be liable under Section 72 of RA 9165 and such other appropriate laws.

c. In case the test results are positive at the screening level, the same specimen shall immediately be submitted for confirmation observing all strict chain of custody procedures and confidentiality of records.

d. If a student is “confirmed” to be using a dangerous drug, the following shall be observed:

i. The Laboratory, places results in a sealed envelop for transmission to the Central Office of the Supervising Agency

ii. The Supervising Agency shall then transmit the results to the concerned school/institution by informing the particular school/institution’s random drug testing (RDT) Coordinator previously assigned by the selection board.

1. The Supervising Agency shall remind the RDT

Coordinator of the confidential nature of the results and strict handling of the “chain of custody” of the information should be observed.

iii. The school/institution’s RDT Coordinator shall then inform the parent and the student of the

results and how the information is regarded with utmost secrecy and confidentiality

1. The Coordinator shall remind the student that divulging the results with anybody will be at his own risk; and
2. That if possible, the information should remain in the confines of their house.

iv. The parent, the RDT Coordinator and the student shall then prepare for a case conference to discuss issues of drug use and possible dependency.

v. The Drug Testing Coordinator shall refer the student and his/her parent to a government-owned DOH-accredited facility or DOH-accredited government physician to determine the student's dependency level.

vi. A date and venue shall be selected for the case conference

1. Date should be agreeable to all concerned in the case conference (Parent, Student, RDT Coordinator and the DOH Accredited Physician).
2. Venue should have a semblance of privacy (preferably in a room, with an office table where group discussions and individual sessions can be done).
3. Whichever is more convenient for the student and parent, venue could be as follows:
 - a. Regional Office or hospital of the DOH
 - b. Regional Office of the Supervising Agency
 - c. Other designated venue which can assure privacy

vii. The RDT Coordinator shall inform Supervising Agency Central Office coordinator on the possible dates and venue for further discussions of options.

viii. Once, finalized, the group shall proceed as planned with the case conference.

1. Drug dependency level of the student shall be evaluated;
2. Cross reference of information shall be validated from the parent and RDT Coordinator;
3. Treatment planning for the student shall be discussed and presented to the student and parent;
4. Options for treatment should be presented to the parent and student;
5. If a student (below 18 years of age) is found to be a drug dependent, the school authority shall refer him/her to the Department of Social Welfare and Development (DSWD) or a local social worker for counseling and other intervention;
6. The parent and the student may choose to enroll the student in a private rehabilitation center or program or opt to avail of the rehabilitation services of the government through a DOH-accredited facility.

- a. If child opts for government service, the DOH treatment and rehabilitation centers nearest to the area can provide services;
- b. If the parent and student would opt for private services, appropriate referrals will be done, taking note of the progress of treatment on a regular basis;

7. Trained guidance counselors can also be utilized.

- e. If a student is “confirmed” negative from dangerous drug use, the following shall be observed:

1. Names per school/institution of all who tested negative will be summarized in a result form.

2. The Summarized result form shall be transmitted to the Supervising Agency concerned.

3. Supervising Agency Central Office shall forward the same to the concerned school/institution's RDT Coordinator.

4. The RDT Coordinator and/or teacher adviser/and/or guidance counselor shall individually inform each student and parent concerned regarding the results.

f. Positive confirmatory drug test result under this Regulation shall not be a ground for expulsion or any disciplinary action against the student and should not be reflected in any and all academic records. Under no circumstances shall the results be used to incriminate any student for further legal action which may result to administrative/civil/criminal liabilities.

Likewise, consistent with the requirements of confidentiality, the results of drug tests conducted pursuant to this Board Regulation, shall not be used as evidence in any court or tribunal, where the subject student stands to be accused of any crime or felony, and for any other purpose.

g. The student shall then undergo the prescribed intervention program under the supervision of the DOH-accredited facility or physician, or private practitioners, or social worker, in consultation with the parent. Such process of observation and counseling shall be done in coordination with the Drug Counselor of the school.

h. If student shows no signs of improvement, recovery or fails the drug test the second time, the DOH-accredited facility or physician, may make a recommendation to the student, parent, and Drug Testing Coordinator to have the student referred to a DOH-accredited facility suited to the student's level of dependency. If another drug testing is conducted for another period on the same student population, and the student is found positive the second time, the school shall proceed in accordance with Section 61, R.A. 9165.

i. If the parents refuse to act, the school shall proceed in accordance to Sec. 61 of RA 9165 without prejudice to the provision of Section 73, RA 9165.

d) Reportorial Requirements of Results of the Random Drug Testing

- a. The Drug Testing Coordinator, Drug Counselor and employees of DOH-accredited facilities, testing laboratories, shall not reveal the names of the students or test results to any other persons except to the student concerned or his/her parents.
- b. The aggregate test results from each school which shall not include the identities of the students tested, shall be submitted by the School Head to the Division Superintendent of DepEd for secondary schools, the Regional Director of CHED for tertiary schools and Training Institution Administrator for TESDA for consolidation for the purpose of evaluating the efficacy and effectiveness of drug abuse prevention programs.

F. TRAINING OF GUIDANCE COUNSELORS

The Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), the Philippine Drug Enforcement Agency (PDEA) and Dangerous Drugs Board (DDB) in coordination with each other, shall formulate and conduct the training program for guidance counselors for the purpose of enhancing their skills in handling drug abuse prevention programs and handling drug dependency cases. The school guidance counselors and other qualified medical personnel shall be encouraged to undergo DOH accreditation.

G. Expenses of the Program

The Department of Health, in coordination with the Supervising Agencies shall designate the drug testing laboratories that shall be utilized for purposes of the program.

Payment of testing fees shall be done by the government thru Department of Health to the Drug Testing Laboratories.

H.Enforcement of Compliance

SECTION 6. Letter H "ENFORCEMENT AND COMPLIANCE" is hereby amended to delete the phrase "impose sanction" and change it with the

phrase “implement interventions” and adding as additional sentence “Interventions should be consistent with the provisions of this Board Regulation and it’s guiding principles of the first paragraph and adding as third paragraph thereof the phrase; “Supervising Agencies should encourage institutionalization of Drug Testing Activities in schools/institutions concerned over-and-above the random drug testing program conducted by the government. The Supervising Agencies and the DOH should help build up capacities of schools/institutions to achieve competencies and self-reliance on random drug testing. Schools who initiated the conduct of similar drug testing activities shall submit reports to the Supervising Agencies for proper accreditation of the Department of Health.” So that letter H of the Guidelines should now read as follows;

Students who refuse to undergo random drug testing shall be dealt with in accordance with the rules and regulations of the schools; provided that at no time refusal to undergo testing shall not give rise to a presumption of drug use or dependency; provided further that the school may implement interventions on such refusal other than the offense of drug use or dependency. Interventions should be consistent with the provisions of this Board Regulation and it’s guiding principles.

Schools that refuse to implement the random drug testing program shall be liable under Section 32 of RA 9165 without prejudice to other administrative sanctions imposed by the Supervising Agencies. The Supervising Agency shall report the same to the Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board (DDB).

Supervising Agencies should encourage institutionalization of Drug Testing Activities in schools/institutions concerned over-and-above the random drug testing program conducted by the government. The Supervising Agencies and the DOH should help build up capacities of schools/institutions to achieve competencies and self-reliance on random drug testing. Schools who initiated the conduct of similar drug testing activities shall submit reports to the Supervising Agencies for proper accreditation of the Department of Health.

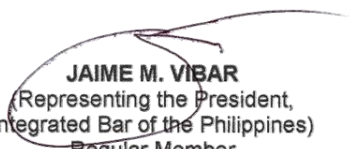
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Miscellaneous Provisions

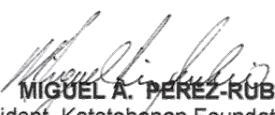
Separability clause. If any provision of these Guidelines or the application thereof to any person or circumstance is held to be invalid, the other provisions of these Guidelines and the application of such provision to other persons or circumstances shall not be affected thereby.

Effectivity. These Guidelines shall take effect immediately after its approval by the Dangerous Drugs Board.

ADOPTED and APPROVED this 1st day of August, 2003 at Camp Crame, Quezon City.



JAIME M. VIBAR
(Representing the President,
Integrated Bar of the Philippines)
Regular Member



MIGUEL A. PEREZ-RUBIO
(President, Katotohanan Foundation-NGO)
Regular Member

MARIA MERCEDITAS N. GUTIERREZ
(Undersecretary, Representing the
Secretary of Justice)
Ex-Officio Member



ANTONIO S. LOPEZ
(Undersecretary, Representing the
Secretary of Health)
Ex-Officio Member

ANTONIO C. SANTOS
(Undersecretary, Representing the
Secretary of National Defense)
Ex-Officio Member

JOSE ISIDRO N. CAMACHO
(Secretary of Finance)
Ex-Officio Member



AGNES VST DEVANADERA
(Undersecretary, Representing the
Department of the Interior and
Local Government)
Ex-Officio Member

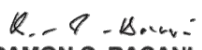


LOURDES G. BALANON
(Undersecretary, Representing the
Secretary of Social Welfare and Development)
Ex-Officio Member



FRANKLIN M. EBDALIN
(Undersecretary, Representing the
Secretary of Foreign Affairs)

210 | CCA Student Handbook 6th Edition



RAMON C. BACANI
(Undersecretary, Representing the
Secretary of Education)

APPENDIX M

REPUBLIC ACT NO. 9442

April 30, 2007

AN ACT AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS, AND FOR OTHER PURPOSES"

*Be it enacted by the Senate and House of Representatives of the Philippine
Congress Assembled:*

SECTION 1. A new chapter, to be denominated as "Chapter 8. Other Privileges and Incentives" is hereby added to Title Two of Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons", with new Sections 32 and 33, to read as follows:

"CHAPTER 8. Other Privileges and Incentives

"SEC. 32. Persons with disability shall be entitled to the following:

(a) At least twenty percent (20%) discount from all establishments relative to the utilization of all services in hotels and similar lodging establishments; restaurants and recreation centers for the exclusive use or enjoyment of persons with disability;

(b) A minimum of twenty percent (20%) discount on admission fees charged by the theaters, cinema houses, concert halls, circuses, carnivals and other similar places of culture, leisure and amusement for the exclusive use or enjoyment of persons with disability;

(c) At least twenty percent (20%) discount for the purchase of medicines in all drugstores for the exclusive use or enjoyment of persons with disability;

(d) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees such as, but not limited to x-rays, computerized tomography scans and blood tests, in all government facilities, subject to guidelines to be issued by the Department of Health (DOH) , in coordination with the Philippine Health Insurance Corporation (PHILHEALTH) ;

(e) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PHILHEALTH;

(f) At least twenty percent (20%) discount on fare for domestic air and sea travel for the exclusive use or enjoyment of persons with disability;

(g) At least twenty percent (20%) discount in public railways, skyways and bus fare for the exclusive use and enjoyment of persons with disability;

(h) Educational assistance to persons with disability, for them to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified persons with disability, including support for books, learning materials, and uniform allowance to the extent feasible: *provided*, that persons with disability shall meet minimum admission requirements;

(i) To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS) , Social Security System (SSS) , and PAG-IBIG, as the case may be, as are enjoyed by those in actual service;

(j) To the extent possible, the government may grant special discounts in special programs for persons with disability on purchase of basic commodities, subject to guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA) ; and

(k) Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them.

The abovementioned privileges are available only to persons with disability who are Filipino citizens upon submission of any of the following as proof of his/her entitlement thereto:

(I) An identification card issued by the city or municipal mayor the barangay captain of the place where the person with disability resides;

(II) The passport of the persons with disability concerned; or

(III) Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP) .

The privileges may not be claimed if the persons with disability claims a higher discount as may be granted by the commercial establishment and/or under other existing laws or in combination with other discount program/s.

The establishments may claim the discounts granted in sub-sections (a) , (b) , (c) , (e) , (f) and (g) as tax deductions based on the net cost of the goods sold or services rendered: *provided, however*, That the cost of the discount shall be allowed as deduction from gross income for the same taxable year that the discount is granted: *provided, further*, That the total amount of the claimed tax deduction net of value-added tax if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the National Internal Revenue Code (NIRC) , as amended."

"SEC. 33. Incentives. - Those caring for and living with a person with disability shall be granted the following incentives;

(a) persons with disability shall be treated as dependents under Section 35(A) of the National Internal Revenue Code, as amended and as such, individual taxpayers caring for them shall be accorded the privileges granted by the code insofar as having dependents under the same section are concerned; and

(b) Individuals or nongovernmental institutions establishing homes, residential communities or retirement villages solely to suit the needs and requirements of persons with disability shall be accorded the following:

(i) Realty tax holiday for the first five years of operation; and

(ii) Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home residential community or retirement village."

SEC. 2. Republic Act No. 7277 is hereby amended by inserting a new title, chapter and section after Section 38 to be denominated as Title 4, chapters 1 and 2 and Sections 39, 40, 41 and 42 to read as follows:

"Title Four

Prohibitions on Verbal, Non-verbal Ridicule and Vilification Against Persons with Disability

"CHAPTER 1. Deliverance from Public Ridicule.

"SEC. 39. *Public Ridicule* . - For purposes of this Chapter, public ridicule shall be defined as an act of making fun or contemptuous initiating or making mockery of persons with disability whether in writing or in words, or in action due to their impairment/s.

"SEC. 40. No individual, group or community shall execute any of these acts of ridicule against persons with disability in any time and place which could intimidate or result in loss of self-esteem of the latter.

"CHAPTER 2. Deliverance from Vilification

"SEC. 41. *Vilification*. - For purposes of this chapter, vilification shall be defined as:

(a) the utterance of slanderous and abusive statements against a person with disability; and/or

(b) An activity in public which incites hatred towards serious contempt for, or severe ridicule of persons with disability."

"SEC. 42. Any individual, group or community is hereby prohibited from vilifying any person with disability which could result into loss of self-esteem of the latter."

SEC. 3. Section 46 of Republic Act No. 7277 is hereby amended to read as follows:

"SEC. 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 (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six months but not more than two 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 (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six 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 months or a fine of not less than Five thousand pesos (P5,000.00) , but not more than Fifty thousand pesos (P50,000.00) , 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 therefore.

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

Upon filing of an appropriate complaint, and after notice and hearing the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act."

Sec. 4. The title of Republic Act No. 7277 is hereby amended to read as the "Magna Carta for Persons with Disability", and all references on the said law to "disabled persons" shall likewise be amended to read as "persons with disability".

SEC. 5. The Department of Social Welfare and Development, the National Council for the Welfare of Disabled Persons, and the Bureau of Internal Revenue, in consultation with the concerned Senate and House committees and other agencies, organizations, establishments shall formulate an agencies, organizations, establishments shall formulate an implementing rules and regulations pertinent to the provisions of this Act within six months after the effectivity of this Act.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in any two newspapers of general circulation.

Approved,

JOSE DE VENECIA JR.

Speaker of the House of Representatives

MANNY VILLAR

President of the Senate

This Act which is a consolidation of Senate Bill No. 2580 and House Bill No. 1214 was finally passed by the Senate and the House of Representatives on February 8, 2007 and February 7, 2007, respectively.

ROBERTO P. NAZARENO

Secretary General
House of Representatives

OSCAR G. YABES

Secretary of Senate

Approved: April 30, 2007

GLORIA MACAPAGAL-ARROYO

President of the Philippines

APPENDIX N

REPUBLIC ACT NO. 10175

AN ACT DEFINING CYBERCRIME, PROVIDING FOR THE PREVENTION, INVESTIGATION, SUPPRESSION AND THE IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I PRELIMINARY PROVISIONS

Section 1. Title. — This Act shall be known as the **"Cybercrime Prevention Act of 2012"**.

Section 2. Declaration of Policy. — The State recognizes the vital role of information and communications industries such as content production, telecommunications, broadcasting electronic commerce, and data processing, in the nation's overall social and economic development. The State also recognizes the importance of providing an environment conducive to the development, acceleration, and rational application and exploitation of information and communications technology (ICT) to attain free, easy, and intelligible access to exchange and/or delivery of information; and the need to protect and safeguard the integrity of computer, computer and communications systems, networks, and databases, and the confidentiality, integrity, and availability of information and data stored therein, from all forms of misuse, abuse, and illegal access by making punishable under the law such conduct or conducts. In this light, the State shall adopt sufficient powers to effectively prevent and combat such offenses by facilitating their detection, investigation, and prosecution at both the domestic and international levels, and by providing arrangements for fast and reliable international cooperation.

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

(a) *Access* refers to the instruction, communication with, storing data in, retrieving data from, or otherwise making use of any resources of a computer system or communication network.

(b) *Alteration* refers to the modification or change, in form or substance, of an existing computer data or program.

(c) *Communication* refers to the transmission of information through ICT media, including voice, video and other forms of data.

(d) *Computer* refers to an electronic, magnetic, optical, electrochemical, or other data processing or communications device, or grouping of such devices, capable of performing logical, arithmetic, routing, or storage functions and which includes any storage facility or equipment or communications facility or equipment directly related to or operating in conjunction with such device. It covers any type of computer device including devices with data processing capabilities like mobile phones, smart phones, computer networks and other devices connected to the internet.

(e) *Computer data* refers to any representation of facts, information, or concepts in a form suitable for processing in a computer system including a program suitable to cause a computer system to perform a function and includes electronic documents and/or electronic data messages whether stored in local computer systems or online.

(f) *Computer program* refers to a set of instructions executed by the computer to achieve intended results.

(g) *Computer system* refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities including, but not limited to, computers and mobile phones. The device consisting of hardware and software may include input, output and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

(h) *Without right* refers to either: (i) conduct undertaken without or in excess of authority; or (ii) conduct not covered by established legal defenses, excuses, court orders, justifications, or relevant principles under the law.

(i) *Cyber* refers to a computer or a computer network, the electronic medium in which online communication takes place.

(j) *Critical infrastructure* refers to the computer systems, and/or networks, whether physical or virtual, and/or the computer programs, computer data and/or traffic data so vital to this country that the incapacity or destruction of or interference with such system and assets would have a debilitating impact on security, national or economic security, national public health and safety, or any combination of those matters.

(k) *Cybersecurity* refers to the collection of tools, policies, risk management approaches, actions, training, best practices, assurance and technologies that

can be used to protect the cyber environment and organization and user's assets.

(l) *Database* refers to a representation of information, knowledge, facts, concepts, or instructions which are being prepared, processed or stored or have been prepared, processed or stored in a formalized manner and which are intended for use in a computer system.

(m) *Interception* refers to listening to, recording, monitoring or surveillance of the content of communications, including procuring of the content of data, either directly, through access and use of a computer system or indirectly, through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring.

(n) *Service provider* refers to:

(1) Any public or private entity that provides to users of its service the ability to communicate by means of a computer system; and

(2) Any other entity that processes or stores computer data on behalf of such communication service or users of such service.

(o) *Subscriber's information* refers to any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which identity can be established:

(1) The type of communication service used, the technical provisions taken thereto and the period of service;

(2) The subscriber's identity, postal or geographic address, telephone and other access numbers, any assigned network address, billing and payment information, available on the basis of the service agreement or arrangement; and

(3) Any other available information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.

(p) *Traffic data* or non-content data refers to any computer data other than the content of the communication including, but not limited to, the communication's origin, destination, route, time, date, size, duration, or type of underlying service.

CHAPTER II

PUNISHABLE ACTS

Section 4. Cybercrime Offenses. — The following acts constitute the offense of cybercrime punishable under this Act:

(a) Offenses against the confidentiality, integrity and availability of computer data and systems:

(1) Illegal Access. — The access to the whole or any part of a computer system without right.

(2) Illegal Interception. — The interception made by technical means without right of any non-public transmission of computer data to, from, or within a computer system including electromagnetic emissions from a computer system carrying such computer data.

(3) Data Interference. — The intentional or reckless alteration, damaging, deletion or deterioration of computer data, electronic document, or electronic data message, without right, including the introduction or transmission of viruses.

(4) System Interference. — The intentional alteration or reckless hindering or interference with the functioning of a computer or computer network by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data or program, electronic document, or electronic data message, without right or authority, including the introduction or transmission of viruses.

(5) Misuse of Devices.

(i) The use, production, sale, procurement, importation, distribution, or otherwise making available, without right, of:

(aa) A device, including a computer program, designed or adapted primarily for the purpose of committing any of the offenses under this Act; or

(bb) A computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed with intent that it be used for the purpose of committing any of the offenses under this Act.

(ii) The possession of an item referred to in paragraphs 5(i)(aa) or (bb) above with intent to use said devices for the purpose of committing any of the offenses under this section.

(6) Cyber-squatting. — The acquisition of a domain name over the internet in bad faith to profit, mislead, destroy reputation, and deprive others from registering the same, if such a domain name is:

(i) Similar, identical, or confusingly similar to an existing trademark registered with the appropriate government agency at the time of the domain name registration:

(ii) Identical or in any way similar with the name of a person other than the registrant, in case of a personal name; and

(iii) Acquired without right or with intellectual property interests in it.

(b) Computer-related Offenses:

(1) Computer-related Forgery. —

(i) The input, alteration, or deletion of any computer data without right resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible; or

(ii) The act of knowingly using computer data which is the product of computer-related forgery as defined herein, for the purpose of perpetuating a fraudulent or dishonest design.

(2) Computer-related Fraud. — The unauthorized input, alteration, or deletion of computer data or program or interference in the functioning of a computer system, causing damage thereby with fraudulent intent: *Provided*, That if no

damage has yet been caused, the penalty imposable shall be one (1) degree lower.

(3) Computer-related Identity Theft. – The intentional acquisition, use, misuse, transfer, possession, alteration or deletion of identifying information belonging to another, whether natural or juridical, without right: *Provided*, That if no damage has yet been caused, the penalty imposable shall be one (1) degree lower.

(c) Content-related Offenses:

(1) Cybersex. — The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration.

(2) Child Pornography. — The unlawful or prohibited acts defined and punishable by Republic Act No. 9775 or the Anti-Child Pornography Act of 2009, committed through a computer system: *Provided*, That the penalty to be imposed shall be (1) one degree higher than that provided for in Republic Act No. 9775.*1âwphi1*

(3) Unsolicited Commercial Communications. — The transmission of commercial electronic communication with the use of computer system which seek to advertise, sell, or offer for sale products and services are prohibited unless:

(i) There is prior affirmative consent from the recipient; or

(ii) The primary intent of the communication is for service and/or administrative announcements from the sender to its existing users, subscribers or customers; or

(iii) The following conditions are present:

(aa) The commercial electronic communication contains a simple, valid, and reliable way for the recipient to reject receipt of further commercial electronic messages (opt-out) from the same source;

(bb) The commercial electronic communication does not purposely disguise the source of the electronic message; and

(cc) The commercial electronic communication does not purposely include misleading information in any part of the message in order to induce the recipients to read the message.

(4) Libel. — The unlawful or prohibited acts of libel as defined in Article 355 of the Revised Penal Code, as amended, committed through a computer system or any other similar means which may be devised in the future.

Section 5. *Other Offenses.* — The following acts shall also constitute an offense:

(a) Aiding or Abetting in the Commission of Cybercrime. – Any person who willfully abets or aids in the commission of any of the offenses enumerated in this Act shall be held liable.

(b) Attempt in the Commission of Cybercrime. — Any person who willfully attempts to commit any of the offenses enumerated in this Act shall be held liable.

Section 6. All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act: *Provided*, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be.

Section 7. *Liability under Other Laws.* — A prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

CHAPTER III PENALTIES

Section 8. *Penalties.* — Any person found guilty of any of the punishable acts enumerated in Sections 4(a) and 4(b) of this Act shall be punished with imprisonment of *prision mayor* or a fine of at least Two hundred thousand pesos (PhP200,000.00) up to a maximum amount commensurate to the damage incurred or both.

Any person found guilty of the punishable act under Section 4(a)(5) shall be punished with imprisonment of *prision mayor* or a fine of not more than Five hundred thousand pesos (PhP500,000.00) or both.

If punishable acts in Section 4(a) are committed against critical infrastructure, the penalty of *reclusion temporal* or a fine of at least Five hundred thousand pesos (PhP500,000.00) up to maximum amount commensurate to the damage incurred or both, shall be imposed.

Any person found guilty of any of the punishable acts enumerated in Section 4(c)(1) of this Act shall be punished with imprisonment of *prision mayor* or a fine of at least Two hundred thousand pesos (PhP200,000.00) but not exceeding One million pesos (PhP1,000,000.00) or both.

Any person found guilty of any of the punishable acts enumerated in Section 4(c)(2) of this Act shall be punished with the penalties as enumerated in Republic Act No. 9775 or the "Anti-Child Pornography Act of 2009": *Provided*, That the penalty to be imposed shall be one (1) degree higher than that provided for in Republic Act No. 9775, if committed through a computer system.

Any person found guilty of any of the punishable acts enumerated in Section 4(c)(3) shall be punished with imprisonment of *arresto mayor* or a fine of at least Fifty thousand pesos (PhP50,000.00) but not exceeding Two hundred fifty thousand pesos (PhP250,000.00) or both.

Any person found guilty of any of the punishable acts enumerated in Section 5 shall be punished with imprisonment one (1) degree lower than that of the prescribed penalty for the offense or a fine of at least One hundred thousand pesos (PhP100,000.00) but not exceeding Five hundred thousand pesos (PhP500,000.00) or both.

Section 9. *Corporate Liability.* — When any of the punishable acts herein defined are knowingly committed on behalf of or for the benefit of a juridical person, by a natural person acting either individually or as part of an organ of the juridical person, who has a leading position within, based on: (a) a power of representation of the juridical person provided the act committed falls within the scope of such authority; (b) an authority to take decisions on behalf of the juridical person: *Provided*, That the act committed falls within the scope of such authority; or (c) an authority to exercise control within the juridical person, the juridical person shall be held liable for a fine equivalent to at least double the fines imposable in Section 7 up to a maximum of Ten million pesos (PhP10,000,000.00).

If the commission of any of the punishable acts herein defined was made possible due to the lack of supervision or control by a natural person referred to and described in the preceding paragraph, for the benefit of that juridical person by a natural person acting under its authority, the juridical person shall be held liable for a fine equivalent to at least double the fines imposable in Section 7 up to a maximum of Five million pesos (PhP5,000,000.00).

The liability imposed on the juridical person shall be without prejudice to the criminal liability of the natural person who has committed the offense.

CHAPTER IV ENFORCEMENT AND IMPLEMENTATION

Section 10. *Law Enforcement Authorities.* — The National Bureau of Investigation (NBI) and the Philippine National Police (PNP) shall be responsible for the efficient and effective law enforcement of the provisions of this Act. The NBI and the PNP shall organize a cybercrime unit or center manned by special investigators to exclusively handle cases involving violations of this Act.

Section 11. *Duties of Law Enforcement Authorities.* — To ensure that the technical nature of cybercrime and its prevention is given focus and considering the procedures involved for international cooperation, law enforcement authorities specifically the computer or technology crime divisions or units responsible for the investigation of cybercrimes are required to submit timely and regular reports including pre-operation, post-operation and investigation results and such other documents as may be required to the Department of Justice (DOJ) for review and monitoring.

Section 12. *Real-Time Collection of Traffic Data.* — Law enforcement authorities, with due cause, shall be authorized to collect or record by technical or electronic means traffic data in real-time associated with specified communications transmitted by means of a computer system.

Traffic data refer only to the communication's origin, destination, route, time, date, size, duration, or type of underlying service, but not content, nor identities.

All other data to be collected or seized or disclosed will require a court warrant.

Service providers are required to cooperate and assist law enforcement authorities in the collection or recording of the above-stated information.

The court warrant required under this section shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and the showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed; (2) that there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and (3) that there are no other means readily available for obtaining such evidence.

Section 13. *Preservation of Computer Data.* — The integrity of traffic data and subscriber information relating to communication services provided by a service provider shall be preserved for a minimum period of six (6) months from the date of the transaction. Content data shall be similarly preserved for six (6) months from the date of receipt of the order from law enforcement authorities requiring its preservation.

Law enforcement authorities may order a one-time extension for another six (6) months: *Provided*, That once computer data preserved, transmitted or stored by a service provider is used as evidence in a case, the mere furnishing to such service provider of the transmittal document to the Office of the Prosecutor shall be deemed a notification to preserve the computer data until the termination of the case.

The service provider ordered to preserve computer data shall keep confidential the order and its compliance.

Section 14. *Disclosure of Computer Data.* — Law enforcement authorities, upon securing a court warrant, shall issue an order requiring any person or service provider to disclose or submit subscriber's information, traffic data or relevant data in his/its possession or control within seventy-two (72) hours from receipt of the order in relation to a valid complaint officially docketed and assigned for investigation and the disclosure is necessary and relevant for the purpose of investigation.

Section 15. *Search, Seizure and Examination of Computer Data.* — Where a search and seizure warrant is properly issued, the law enforcement authorities shall likewise have the following powers and duties.

Within the time period specified in the warrant, to conduct interception, as defined in this Act, and:

- (a) To secure a computer system or a computer data storage medium;
- (b) To make and retain a copy of those computer data secured;
- (c) To maintain the integrity of the relevant stored computer data;
- (d) To conduct forensic analysis or examination of the computer data storage medium; and
- (e) To render inaccessible or remove those computer data in the accessed computer or computer and communications network.

Pursuant thereof, the law enforcement authorities may order any person who has knowledge about the functioning of the computer system and the measures to protect and preserve the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the search, seizure and examination.

Law enforcement authorities may request for an extension of time to complete the examination of the computer data storage medium and to make a return thereon but in no case for a period longer than thirty (30) days from date of approval by the court.

Section 16. Custody of Computer Data. — All computer data, including content and traffic data, examined under a proper warrant shall, within forty-eight (48) hours after the expiration of the period fixed therein, be deposited with the court in a sealed package, and shall be accompanied by an affidavit of the law enforcement authority executing it stating the dates and times covered by the examination, and the law enforcement authority who may access the deposit, among other relevant data. The law enforcement authority shall also certify that no duplicates or copies of the whole or any part thereof have been made, or if made, that all such duplicates or copies are included in the package deposited with the court. The package so deposited shall not be opened, or the recordings replayed, or used in evidence, or then contents revealed, except upon order of the court, which shall not be granted except upon motion, with due notice and opportunity to be heard to the person or persons whose conversation or communications have been recorded.

Section 17. Destruction of Computer Data. — Upon expiration of the periods as provided in Sections 13 and 15, service providers and law enforcement authorities, as the case may be, shall immediately and completely destroy the computer data subject of a preservation and examination.

Section 18. Exclusionary Rule. — Any evidence procured without a valid warrant or beyond the authority of the same shall be inadmissible for any proceeding before any court or tribunal.

Section 19. *Restricting or Blocking Access to Computer Data.* — When a computer data is prima facie found to be in violation of the provisions of this Act, the DOJ shall issue an order to restrict or block access to such computer data.

Section 20. *Noncompliance.* — Failure to comply with the provisions of Chapter IV hereof specifically the orders from law enforcement authorities shall be punished as a violation of Presidential Decree No. 1829 with imprisonment of prision correctional in its maximum period or a fine of One hundred thousand pesos (Php100,000.00) or both, for each and every noncompliance with an order issued by law enforcement authorities.

CHAPTER V JURISDICTION

Section 21. *Jurisdiction.* — The Regional Trial Court shall have jurisdiction over any violation of the provisions of this Act, including any violation committed by a Filipino national regardless of the place of commission. Jurisdiction shall lie if any of the elements was committed within the Philippines or committed with the use of any computer system wholly or partly situated in the country, or when by such commission any damage is caused to a natural or juridical person who, at the time the offense was committed, was in the Philippines.

There shall be designated special cybercrime courts manned by specially trained judges to handle cybercrime cases.

CHAPTER VI INTERNATIONAL COOPERATION

Section 22. *General Principles Relating to International Cooperation.* — All relevant international instruments on international cooperation in criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation, and domestic laws, to the widest extent possible for the purposes of investigations or proceedings concerning criminal offenses related to computer systems and data, or for the collection of evidence in electronic form of a criminal, offense shall be given full force and effect.

CHAPTER VII COMPETENT AUTHORITIES

Section 23. *Department of Justice (DOJ).* — There is hereby created an Office of Cybercrime within the DOJ designated as the central authority in all matters related to international mutual assistance and extradition.

Section 24. *Cybercrime Investigation and Coordinating Center.* — There is hereby created, within thirty (30) days from the effectivity of this Act, an inter-agency body to be known as the Cybercrime Investigation and Coordinating

Center (CICC), under the administrative supervision of the Office of the President, for policy coordination among concerned agencies and for the formulation and enforcement of the national cybersecurity plan.

Section 25. Composition. — The CICC shall be headed by the Executive Director of the Information and Communications Technology Office under the Department of Science and Technology (ICTO-DOST) as Chairperson with the Director of the NBI as Vice Chairperson; the Chief of the PNP; Head of the DOJ Office of Cybercrime; and one (1) representative from the private sector and academe, as members. The CICC shall be manned by a secretariat of selected existing personnel and representatives from the different participating agencies.1âwphi1

Section 26. Powers and Functions. — The CICC shall have the following powers and functions:

(a) To formulate a national cybersecurity plan and extend immediate assistance for the suppression of real-time commission of cybercrime offenses through a computer emergency response team (CERT);

(b) To coordinate the preparation of appropriate and effective measures to prevent and suppress cybercrime activities as provided for in this Act;

(c) To monitor cybercrime cases being bandied by participating law enforcement and prosecution agencies;

(d) To facilitate international cooperation on intelligence, investigations, training and capacity building related to cybercrime prevention, suppression and prosecution;

(e) To coordinate the support and participation of the business sector, local government units and nongovernment organizations in cybercrime prevention programs and other related projects;

(f) To recommend the enactment of appropriate laws, issuances, measures and policies;

(g) To call upon any government agency to render assistance in the accomplishment of the CICC's mandated tasks and functions; and

(h) To perform all other matters related to cybercrime prevention and suppression, including capacity building and such other functions and duties as may be necessary for the proper implementation of this Act.

CHAPTER VIII

FINAL PROVISIONS

Section 27. Appropriations. — The amount of Fifty million pesos (PhP50,000,000_00) shall be appropriated annually for the implementation of this Act.

Section 28. Implementing Rules and Regulations. — The ICTO-DOST, the DOJ and the Department of the Interior and Local Government (DILG) shall jointly formulate the necessary rules and regulations within ninety (90) days from approval of this Act, for its effective implementation.

Section 29. Separability Clause — If any provision of this Act is held invalid, the other provisions not affected shall remain in full force and effect.

Section 30. Repealing Clause. — All laws, decrees or rules inconsistent with this Act are hereby repealed or modified accordingly. Section 33(a) of Republic Act No. 8792 or the "Electronic Commerce Act" is hereby modified accordingly.

Section 31. Effectivity. — This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) 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. 2796 and House Bill No. 5808 was finally passed by the Senate and the House of Representatives on June 5, 2012 and June 4, 2012, respectively.

(Sgd.) **MARILYN B. BARUA-YAP**
Secretary General
House of Representatives

(Sgd.) **EMMA LIRIO-REYES**
Secretary of Senate

Approved: SEP 12 2012

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippine

APPENDIX O

MALACAÑANG PALACE MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. EXECUTIVE ORDER NO. 26

PROVIDING FOR THE ESTABLISHMENT OF SMOKE-FREE ENVIRONMENTS IN PUBLIC AND ENCLOSED PLACES

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to health of the people and install health consciousness among them;

WHEREAS, the Republic of the Philippines, under the world Health Organization Framework Convention on Tobacco Control (FCTC) to which it is a Party, being determined to give priority to the right to protect public health and the promote measures of tobacco control based on current and relevant scientific, technical and economic considerations, agreed to implement the measures provided in that treaty;

WHEREAS, in pursuit of the policy of the State to guarantee the enjoyment of the right of every citizen to breathe clean air, Republic Act No. 8749, or the Philippine Clean Air Act of 1999, prohibits smoking inside enclosed public places including public vehicles and other means of transport, and other enclosed areas, and directs local government units to implement the prohibition;

WHEREAS, Republic Act No. 9211, or the Tobacco Regulation Act of 2003, prohibits smoking in certain public places, and prohibits the purchases and sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors and provides penalties for any violation of the prohibitions;

WHEREAS, scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability, lead to devastating health, social, economic and environmental consequences, and places burdens on families, on the poor, and on national and local health systems;

WHEREAS, public health takes precedence over any commercial or business interest;

WHEREAS, an increasing number of Filipinos become afflicted with and die each year of tobacco-related diseases such as stroke, heart disease, emphysema,

various cancers and nicotine addiction, and both the public and workers in facilities where smoking is allowed are most risk from these other tobacco-related diseases;

WHEREAS, the FCTC provides that each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law, and actively promote at other jurisdictional levels, the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing fro protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places;

WHEREAS, in order to minimize access, particularly of minors, to tobacco products and in order to provide a more supportive environment for those who are attempting to quit tobacco use, there is a need strengthen existing measures on access restriction, including the regulation of sales, distribution and availability, and the measures prescribed under the FCTC;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order;

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

(a) "Advertising and promotion" means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco products or tobacco use either directly or indirectly.

(b) "Designated Smoking Area" (DSA) refers to an area of a building or conveyance where smoking may be allowed, which may be in an open space or separate area with proper ventilation subject to the specific standards provided in this order.

(c) "Enclosed" means being covered by a roof or other structure serving the purpose of a roof, and having one or more walls or sides, wherein the openings on the walls or sides have an aggregate area that is less than half of the total space, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary. Doors and windows that can be opened and shut shall not be considered as opening under this paragraph. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces.

(d) "Minor" refers to any below eighteen (18) years old.

(e) "Non-Smoking Buffer Zone" is a ventilated area between the door of a DSA not located in open space and the smoke free-area. There shall be no opening

that will allow air to scape from such Non-Smoking Zone to the smoke-free area, except for a single door equipped with an automatic door closer. Such door is distinct from the door of the DSA, which shall be at least two (2) meters away from the other.

(f) "Open spaces" refers to those areas forming part of a building or conveyance, which are not covered by a roof or similar structure.

(g) "Person-in-charge" refers to president/manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/municipality, schools, superintendent, school president, dean or principal in case of school.

(h) "Point-of-sale" refers to any location at which an individual can purchase or otherwise obtain tobacco products.

(i) "Public conveyances" refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycles and other similar vehicles.

(j) "Public places" means all places, fixed or mobile, that are accessible or open to he public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishment that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to, playgrounds, sports ground or centers, church grounds, health/hospital compounds, transportation terminals, market, parks, resorts, walkways/sideways, entrance ways, waiting areas, and the line.

(k) "Smoke-Free" refers to air that is 100% free from tobacco smoke. This Definitions includes, But is not limited to, air in which tobacco smoke control cannot be seen, smelled, sensed or measured.

(l) "Smoking" means being a possession or control of a lit tobacco products regardless of whether the smoke is being actively inhaled or exhaled.

(m) "Tobacco Products" means products entirely or partly made of tobacco leaf as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah and chew tobacco.

(n) "Workplace" means any place used by people during their employment or work, whether done for compensation or voluntarily, including all attached or associated places commonly used by the workers in the course of their work (for

example, corridors, elevators, stairwells, toilets, lobbies, lounges). Vehicles used in the course of work are considered workplaces, such as, but not limited to taxis, ambulances and delivery vehicles.

SECTION 2. Coverage. This Order shall apply to all persons, whether resident or not, and in all places, found within the territorial jurisdiction of the Philippines.

SECTION 3. Prohibited Acts, The following acts are declared unlawful and prohibited;

(a) Smoking within enclosed public places conveyances, whether stationary or in motion, except in DSAs fully compliant with the requirements of Section 4 of his Order;

(b) For persons-in-charge to allow, abet or tolerate smoking in places enumerated in the preceding paragraph, outside of DSAs fully compliant with Section 4 of this Order;

(c) For any person to sell, distribute or purchase tobacco products to and from minors. It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold;

(d) For a minor to smoke, sell or buy cigarettes or any tobacco products;

(e) Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products;

(f) Selling or distributing tobacco products in a school, public playground, youth hostels and recreational facilities for minors, including those frequented by minors, or within 100 meters from any point of the perimeter of these places;

(g) Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products, such as but not limited to leaflets, posters, display structures and other materials within 100 meters from the perimeter of a school, public playground, and other facilities frequented particularly by minors, hostel and recreational facilities for minors, including those frequented by them, or in an establishment when such establishments or its location is prohibited from selling tobacco products.

(h) Placing any form of tobacco advertisement outside of the premises of point-of-sale retail establishments; and

(i) Placing any stall, booth, and other displays concerning tobacco promotions to areas outside the premises of point-of-sale locations or adult-only facilities.

SECTION 4. *Standards for DSAs.* All DSAs shall strictly comply with the following standards:

(1) There shall be no opening that will allow air to escape from the DSA to the smoke-free area of the building or conveyance, except for a single door equipped with an automatic door closer; provided that, if the DSA is not located in an open space, such door shall open directly towards a Non-smoking Buffer Zone (Buffer Zone) as defined in this Order;

(2) The DSA shall not be located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate, or in front of air intake ducts;

(3) The combined area of the DSA and the Buffer Zone shall not be larger than 20% of the total floor area of the building or conveyance, provided that in no case shall such area be less than ten (10) square meters;

(4) No building or conveyance shall have more than one DSA;

(5) The ventilation system for the DSA other than in an open space and for the Buffer Zone shall be independent of all ventilation systems servicing the rest of the building or conveyance;

(6) Minors shall not be allowed inside the DSA and the Buffer Zone;

(7) The DSA shall have the following signages highly visible and prominently displayed:

(8.1) "Smoking Area" signage;

(8.2) Graphic health warnings on the effects of tobacco use; and

(8.3) Prohibition on the entry of persons below eighteen (18) years old.

(8) Other standards and specifications to better ensure a smoke-free environment as may be prescribed by the inter-Agency Committee-Tobacco under Republic Act No. 9211, provided that such standards and specifications are consistent with this Order and that persons-in-charge are given sixty (60) days to comply.

However, there shall be no DSAs in the following public places:

(a) Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for minors;

(b) Elevators and stairwells;

(c) Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

(d) Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories; and

(e) Food preparation areas.

Nothing in this order shall compel persons-in-charge to establish DSAs nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment in their premises.

SECTION 5. Duties and Obligations of Persons-in-Charge. persons in charge shall:

(a) prominently post and display the "No Smoking" signage, in the locations most visible to the public in the areas where smoking is prohibited. At the very least, the "No Smoking" signage must be posted at the entrance to the area, which shall be at least 8 x 11 inches in size, where the symbol shall occupy no less than 60% of the signage, while the remaining 40% of the signage shall show the pertinent information, as follows:



As for the DSA, after complying with the specifications in Section 4, prominently display the following elements in the signage:

"DESIGNATED SMOKING AREA " or "SMOKING AREA"

[place Graphic/Picture-Based Health Warning on the effects of tobacco use within the signage]

[if available, place number of Smoking Cessation Hotline]

(b) prominently post and display the "No Smoking" signage in the most conspicuous location within the public conveyance. At the very least, a three and a half (3.5) square inch "No Smoking" signage shall be placed on a windshield and a ten (10) square inch "No Smoking" sign at the drivers back seat.

(c) Remove the places where smoking is prohibited all ashtrays and other receptacles for disposing of cigarette refuse;

(d) For persons-in-charge of schools, public playgrounds, youth hostels and recreational facilities for minors, including those frequented by minors, post the following statement in a clear and conspicuous manner.

SELLING, ADVERTISING AND PROMOTING OTHER CIGARETTES OR TOBACCO PRODUCTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF [name of SCHOOL/PLAYGROUND/FACULTY FOR MINORS/ETC.]

(e) For persons-in-charge of schools, public playgrounds, youth hostels and recreational facilities for minors, including those frequented by minors, to report to the nearest Smoke-Free Task Force of the concerned city or municipality any tobacco product selling, advertising and/ or promotion located within 100 meters from its perimeter.

(f) For persons-in-charge of point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco use, as prescribed by the Department of Health, in clear and conspicuous manner.

SALE/DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS IS UNLAWFUL

(g) Establish internal procedure and measures through which this Order shall be implemented and enforced within the area of which he or she is in charge. This includes compliance with the smoking, sales. Distribution advertising and promotions restrictions (e.g. warning smoking violators in banned areas and requesting them to stop smoking), and if they refuse to comply, reporting the incident to the City/Municipal Health Office, the nearest peace officer, or to any member of the Smoke-Free Task Force;

(h) Ensure that all the employees in the establishment are aware of this Order and the procedure and measures for implementing and enforcing it;

(i) For all signage required to be posted under (a), (b) (d) and (f) above, provide for versions of them in the local dialect or in English;

SECTION 6. Persons Liable. The following persons shall be liable and be punished in accordance with the governing provisions of RA No. 9211 and other applicable laws;

(a) Any person or entry who commits any of the prohibited acts stated in Section 3 hereof;

(b) Persons-in-charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerates in Section 3, or who otherwise fail to fulfill the duties and obligations enumerated in Section 3 hereof.

SECTION 7. Penalties. Violations of this Order shall be punishable in accordance with the applicable penalties provided under Section 32 of RA No. 9211 and other applicable laws.

SECTION 8. Smoking Cessation Program. Local Government Units (LGUs) particularly the respective City/Municipal Health Officer, in coordination with the Department of Health are enjoined to develop, promote and implement their respective Local Smoking Cessation Programs consistent with the National Smoking Cessation Program established pursuant to RA No. 9211, and to encourage the participation of public and private facilities which may be able to provide for the requirements of program. Smokers who are willing to quit and/or those found violating this Order may be referred to the Local Smoking Cessation Program and its facilities.

SECTION 9. Smoke-Free Task Force. All cities and municipalities are enjoined to form a local Smoke-Free Task Force to help carry out the provisions of this Order. Members of the Philippine National Police and Smoke-Free Task Forces are directed to carry out the provisions of this Order, including the apprehension of violators and the institution of criminal proceedings for violations of this Order, in accordance with relevant laws, rules and regulations, and strictly observing due process.

SECTION 10. Funding. The amount necessary to implement the provisions of this Order shall be identified by the Department of Budget and Management. The appropriations necessary for the continued implementation of this Order in succeeding years shall be prepared in accordance with regular government budget procedures and shall be included in the budget of the concerned national government agencies under the annual General Appropriations Act.

SECTION 11. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 12. *Repealing Clause.* All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Order are hereby repealed amended or modified accordingly.

SECTION 13. *Effectivity.* This Order shall take effect sixty (60) days after publication in a newspaper of general circulation.

DONE in the City of Manila this 16th day of May in the year of our Lord, Two Thousand and Seventeen.

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

COURSES OFFERED

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BACHELOR OF SCIENCE IN ACCOUNTING INFORMATION SYSTEM

INSTITUTE OF COMPUTING STUDIES AND LIBRARY INFORMATION SCIENCE

ASSOCIATE DEGREE IN COMPUTER TECHNOLOGY

BACHELOR OF SCIENCE IN COMPUTER SCIENCE

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