



AMA
Education System

STUDENT HANDBOOK

2019

59 Panay Avenue, Quezon City
Tel. No. 373-3901
Website: <http://www.amaes.edu.ph/>

TABLE OF CONTENTS	Page
FOREWORD	8
THE AMA EDUCATION SYTEM HISTORY	9
AMA EDUCATION SYSTEM TIMELINE	13
AMA EDUCATION SYSTEM (AMAES) SCHOOLS	14
PHILOSOPHY AND MISSION STATEMENT	15
SPECIFIC AIMS	15
VISION & MISSION	16
ADMISSION POLICIES	17
ADMISSION PROCEDURE	17
ADMISSION REQUIREMENTS	17
Incoming Freshman	17
Foreign Student Applicants	18
Transferees/New Students	18
Residency Requirements for Transfer Students	19
Transferees from AMAES member schools	19
Credit Transfer Application	19
Application Procedures	20
Incomplete requirements	20
ENROLLMENT PROCEDURES	21
For Freshman	21
For Transferees	21
For Old Students	21
ADVANCED ENROLLMENT	22
LATE ENROLLMENT	22
WITHDRAWAL OF ENROLLMENT	22
For students who paid in full	23
For students who paid in partial	23
For students with 1000 Pesos Partial Payment	24
CASH DISCOUNT	24
PROMISSORY NOTES UPON ENROLMENT	24
REGISTRATION/ENROLMENT FOR RESIDENCE	25

APPLICATION FOR ID CARD, ID VALIDATION	25
ACADEMIC POLICIES	26
ACADEMIC LOAD	26
Regular Academic Load	26
Overload	26
COURSE PREREQUISITE	27
COURSE CREDITING FOR TRANSFER STUDENTS	27
Within AMAES	27
From other schools	27
SECOND DEGREE PROGRAM	28
SUBSTITUTION OF COURSES	28
ADDING / DROPPING OF COURSES	29
Dropping of Course	29
SHIFTING TO ANOTHER PROGRAM	30
CROSS ENROLLMENT	30
Cross-enrollment from AMAES to AMAES/Non-AMAES Schools	30
Procedure	30
Cross-enrollment from AMAES/Non-AMAES schools to AMAES	31
PROCEDURE ON TRANSFER FROM AMAES TO AMAES	31
LEAVE OF ABSENCE	32
Procedure on filing leave of absence	32
RETURNING STUDENT	32
Procedure	33
DISQUALIFIED/DISMISSED STUDENTS	34
REQUEST FOR TRANSFER CREDENTIALS	34
SCHOLARSHIPS	35
INSTITUTIONAL SCHOLARSHIPS	35
ACADEMIC SCHOLARSHIPS	36
Academic Excellence (ACAEX) Scholarship Award	37
GOVERNMENT SCHOLARSHIPS	38

Tertiary Education Subsidy (TES)	38
SCHOLARSHIP	
DSWD Educational Assistance	38
PROCEDURE TO AVAIL SCHOLARSHIP	38
Standard Scholarship Application Procedure	38
Scholarship Implementation Procedure	38
Standard Renewal Procedure	39
Processing and Approval of Scholarship	
Application or Renewal of Existing Scholarships	39
GENERAL POLICIES FOR STUDENTS	40
ATTENDANCE	40
GRADING SYSTEM	40
Grading System for Trimestral Mode	41
A. Lecture Class only	41
B. Classes with laboratory	42
Grading System for Semestral Mode	42
A. Lecture Class only	42
B. Classes with laboratory	43
COMPLETION/REMOVAL OF INCOMPLETE (IC) GRADE	44
Procedure for IC Removal/Completion	44
GENERAL POINT AVERAGE	44
GRADE COMPLAINTS	45
Procedure in Filing Grade Complaint(s)	45
ACADEMIC STANDING	45
SCHOLASTIC DELINQUENCY	45
Student Notice	45
Probationary Status	46
Dismissed Status	46
Disqualified Status	47
MAXIMUM RESIDENCY RULE (MRR)	47
EXAMINATION	48
Procedure if the student FAILS to take a major examination	48

Make-up / Special Exams	49
OTHER CURRICULAR REQUIREMENTS	49
NATIONAL SERVICE TRAINING PROGRAM (NSTP)	49
ON-THE-JOB TRAINING / PRACTICUM PROGRAM	50
OJT/Practicum Procedure	50
EVALUATION OF STUDENT PERFORMANCE	51
FIELD TRIP	52
THESIS PROJECT	52
Thesis A/DESPRO 1 Course Requirements and Grading System	53
Thesis B/DESPRO 2 Course Requirements and Grading System	53
CAPSTONE PROJECT	55
Capstone Project Course Requirements and Grading System	55
GRADUATION	56
APPLYING FOR GRADUATION	56
Evaluation	56
Deliberation	57
Announcement	57
AWARDS AND RECOGNITION	57
TRIMESTER/SEMESTER HONORS	57
President's List	57
Dean's List	57
GRADUATION AWARDS	58
ACADEMIC HONORS	58
NON-ACADEMIC AWARDS	59
Leadership Award	59
Outstanding Project/Feasibility/Thesis /Design Project Award	59
Community Service Leadership Award	59
Athletic Award	59

Loyalty Award	60
DISCIPLINE	60
STUDENT ACADEMIC HONESTY	60
Penalties for violation of academic honesty policy	61
Proceedings	62
STUDENT DISCIPLINARY POLICY	62
Conduct Outside the School	69
JURISDICTION AND VENUE	69
SANCTIONS	69
DUE PROCESS	71
STUDENT ORGANIZATIONS	72
STUDENT SERVICES AND FACILITIES	74
ACADEMIC –INDUSTRY LINKAGES OFFICES	77
RELATED POLICIES	78
RA 10627: ANTI-BULLYING ACT OF 2013	79
RA 9262: ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004	84
RA 7877: THE ANTI-SEXUAL HARASSMENT ACT OF 1995	103
RA 8049: ANTI-HAZING LAW	107
RA 7610: SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT	111
RA 8504: PHILIPPINE AIDS PREVENTION AND CONTROL ACT OF 1998	126
RA 7277: MAGNA CARTA FOR DISABLED PERSONS	142
RA 9165: COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002	163
RA 9418: VOLUNTEER ACT OF 2007	221
RA 9512: NATIONAL ENVIRONMENTAL AWARENESS AND EDUCATION ACT OF 2008	227
RA 9710: GENDER AND DEVELOPMENT	229
RA 10175: CYBERCRIME PREVENTION ACT OF 2012	258
RA 10173: DATA PRIVACY ACT OF 2012	273
PLEDGE OF LOYALTY	296

AMA HYMN	296
CONFORME	297
AMAES ORGANIZATIONAL CHART	298
AMAES ADMISSION COMMITTEE	299
AMAES PUBLICATION COMMITTEE	300

FOREWORD

This Student Handbook is a useful resource tool that orients you on the academic and non-academic policies of AMA Education System. It contains the history, philosophy and objectives of the institution as well as enumerates the services and academic support available to you, our students.

We encourage you to familiarize yourselves with the rules and regulations of the Education System to guide you with your decisions as well as the corresponding disciplinary actions. Any concerns or questions not covered in this Handbook may be referred to the Dean, Registrar or School Director.

We hope you will have a most fruitful stay with us. Welcome to the AMA Education System!

THE AMA EDUCATION SYSTEM HISTORY

The AMA education system (AMAES) was built upon the dream of the late Amable M. Aguiluz Sr. (AMA), Auditor General and National Treasurer during the term of President Diosdado Macapagal, who envisioned an educational institution which would serve as a legacy to the youth.

The dream was realized on October 20, 1980 when his son, Dr. Amable R. Aguiluz V (ARAV), founded the AMA Institute of Computer Studies to pioneer computer literacy in the country. Originally located at Shaw Boulevard, the school offered short term courses in EDP Fundamentals, Basic Programming and Technology Career Courses.

In June 1981, the AMA Computer College (AMACC) was born with the launching of the four-year degree program, Bachelor of Science in Computer Science – the first to be offered in the country. The student population of AMACC started from 13 in 1981 and rose dramatically to 600 in 1983 and to 2000 in 1985. In response to the growing need for computer education, AMACC established its first campus in Makati in 1983 and its second campus in Project 8, Quezon City in 1986 catering to more than 3,000 students.

In 1987, the AMA Computer Learning Center (ACLC) was established offering short courses in computer programming and two-year technical courses. At present, the number of ACLC branches is continuously growing.

It was also in 1987 when the AMA Basic Education (now known as Saint Augustine International School) was formed to offer elementary, high school and eventually pre-school education.

In 1996, AMA spearheaded the establishment of the first telecommunications school in the Philippines – the AMA Telecommunications and Electronics Learning Center (AMATEL) which was later known as AMA International Institute of Technology (AIIT).

In the mid-1990s, when the use of technology in education is just starting to be prevalent, AMAES introduced in-campus e-Learning (CHED MORPHE defines this as "...the delivery of a learning, training, education program by electronic means. It involves the use of computer or electronic"), utilizing the Novell computer network operating system. By 1998, AMAES took the lead again by partnering with CISCO, the largest networking company in the world, to deliver Internet- based skills training on computer networking. Two years later AMAES further enhanced its e-Learning capability by forming two invaluable alliances, tapping two of the leading global providers of e-learning content: Smart force and Intralearn which allowed

the creation of e-classes and enhanced learning via the Internet. In the same year, the AMA Business Education International (ABE) International Business College was established to offer courses in Hotel and Restaurant Management (HRM) as well as Business Administration and other computer-related courses. At present, ABE has several branches nationwide. Also in 1998, seven (7) more AMACC branches were opened in Santa Mesa, Fairview, Paranaque, Cavite, Batangas, Legazpi and Bacolod.

In 1999, nine (9) additional AMACC campuses were opened in San Juan, Lipa, Cabanatuan, Dagupan, Santiago, Laoag, Naga, Iloilo, and General Santos.

In the year 2000, AMAES launched its most ambitious expansion program opening fourteen (14) AMACC branches in Calamba, Cotabato, Dumaguete, La Union, Las Piñas, Lucena, Malabon, Malolos, Pampanga, Tacloban, Tarlac, Tuguegarao, and Zamboanga.

Over the years, more AMACC branches were established, to provide accessible, affordable and quality education to students nationwide.

In the year 2002, due to the growing demand in other academic fields, AMA Education System (AMAES) offered maritime education, medicine, nursing, care giving, and allied health. This gave birth to the Norwegian Maritime Academy (NMA), the AMA School of Medicine (ASM), and the Saint Augustine School of Nursing (SASN). The distinct competitive advantage of these newly-opened schools is that they offer IT-based courses.

On August 20, 2002, in recognition of its academic excellence and integrity, AMA was granted a University Status by the Commission on Higher Education (CHED). It was a very fitting recognition for the efforts of the first ISO-certified computer school in the Philippines. In the same year, founding Chairman Dr. Amable R. Aguiluz V was installed as the first AMA University President.

The succeeding years for AMA marked several milestones as it continued to respond to globalization and continued its efforts to provide world class and quality education. International branches were inevitably opened in other parts of the world including California USA, Bahrain, Bangladesh, China, Hong Kong, Jeddah, Oman and Indonesia.

On 2013, the Washington Accord (WA) through the Accreditation Board of Engineering and Technologies – Computing Accreditation Commission (ABET-CAC) accredited the BSCS, BSIT programs for 9 years. Likewise, the Accreditation Board of Engineering and Technologies - Engineering Accreditation Commission (ABET-EAC) accredited the BSCpE and BSEcE programs for 9 years also. This made a way for AMA University as the first

University in the Philippines to receive a recognition from WA and also from Seoul Accord, thus, recognizing internationally the graduates of AMA University in the programs BSCS, BSIT, BSCpE and BSEcE starting from 2013 to 2022 having the proper competency skills needed by the industry.

In 2015, another significant milestone of AMA was the launching of AMA Online Education (AMA OEd), the first full online education program in the Philippines. It upholds the vision and mission of AMA as it responds to the cultural shift to a digitized age, opening its doors for anyone from the Philippines and abroad who are willing to learn and advance their knowledge. AMA OEd endeavors to stress the importance of educating the youth, as well as employed individuals seeking degrees, and fostering of everyone's potential as a productive portion of today's competitive society.

In March 11, 2017, the Computer Science and Information Technology Programs of AMA University were awarded by Philippine Association of Colleges and Universities Commission on Accreditation (PACUCOA) the "Level IV Accredited Status for the period March 2017- March 2022".

In October 24, 2019, AMA University was granted the Autonomous Status - the highest award that can be given to a Private Institution by the Commission on Higher Education (CHED). As an autonomous institution, AMA University enjoys the following benefits:

1. Exemption from the issuance of Special Order (S.O) for their graduates.
2. Free from regular monitoring and evaluation by CHED. However, in cases when there will be complaints filed against the Private Higher Education Institutions (PHEIs), or there are reported violations by the Private Higher Education Institutions of existing laws, rules and regulations, or there are sensational issues/problems raised about the operation of the Private Higher Education Institutions, the CHED may conduct verification, monitoring or investigation activities.
3. Priority in the grant of subsidies and other financial incentives/assistance from the Commission on Higher Education whenever funds are available.
4. Privilege to determine and prescribe their curricular programs to achieve global competence. In case of curricular revisions, for record purposes, the Private Higher Education Institutions should inform the CHED Central Office at least one semester prior to the start of the intended academic year the revised curriculum shall be implemented. The revised curriculum shall be applicable only to the entering students of the specified academic year.

5. Privilege to offer new course(s)/program(s) in the undergraduate or graduate level without securing permit/authority from CHED except in disciplines that are under moratorium. The Private Higher Education Institutions can offer a maximum of two (2) new courses/programs in a given academic year and should ensure that the CHED minimum requirements as embodied in the existing policies, standards and guidelines (PSGs) for a particular course/program are fully complied with. The Private Higher Education Institutions should inform the CHED Central Office of the new course(s)/program(s) at least one semester prior to the start of the academic year such will be offered. The institutions should also inform the CHED Regional Office in January, six months before the start of the new academic year for which the new program(s)/course(s) will be offered.

6. Privilege to establish branch/es or satellite campus/es without securing government authority from CHED. The Private Higher Education Institutions should ensure that the new branch/campus complies with the CHED minimum requirements with regard to the establishment of a new higher education institution and the existing CHED PSGs for the course(s)/program(s) to be offered. The Private Higher Education Institutions should inform the CHED Central Office at least one semester prior to the start of the intended academic year that the new branch/campus shall operate. Privilege to offer extension classes and distance education course(s)/program(s) to expand access to higher education, and to establish affiliation with recognized foreign higher education institutions in pursuit of international standard of education. The Private Higher Education Institutions should ensure that the existing CHED PSGs for the offering of extension classes and distance education programs are fully complied with.

7. The Private Higher Education Institutions should ensure that the existing CHED PSGs for twinning/networking/linkage programs are fully complied with. The Private Higher Education Institutions should inform the CHED Central Office at least one semester prior to the start of intended academic year such will be offered or established.

8. Authority to grant Honoris Causa to those deserving, per pertinent provisions of existing CHED issuance on conferment of honorary degrees.

Today, AMAES boasts of more than 200 company-owned and franchise branches located all over the Philippines and in other parts of the world. It has probably pronounced more than 150,000 professionals who are gainfully employed locally and overseas.

AMA EDUCATION SYSTEM TIMELINE

1980	1981	1987	1989	1990	1996	1997	1998	1999	2000	2001	2002	2003	2004	2007	2008	2010	2011	2015	2018
AMA Institute of Computer Studies	AMA Computer College	AMCC CLC	AMACC CEBU	AMACC DAVAO	AMA Telecommu- nications and Electronics Learning Center (AMATEL), later known as AMA International Institute of Technology (AIIT)	AMACC CALOOCAN RIZAL	AMACC BACLOD	AMACC ABE MANILA	AMACC CALAMBA	ABE BACLOD	ABE FAIRVIEW	ABE URDANETA	ASM MAKATI	SASN LAS PINAS	SASN LUCENA QUEZON	ABE	AMACC MANDALUYONG	AMAU Online Education	ASM BAGUIO
						AMACC EAST BATANGAS		AMACC CABANATUAN	AMACC COTABATO	ABE CABANATUAN	ABE MALOLOS	ASIN EAST RIZAL	SASN LAGRO						
						AMACC STA. CRUZ	AMACC CAVITE	AMACC DAGUPAN	AMACC DIUAGIETE	ABE CANITA	ABE TAFT	SASN LOILO	SASN LIPA						
							AMACC CDO	AMACC GENERAL SANTOS	AMACC UNION	ABE CALOOCAN	NORWEGIAN MARITIME ACADEMY		SASN MADALU YONG						
							AMACC FAIRVIEW	AMACC LOILO	AMACC LAS PINAS	ABE CUBAO			SASN OC						
					AMACC BINAN		AMACC PARANAQUE	AMACC LAOAG	AMACC LUCENA	ABE LOILO									
							AMACC SANTIAGO	AMACC LIPA	AMACC MALOLOS	ABE LAS PINAS									
							AMACC STA MESA	AMACC NAGA	AMACC PAIMPANGA	ABE LUCENA									
							STA VERONICA COLLEGE		AMACC PASIG	ABE MAKATI									
									AMACC TACLOBAN	AMACC ANGELES									
										AMACC TARIAC									
										AMACC TUGUEGARAO									
										AMACC OLONGAPO									
										AMACC ZAMBOANGA									

THE AMA EDUCATION SYSTEM (AMAES) SCHOOLS

The AMA Education System (AMAES) is the umbrella organization of all AMA academic institutions. It offers diverse areas of academic programs under different brands-each with their own specialization and strengths.

1. AMA University and Colleges



AMA University and Colleges offer computer-based degree programs with different undergraduate courses, master's and doctorate degree in Business Administration, Education, and Computing in select campuses. It has global affiliations and strategic partnerships with world leaders in Information and Communications Technology (ICT) industry such as Microsoft which serves as one of its premier technology partners that makes graduates of AMAES and AMACC assured of their employment both locally and internationally.

2. AMA Computer Learning Center



AMA Computer Learning Center (ACLCLC) offers comprehensive ICT curricula with two-year diploma courses that are globally recognized.

ACLCLC offers an extensive and wide range competency-based programs that are accredited and recognized by the Technical Education and Skills Development Authority (TESDA). Graduates are assured of getting a high paying job after two years of education.

3. AMA Business Education International



AMA Business Education International (ABE) is the first in the Philippines to provide internationally accredited curricula in business and accountancy. The business courses focus on e-business and the new technologies to make the students' learning more relevant to the new global economy. ABE is recognized by the Association Business Executives of the United Kingdom. It offers local and international diploma which is also supported by AMA's world-class facilities and proven experience in computer technology.

PHILOSOPHY AND MISSION STATEMENT

Education is a lifelong development of human elements within the context of socio-cultural environment in which he lives and operates.

Learner is an individual capable of full acquisitions of self-actualization and productivity through encounters and exposures to various learning conditions.

Teacher is a catalyst who initiates and provides learning process adapted to individual differences of the learners, utilizes effective and modern learning techniques with the ultimate goal of maximizing the learner's potential growth process.

SPECIFIC AIMS

1. To provide students with necessary knowledge, skills and attitudes through a competency-based curricula necessary for them to be gainfully employed in both local and international companies and organizations.
2. To provide the students with the relevant trainings and tools that will develop and enhance their potentials and skills that match the needs and demands of the industry.
3. To develop in them critical thinking skills and enable them to make informed decisions.
4. To instill in them the values of self-respect, honesty, obedience, compassion, punctuality, social responsibility, self-reliance and self-discipline to be effective professionals and leaders.
5. To mold them to become responsible and productive citizens; who are socially responsible and capable of making positive contribution to the country's development.



VISION

AMA will be the leader and dominant provider of relevant globally recognized information technology-based education and related services in the global market.

MISSION

AMA shall provide a holistic, relevant, quality and globally recognized IT-based education in all levels and disciplines with the objective of producing professionals and leaders responsive to the needs of Science and the international community cognizant of the welfare and benefits of its men and women thereby realizing their potential as productive members of the society for the honor and glory of God Almighty.

ADMISSION POLICIES

Admission to AMA Education System is open to all qualified applicants. This is determined by the applicant's readiness, preparedness, and ability to contribute towards the enrichment of the academic community and potential to be of service not only to the Filipino people but also the global community.

ADMISSION PROCEDURE

1. Proceed to the Admission Office for the assessment of credentials and accomplish the Application Form.
2. Pay the non-refundable Admissions Entrance Exam Fee of Php100.00 at the Admission Office. The fee is applicable only to walk-in-student-applicants. Graduates from the feeder-schools of AMAES and schools covered during the Outreach Campaign are exempted from paying the entrance exam fee. Transferees from AMAES member schools are likewise exempted from paying the entrance exam fee.
3. Take the Entrance Examination (for "Freshman") or Qualifying Exam (for "Transferee") on the scheduled date of exam. Transferees from AMAES-member schools are not required to take the Qualifying Examination.
4. After passing the entrance/qualifying examination, submit all required documents to the Admission Officer.

ADMISSION REQUIREMENTS

Incoming Freshman

An incoming freshman who wishes to apply must submit the following requirements to the Admissions officer:

1. Completely filled out application form
2. Form 138 OR F137-A High School Report Card from DepEd accredited schools. In the absence of Form 138, the student should submit a certification that the Form 137 has not been sent to any school or College for admission.
3. Certificate of Good Moral Character from High School attended
4. Two pcs. (2x2) and Two pcs. (1x1) recent photographs (colored)
5. Photocopy of birth certificate or legal adoption papers (original copy must be presented for verification)
6. One (1) long brown envelope

Foreign Student Applicants

A foreign student who wishes to enroll must submit the following requirements to the Admissions officer:

1. Completely filled out application form
2. Photocopy of Student Visa (original must be presented for verification)
3. Letter of consent approved by CHED
4. Five copies of revised original personal History Statement (PHS) duly accomplished and signed by the applicant in English and in national alphabet, accompanied by personal seal, if any, original left and right hand prints on PHS and original photos.
5. A notarized affidavit of support and proof of adequate financial support to cover student's accommodation and subsistence, school dues and other incidental expenses. For scholars, certificate of scholarship from the institution concerned.
6. Photocopy of passport pages where name, photo, birth date and birthplace appear.
7. Photocopy of birth certificate or legal adoption papers (original must be presented for verification)
8. Two copies of (1x1) picture (items 1-4 are needed for Student Visa Application)
9. Admission letter indicating that the applicant took and passed the AMA entrance examination.

Note: Original copies of photocopied documents should be presented for verification of their authenticity.

Transferees/New Students:

A student transferring from another institution must submit the following requirements to the Admissions officer:

1. Completely filled up application form
2. Transcript of Records (TOR) or Certified True Copy of Grades (TCG) (from school previously attended)
3. Course description for all completed courses for which transfer credit is sought (authenticated by Registrar from originating school)
4. Honorable Dismissal from the school previously attended
5. Certificate of Good Moral Character from previous school
6. Photocopy of birth certificate or legal adoption papers (original copy must be presented for verification)
7. Two pcs (2x2) and Two pcs (1x1) recent photographs (colored)
8. One (1) long brown envelope
9. Admission letter indicating that the applicant took and passed the AMA entrance examination (Result of the Entrance Examination)

Residency Requirements for Transfer Students

Transfer students are required to complete at least 50% of the program credit requirement in residence at AMACU/AMACC. Maximum of 50% of the program course requirements can be applied for credit transfer.

Transferees from AMAES member schools

A student transferring from an AMAES member school maybe admitted to AMACU/AMACC provided the following requirements are submitted to the Admissions officer:

1. Certified True Copy of Grades
2. Letter of Intent to transfer
3. Honorable Dismissal from originating AMAES school
4. Certificate of Good Moral Character
5. Two (2) pcs 2x2 and Two (2) pcs 1x1 recent photographs (colored)
6. Photocopy of birth certificate or legal adoption papers (original must be presented for verification)
7. One (1) long brown envelope

NOTE:

Transferees from AMAES member schools are not required to take the entrance examination. All equivalent courses/modules of instruction taken from originating AMAES member school can be credited. Transferees from other AMAES member school however, must follow the curriculum currently being implemented to which they are seeking transfer.

Credit Transfer Application

Transfer students may be awarded credit for courses taken from the originating university/college/TVET school for general education courses/common and basic competencies or preparatory courses/core competencies provided the completed description/module of instruction requested for credit have equivalent course description/course outcomes and credit units (lecture and lab) / nominal duration (not lower by 5% of the total required number of hrs in lec/lab subjects) and a minimum grade of 3.0.

1. The student should submit an accomplished transfer credit form to the Office of the Registrar together with the official transcript of records and course description of courses applied for credit transfer.
2. The request is reviewed/approved by the SD/Dean/Educ. Coordinator.

3. The approved request is submitted to the Office of the Registrar for recording of credited courses.
4. The student will be provided with the Certificate of Registration (COR) form showing all the courses that should be taken during the term.

Application Procedures

1. Proceed to the Admissions Office for inquiries and secure a copy of the Application Form.
2. Pay the non-refundable Admissions Entrance Exam Fee of Php100.00 at the Admissions Office. The fee is applicable only to walk-in student-applicants. Graduates from the feeder-schools of AMAES and schools covered during the Outreach Campaign are exempted from paying the entrance exam fee. Transferees from AMAES member schools are likewise exempted from paying the entrance exam fee of 100 pesos.
3. Completely fill out the application form and submit this to the Admissions Officer.
4. Take the entrance examination on the scheduled date of exam. Transferees from AMAES member's schools are not required to take entrance examination.
5. Submit all required documents to the Admissions Officer.
6. Get admission results from the Admissions officer and proceed to enlistment.

Incomplete requirements

An applicant who fails to submit all required documents (e.g. photocopy of birth certificate, certificate of good moral character, etc.) for admission but passed the entrance examination may be admitted with pending status. The applicant and/or the parent/guardian must sign an "undertaking/promissory note" to submit lacking documents within three (3) months from the date of admission. A student who fails to submit within three months will not be given clearance for the term.

However, in cases where the lacking documents are specifically the admission credentials, i.e. Form 138, F137-A, Transcript of Records or Certificate of Transfer from last school attended, the applicant is required to submit a Certificate issued by the CHED Chairman at the beginning of the school term. Otherwise, the applicant will not be considered as officially enrolled.

ENROLLMENT PROCEDURES

For Freshman

1. Secure an Admissions Slip from the Admissions Office.
2. Proceed to the Dean/Educ. Coordinator's Office for enlistment.
3. Proceed to the Registrar's Office for review of enlisted courses and verification of credentials.
4. Proceed to the Admission's Office for final encoding of courses.
5. Proceed to the Accounting Office for assessment of fees.
6. Pay the assessed fees at the Cashier's Office and a Certificate of Registration (COR) shall be issued.

For Transferees

1. Secure the following from Admission Office:
 - a. Admission Slip
 - b. Credit Transfer Form
 - c. Transcript of Records for Evaluation
2. Proceed to the Dean/Educ. Coordinator's Office for assessment/preparation of credit transfer and enlistment which include:
 - a. Crediting of subjects and encoding
 - b. Advisement report
3. Proceed to the Registrar's Office for review of enlisted courses and verification of credentials.
4. Proceed to the Dean/Educ. Coordinator's Office for final encoding of courses
5. Proceed to the Accounting Office for assessment of fees.
6. Pay the assessed fees at the Cashier's Office and a Certificate of Registration (COR) shall be issued.

For Old Students

1. Check the schedule of enrollment for old students.
2. Proceed to the Enlistment area for advisement and enlist the courses that have been advised to enroll in.
4. Proceed to the Accounting Section for assessment.
5. Pay the assessed fees at the designated transaction windows at the Accounting Office.

Note:

1. You can also view your grades online and do online enlistment.
2. If you are a returning student, secure first a Clearance Form from the Registrar's Office prior to enlisting.

ADVANCED ENROLLMENT

Advance enrollment is allowed subject to the following:

- Academic Calendar set
- Availability of Schedules
- Compliance of Requisite rules

LATE ENROLLMENT

Late enrollment is allowed only within the specified time for extension of enrollment.

1. Secure approval from the Dean/Educ. Coordinator and enlist the courses as advised.
2. Proceed to the Registrar's Office for review of enlisted courses.
3. Proceed to the Admissions Office for final encoding of courses.
4. Proceed to the Accounting Office for assessment fees.
5. Pay the assessed fees at the Cashier's Office and a Certificate of Registration (COR) shall be issued.

WITHDRAWAL OF ENROLLMENT

Withdrawal of enrolment from the college/university is allowed until the day before the final examinations with appropriate charges. Charges will be based on the date of filing of the withdrawal form at the Accounting Office regardless if the student attended classes or not.

1. Students who enrolled and withdrew their enrollment before the start of classes maybe allowed to retrieve their enrollment credentials.
2. Students who have started attending classes may not be able to retrieve their enrollment credentials and will obtain a grade of:

IC (Incomplete) – mark given to students who fail to take the Final Examination or fail to submit course requirement(s) such as hardbound thesis/capstone courses, OJT completion certificates, or other terminal report required by the courses.

D (Dropped) – grade given to students who officially drop before the midterm period.

W (Withdrawn) – grade given to students who officially withdraw from the college.

3. Students would not be entitled for any refund and oblige to pay the whole amount due based on policy and procedure.

For students who paid in full

Date of Filing	Refund
Before the start of classes	100% refund of TOTAL FEES (Tuition and Miscellaneous fees)
Within the first week of classes	90% refund of TOTAL FEES (Tuition and Miscellaneous fees)
Within the second week of classes	80% refund of TOTAL FEES (Tuition and Miscellaneous fees)
After the second week of classes	NO REFUND
Note: Registration Fee, Other Fees and Application Fees are non-refundable	

For students who paid in partial

Date of Filing	Refund
Before the start of classes	Total Amount Paid less (Registration Fee + Other Fees + Application Fees)
Within the 1st week of classes	Total Amount Paid less (Registration Fee + Other Fees + Application Fees + 10% of Tuition & Miscellaneous Fees)
Within the 2nd week of classes	Total Amount Paid less (Registration Fee + Other Fees + Application Fees + 20% of Tuition & Miscellaneous Fees)
After the 2nd week of classes	No refund with appropriate charges
Note: Registration fee, Other fees, and Application fees are non-refundable	

For students with 1000 Pesos Partial Payment

- Students who paid 1000 pesos shall not be given any refund.
- Students will have to pay the remaining balance for the application, registration, other fees and appropriate percentage of tuition and miscellaneous fees depending on the date of withdrawal from the college.

Date of Filing	Refund	Charges
Before the start of classes	NO refund	Registration Fee + Other Fees + Application Fees -1000
Within the 1st week of classes	NO refund	Registration Fee + Other Fees + Application Fees + 10% of Tuition & Miscellaneous Fees - 1000
Within the 2nd week of classes	NO refund	Registration Fee + Other Fees + Application Fees + 20% of Tuition & Miscellaneous Fees - 1000
After the 2nd week of classes	NO refund	Registration Fee + Other Fees + Application Fees + 100% of Tuition & Miscellaneous Fees - 1000

CASH DISCOUNT

The student who pays in cash is entitled to 1% discount on the tuition fees.

PROMISSORY NOTES UPON ENROLMENT

As an exception, students may avail of the Promissory Notes (PNs) only under the following conditions:

- A student with no outstanding balance from previous term may be allowed to pay a minimum of 50% of the required down payment

of the current term in cash and execute a promissory note (PN) on the balance payable on or before the first day of the preliminary examinations (prelims).

- A student with a previous balance on a prior term must pay his outstanding balance in full and 50% of the required down payment of the current term in cash and execute a PN on the balance of the required down payment of the current term provide such PN is paid on or before the 1st day of the prelims.
- In cases where a student has an outstanding balance before the final examinations, the student shall be allowed to take the final examinations. However, the final grades of the student concerned, after being duly recorded and submitted to the Registrar, shall be withheld or the student's re-enrolment is refused.

The number of Promissory Notes allowed shall be limited to twenty percent (20%) of the previous term's population less allowance for attrition of twenty percent for all brands.

REGISTRATION/ENROLMENT FOR RESIDENCE

Students who have completed their coursework requirements and need only to complete their Thesis or remove their IC or IP marks in a given course are required to register for residence.

Students who are not enrolled in any course but want to complete an IC/IP mark must also register for residence. Students will not be allowed to complete/remove their IC/IP mark unless they are enrolled for residence.

Upon successful removal/completion of the IC/IP mark, the final grade will be recorded in the transcript under the term of the residency that the student completed/removed the IC/IP mark and not on the original date in which the course was first enrolled in.

APPLICATION FOR ID CARD, ID VALIDATION

All students must secure identification cards from the Registrar's Office. Students must present their Identification Cards when entering the school premises and should be properly worn at all times. The student ID serves as a basis for identifying the student when he transacts business with AMACC/AMACU. In case of lost ID card, a student should submit an affidavit of loss to the Registrar's Office. The student pays the appropriate fee at the Accounting Office and presents the receipt to the Registrar's Office with a 1" x 1" picture (white background) for replacement of the lost ID.

ACADEMIC POLICIES

ACADEMIC LOAD

Students should follow the curricular program structure they are enrolled in. Hence, regular academic load will be based on the number of units/hours reflected in the curricular program structure.

Regular Academic Load

The regular academic load for a particular semester/trimester refers to the total units reflected in the approved curriculum.

SEMESTER					TRIMESTER		
		Academic Load	Non-Academic Load	Total Load	Academic Load	Non-Academic Load	Total Load
Full-time Students	Maximum Load	24 Units	6 Units	30 Units	22 Units	6 Units	28 Units
	Minimum Load	12 Units	6 Units	18 Units	10 Units	6 Units	16 Units
Part-time Students	Maximum Load	9 Units	6 units	15 Units	7 Units	6 Units	13 Units
	Minimum Load	1 Unit	0	1 Unit	1 Unit	0	1 Unit

The **maximum load** is implemented to specific terms with non-academic course offering (e.g 1st year 1st Tri, 1st year, 2nd Tri, etc.) and in cases involving graduating students.

Overload

Only graduating students are allowed to have overload units but not to exceed 6 units and shall strictly comply with the policy on pre-requisites. A student must seek approval of the College Dean before he/she can be allowed to enroll the overload courses.

COURSE PREREQUISITE

Courses approved as prerequisites to other courses may not be waived except in meritorious cases. This means that students who have enrolled and fully attended a course that is a prerequisite to another may be allowed to enroll and attend the latter course for credit, without having passed or earned credit/s for the pre-requisite course.

No permission will be granted without a written request from the student and a certification from the instructor of the prerequisite course that the student had fully attended the said course. The Dean of each college will be authorized to grant the permission based on the merits of the letter of request.

Hence, a student who is granted permission is required to take up the prerequisite course simultaneously with the course to which the former is a prerequisite or immediately on the term if the prerequisite course is not offered.

Courses approved as prerequisites to other courses may be taken simultaneously with the latter course if the student is graduating and needs only the latter course to complete the requirements for graduation.

COURSE CREDITING FOR TRANSFER STUDENTS

Within AMAES

All equivalent courses will be credited within AMAES member schools. Equivalent courses refer to those with the same course description and course credit both lecture and laboratory credits.

From other schools

- Relevant GE courses are credited provided the courses have the same course description and course credits (lecture and laboratory credits)
- Other preparatory courses can be credited provided these courses have corresponding equivalent in the AMA program.
- All major courses must be validated. A student must pay the appropriate validating fee. Should the taker pass the validating exam, the course will be credited. If, however, the taker fails the validating exam, then the course must be enrolled.
- All requests for crediting beyond this guideline must be recommended for approval by the College Dean, School Director and conferred by the Head of Academic Affairs and Head of Operations.

SECOND DEGREE PROGRAM

Students who are degree holders, granted with Special Orders by the CHED, and who are enrolling in a second degree program will be given credit in all equivalent GE courses, preparatory courses and major courses.

Graduates of AMAES who wish to take a second degree program will be given credit to all GE, preparatory, major courses and elective courses taken in the first-degree program that have equivalent courses in the second-degree program applied for.

Thesis, Design Project and Practicum/OJT will not be given credit for the second-degree program. Thus, the student will be required to enroll and complete all requirements pertaining to the Design Project and Practicum/OJT requirement of the second program. Thesis, Design Project and Practicum/OJT Guidelines will be implemented. These topics related or extension of the student's previously completed Thesis or Design Project in the first degree will be allowed.

AMAES student who wish to earn a second degree program can prepare for its completion, by taking elective courses that are required in the second degree program.

SUBSTITUTION OF COURSES

Substitution of courses may be allowed only in the following cases:

- When a student is pursuing a curriculum that has been superseded by a new curriculum and the substitution tends to bring the curriculum in line with the new.
- When there is conflict of hours between a required course and another course, or
- When the required course is not offered and non-enrolment of which would result to undue delay in the completion of the program.

Prescribed elective courses can be substituted with the equivalent courses provided that the student applied for the said substitution.

Every petition for substitution must:

- Involve courses within the same department, if possible. If not, the two courses concerned must be allied to each other.
- Be between courses having the same number of units, and
- Be recommended by the Head of the Department concerned.

No substitution shall be allowed for any course in which the student has failed or received a grade of "5.00".

All petitions for substitution must be submitted to the Office of Dean only after the second week after the formal start of classes. Any petition submitted thereafter shall be considered for the following term. Only after the School Director approved the substitution can the student enroll the substitute course.

ADDING / DROPPING OF COURSES

A student who wishes to change/ add/ drop course(s) should accomplish a dropping/ adding form which is available at the Registrar's office provided however, that such change will not conflict with his other schedules and result to overload in units.

Accomplished form should be filed at the Accounting Office not later than the last day of adding/dropping schedule for possible refund or additional payment depending on the course(s) dropped/added.

Dropping of Course

A student is allowed to drop from enrolled course(s) until before the midterm examination without academic penalty. A grade of D (officially dropped) will be recorded on the transcript for the course(s) from which the student has dropped. The grade D will not be included in the computation of the student's GPA.

A student is not allowed to drop from enrolled course(s) after the midterm examination.

A student who incurred absences for more than 20% of the required total number of laboratory or lecture hours shall be given a grade of UD (unofficially dropped) for the courses where the absences were incurred.

If absences were recorded before the midterm exam and the student did not drop the courses officially, a grade of UD is given. If absences were recorded after the midterm period, a grade of UD or 5.00 will be given depending on the academic standing of the student. If the academic standing is passing, a grade of UD will be given; if the academic standing is failing, a grade of 5.00 is given.

However, if a student with a condition (e.g., operation, hospital stay, serious illness, etc.) dropped from a course after the midterm examination, he must submit a petition to the Office of the Registrar with the appropriate original medical documents. The Office of the Registrar will verify the claims and approve the change of status from a UD to D or from 5.00 to D.

SHIFTING TO ANOTHER PROGRAM

Shifting or transferring to another program is allowed. All equivalent courses/modules of instruction will be credited towards the new program. The student shall be furnished by the Registrar's Office with a copy of the credited courses under the new program.

To shift to another program, the student must accomplish an application form for this purpose duly approved by the Dean of the accepting college and recommended by the Dean of the originating college.

A student who cannot meet the academic requirements of one program may be advised by the Dean to shift to another program within the same college or to a program in a different college. If the student cannot meet the academic requirements of the new program, he/she will be subjected to the scholastic delinquency policy.

CROSS ENROLLMENT

Cross-enrollment from AMAES to AMAES/Non-AMAES Schools

The following rules must be observed:

1. Students are not allowed to cross-enroll if the course is offered in the "mother school"
2. Non-graduating students are not allowed to cross-enroll
3. Non-credit courses are not allowed for cross-enrollment.
4. Major courses are not allowed for cross-enrollment
5. Students maybe allowed to cross-enroll in any of the AMAES Schools depending on the need for completion of the subjects if the student is "graduating" on the said term.

Procedure

1. Get the form at the Registrar's Office
2. Accomplish the cross-enrollment form
3. The courses for cross-enrollment should bear the same course code description/scope of student and same number of units.
4. Class Number in the Oracle should be indicated.
5. Proceed to the Enrollment Adviser.
6. Proceed to the Dean/Educ. Coordinator for final endorsement to the Registrar.
7. Proceed to the Registrar for final approval and pay the fees at the Cashier's Office.
8. Secure the Cross-enrollment permit from the Registrar's Office.

Cross-enrollment from AMAES/Non-AMAES schools to AMAES

1. Submit the cross-enrollment permit to the Admissions Officer of the admitting school. The cross-enrollment form must be signed by the Registrar and with the school deal.
2. Proceed to the Dean/Educ. Coordinator's Office for confirmation of the availability of the courses following the criteria below:
 - Same course code
 - Same description and scope of study
 - Same number of units
3. Proceed to the Registrar's Office of the admitting school for approval.
4. Proceed to the Admissions Office for enrollment.

After completion of cross-enrollment

1. Transcript of records/Certificate of grades shall be released at the Registrar's Office of the admitting school and to be submitted to the mother school.
2. Grades incurred is not included in the computation of the Grade Point Average (GPA)
3. Release of grades or transcript of records can be school-to-school basis or entrusted to the bearer if the school allows the student to hand carry.

PROCEDURE ON TRANSFER FROM AMAES TO AMAES

Note: This procedure applies to students who are transferring from an AMAES school to another AMAES School. This will cover cross-brand transfers.

1. The student should be proceed to the Admissions Office for screening of credentials.
2. The student must submit transfer credentials to enroll to the College Dean/Educ. Coordinator indicating the courses to be enrolled and the application form. Application must be recommended by the College Dean/Educ. Coordinator and approved by School Director. No student will be allowed to enroll to other AMAES branch/campus without the approval of the Dean/Educ. Coordinator and the School Director of the "home" Campus/branch.
3. The student should submit the following to the admitting branch:
 - Transcript of records from the previous branch for evaluation.
 - Subject description of the subjects taken from the previous branch.
 - Honorable Dismissal.
 - Clearance of Accounts.
4. Proceed to the Registrar for final approval of the evaluation and enlistment of subjects. The student will be advised that the units taken from other branch is not included in the computation of GPA.

5. Proceed to the Accounting Division for assessment of fees and pay at the Cashier's office.
6. Upon payment of the fee, the student should accomplish a "Transfer Credit Form" approved by the Dean/Educ. Coordinator.
7. Transfer credit form should contain the course(s) for "credit" as reflected in student curriculum as well as it corresponding course/subject equivalent in the "host" branch.
8. The student should secure an official enrollment form or Certificate of Registration from the Accounting, which shall then be presented to the faculty concerned.
9. Faculty will then affix his/her signature to attest that the student has been officially accepted in the class.
10. During examination period, student must secure all test permits before taking the term examination.

LEAVE OF ABSENCE

A student is allowed to file a leave of absence (LOA) from the school until the last day of enrolment. Leave of absence will be reflected in the official transcript of records of the student. A student who did not register and failed to submit approved leave of absence form will be included in the absence without leave (AWOL) list. A student on leave of absence may not participate in co-curricular or extra-curricular activities while on leave from the school.

Procedure on filing leave of absence

1. Obtain leave of absence form at the Registrar's Office
2. Accomplish the leave of absence form.
3. Present the accomplished leave of absence form to the Accounting office and pay the applicable fee.
4. Submit the completely accomplished leave of absence form to the Registrar for updating of records.

RETURNING STUDENT

Returning students are those who are returning after not enrolling for more than two (2) terms. Students who are classified under this may be affected by changes in the curriculum and other revalidation procedures.

1. A student who is on LOA or on AWOL for more than (1) trimester/semester must seek re-admission approval from the College Dean/Educ. Coordinator. A copy of the approved re-admission form must be submitted to the Registrar's Office to re-activate the records

of the student.

2. A student who has been dismissed for academic deficiencies or suspended for disciplinary reasons for one or more trimesters/semesters must submit an application for re-admission and a letter of appeal to the College Dean/Educ. Coordinator. The application for re-admission must be recommended.

A student who stopped for more than five (5) years and with only 10% or less of course deficiencies (e.g. 15-21 units remaining to complete the program) shall be allowed to use their **old curriculum** or the curriculum of which they started with.

The student must complete the program and graduate within one (1) year. Otherwise, an additional penalty of one (1) course for every year of extension will be imposed. If the remaining deficiency includes Thesis A and B or Design Project, the student is required to present a new thesis topic or Design Project and enroll both Thesis A and Thesis B (DESPRO1 and DESPRO2 for Engineering).

A student who stopped for more than five (5) years and with more than 10% of course deficiencies (e.g. more than 21 units remaining to complete the program) shall use the **new curriculum** or the revised curriculum currently implemented. All courses taken from the previous curriculum will be credited, provided that these are equivalent to the courses in the new/revised curriculum.

Procedure

1. The student must present a letter of request for reinstatement to be approved by the Dean and the SD.
2. The student must enroll the penalty course(s), which is one (1) course for every year of extension beyond the five-year grace period (e.g. if the student stopped for 10 years, he will have to enroll five (5) penalty courses). The Dean, upon the recommendation of the Program head will prescribe the penalty courses.

Rejoining students (students who have discontinued for less than five (5) years) should first secure a written permission from the Dean of the College where they were last enrolled in before they can enroll.

Students who are returning after serving a suspension must first secure clearance from the Dean of the college and School Director before they can enroll.

DISQUALIFIED/DISMISSED STUDENTS

Students who have been disqualified from the program they are currently enrolled in due to their failure to meet the grade requirements despite allowed remedial classes may seek admission to other programs.

Students who have been dismissed or disqualified for reasons outlined in the scholastic delinquency policies will not be granted admission in any of the Colleges of AMAES.

REQUEST FOR TRANSFER CREDENTIALS

A student who intends to transfer to another academic institution must submit a letter to the College Dean indicating the intention to transfer and reason(s) for the transfer.

Request for transfer credentials shall be filed with the Registrar's Office. A student shall secure a clearance from the Registrar's Office, and have it signed by the respective department heads indicated in the form, prior to the issuance of the transfer credentials.

AMA strictly enforces a NO Clearance, NO Release of Transfer Credential policy. Students are advised to process their student clearance on time to avoid unnecessary delays.

SCHOLARSHIPS

AMA Provides a scholarship grant to qualified students subject to availability of student's approved of the chairman.

INSTITUTIONAL SCHOLARSHIPS

Amable M. Aguiluz Sr. Memorial Scholarship Grant. In memory of AMA Sr. this scholarship grant is for financially challenged but academically qualified students. Maximum of 1% of total population per branch, application is subject for approval of the Chairman.

Qualifications:

Graduated with above average grade:

1. Final High School Grade of 80 or better
2. No grade below 80 in Mathematics, Science and English

Annual Family Income not exceeding:

Provincial	Php72,000
NCR	Php100,000

Benefits:

Discount on all fees shall be as follows:

HS Average Grade	Discount
80 - 89	50% discount
90 – 94	75% discount
95 and above	100% discount

A student shall pay corresponding fees including the application, registration and student organization fees.

Terms and Conditions:

1. To continue enjoying the scholarship grant, the grantee must maintain a GPA of 2.0 on a minimum load of 18 units/trimester or 16 units/semester.
2. Scholarship can be granted for a maximum of 4 years only and subject to renewal every term.
3. No grade below 3.0, D and UD in all courses enrolled.
4. Must not be charged with any academic violation.
5. Must not be involved in any form of conduct violation.

6. The corresponding fees are paid.

Requirements:

1. High School Report Card (Form 137)
2. Income Tax Return/ Income Tax Exemption from BIR
3. Recommendation letter from School Director and Approved Application form (With the Chairman's Approval)

ACADEMIC SCHOLARSHIPS

Amable R. Aguiluz V Honors Scholarship Award. The Chairman and founder of AMAES bestows scholarship awards to incoming freshmen students who graduated as valedictorian or salutatorian in DepEd recognized high schools.

Qualification:

Graduated with honors (first honors/valedictorian and second honors/salutatorian) in any DepEd recognized private or public high school.

Benefits:

Valedictorian - 100% discount on all fees
Salutatorian - 50% discount on all fees

Students need only to pay the application, registration and student organization fees.

Terms and Conditions:

1. To continue enjoying the scholarship grant, the grantee must maintain a GPA of 1.75 on a minimum load of 18 units/trimester or 16 units/semester.
2. Scholarship can be granted for a maximum of 1 year only and subject to renewal every school term.
3. No grade below 3.0, D and UD in all courses enrolled.
4. Must not be charged with any academic violation.
5. Must not be involved in any form of conduct violation.
6. The corresponding fees are paid.

Requirements:

1. Certificate of Recognition as first honor/ valedictorian or second honor
2. salutatorian issued by the Principal

3. Two letters of recommendation from previous high school teachers
4. Recommendation of School Director
5. Approved application form (With the Chairman's Approval)

Academic Excellence (ACAEX) Scholarship Award

Qualifications:

1. Minimum of one (1) year residency in the university.
2. GPA for one year of 1.0 - 1.75 on a minimum load of 18 units/trimester or 16 units/semester.
3. No grade below 3.0, D, and UD in all courses enrolled.
4. No disciplinary cases/academic violations or pending cases at the office of student services.

Benefits:

100% discount on all fees for student with a GPA of 1.24 or better on the succeeding year (first term)

75% discount on all fees for students with a GPA of 1.25 to 1.50 on the succeeding year (first term)

50% discount on all fees for students with GPA of 1.51 to 1.75 on the succeeding year (first term)

Terms and Conditions:

1. To continuously enjoy the scholarship award, the recipient must maintain a term GPA of 1.00 – 1.75 on a minimum load of 18 units/trimester or 16 units/semester.
2. No grade below 3.0, D and UD in all courses enrolled.
3. Must not be charged with any academic violation.
4. Must not be involved in any form of conduct violation.
5. Scholarship can be granted for a maximum of 4 years only subject to renewal every term.
6. The corresponding fees are paid.

Requirements:

1. True copy of grades issued by the registrar (term grades must be submitted for renewal of scholarship)
2. Certificate of Good Moral from the Office of Student Relations/Dean
3. Approved application form (for Chairman/ President Approval)

GOVERNMENT/CHED MANDATED SCHOLARSHIP

Tertiary Education Subsidy (TES) Scholarship

The following should be submitted to the branch Accounting Specialist prior to the enrollment.

1. Proof of students award of eligibility.
2. Paid enrollment down payment of minimum amount per trimester/semester.
3. TES grants shall cover no longer than one (1) academic year and are subject to renewal.

DSWD Educational Assistance

1. Proof of students award of eligibility.
2. Good for one trimester/semester only and are subject for renewal.

Note: DSWD Educational Assistance. A financial aid for the education of certain people of eligibility. They're offering a type of educational assistance for indigent students and other qualified students.

PROCEDURE TO AVAIL SCHOLARSHIP

Standard Scholarship Application Procedure

1. Secure Scholarships/Financial Aid Application Form from the Admissions Office.
2. Submit completely accomplished application form to the Office of the School Director at least two (2) weeks before the regular registration period.
3. Attach the required documents.
4. Incomplete attachments and late application will not be processed.
5. Applicants will be notified of the result of their scholarship application one week before the start of regular registration.

Scholarship Implementation Procedure

1. No scholarship certificate, no enrollment.
2. Students applies on line with AMA Foundation (form to be crafted by AMA Foundation);
3. Students picks up certificate presenting ID;
4. Students proceed with enrollment. Scholarship certificates must be presented to registrar before they will allowed to enroll and attend classes.

Standard Renewal Procedure

1. The scholarship grant of a student-beneficiary may be renewed provided he/she complies with all the renewal requirements, whether academic or otherwise.
2. Secure Scholarships/Financial Aid Application Form from the Admissions Office.
3. Submit completely accomplished application form to the Office of the School Director at least two weeks before the regular registration period.
4. Attach all required documents particular to a specific scholarship category.
5. Incomplete attachments and late application will not be processed.
6. Applicants will be notified of the result of their scholarship application for renewal one week before the start of regular registration.

Processing and Approval of Scholarship Application or Renewal of Existing Scholarships

1. The School Director shall inform all applicants of the results of their application in writing regardless if the application is approved or disapproved. If approved indicate the benefits and the requirements to continuously enjoy the scholarship grant.
2. Students with approved scholarships must submit a photocopy of the letter of approval to the cashier during payment. Original letter of approval must be presented for verification purposes.

GENERAL POLICIES FOR STUDENTS

ATTENDANCE

Students are required to attend classes regularly. Students who incurred more than the allowable number of unexcused absences (20% of the total contact hours) will be dropped from the class and will be given a grade of Unofficially Dropped due to excessive absences (UD).

In cases of prolonged absences due to medical reasons, students are required to present medical certificates or documents. A student who fails to submit a medical certificate or document will be marked absent for the duration.

GRADING SYSTEM

Grade Range	Grade Point	Grade Input	
96-100	1.00	A+	Excellent
91-95	1.25	A	Very Good
86-90	1.50	A-	Very Good
81-85	1.75	B+	Good
75-80	2.00	B	Good
69-74	2.25	B-	Good
63-68	2.50	C+	Fair
57-62	2.75	C	Fair
50-56	3.00	C-	Fair
Below 50	5.00	F	Failed
	IC	IC	Incomplete
	IP	IP	In Progress
	W		Withdrawal
	D		Dropped

IC – A mark for conditional grade which is given to students who did not:

- Take the Final Examination
- Organize seminars and/or attend the field trip component of the Field Trip and Seminar course.

- IP** – A mark for conditional grade which is given to students who did not:
- Finish their project prototype or software
 - Attend the scheduled thesis/capstone defense
 - Complete the required on-the-job training (OJT) Hours.
 - Submit course requirement(s) of thesis/capstone/feasibility/OJT like hardbound, OJT Reports, completion certificates, etc.

W – Mark given to students who officially withdraw from the college.

D – Mark given to students who officially dropped from the rolls before the midterm period.

Note:

- Grade transmutation is no longer implemented in all term grades.
- Grade computation will be as follows for all quizzes, assessed projects, assignments, term examinations:

$$(\text{Raw Score} / \text{Maximum Score}) \times 100\%$$

Grading System for Trimestral Mode

A. Lecture Class only

Final Grade = 30% (Prelim Grade) + 30% (Midterm Grade) + 40% (Final Grade)

Prelim Grade	30%
Midterm Grade	30%
Final term Grade	40%
FINAL GRADE	100%

Breakdown of grade for each term period must be:

Quizzes (2)	40%
Class Participation (projects, assignments, recitation, attendance)	10%
Major Exam	50%
LECTURE GRADE	100%

B. Classes with laboratory

Final Grade = 30% (Prelim Grade) + 30% Midterm Grade + 40% (Final Grading term Grade)

Term Grade = 60% (Lecture Grade) + 40% (Laboratory Grade)

Breakdown of lecture grade per term must be:

Quizzes	40%
Class participation (projects, assignments, recitation, attendance)	10%
Major Exam	50%
Lecture Grade	100%

Breakdown of laboratory grade per term must be:

Experiments/Machine Problems (minimum of 2)	40%
Class participation	10%
Major Exam	50%
Laboratory Grade	100%

Grading System for Semestral Mode

A. Lecture Class only

Final Grade = 20% (Prelim Grade) + 20% (Midterm Grade) + 20% (Pre-final term Grade) + 40% (Final term Grade)

Prelim Grade	20%
Midterm Grade	20%
Pre-final Term Grade	20%
Final term Grade	40%
FINAL GRADE	100%

Breakdown of grade for each term period must be:

Quizzes (2)	40%
Class Participation (projects, assignments, recitation, attendance)	10%
Major Exam	50%
LECTURE GRADE	100%

B. Classes with laboratory

Final Grade = 20% (Prelim Grade) + 20% Midterm Grade + 20% (Pre-final term Grade) + 40% (Final Grading term Grade)

Term Grade = 60% (Lecture Grade) + 40% (Laboratory Grade)

Breakdown of lecture grade per term must be:

Quizzes (2)	40%
Class participation (projects, assignments, recitation, attendance)	10%
Major Exam	50%
Lecture Grade	100%

Breakdown of laboratory grade per term must be:

Experiments/Machine Problems (minimum of 2)	40%
Class participation	10%
Major Exam	50%
Laboratory Grade	100%

COMPLETION/REMOVAL OF INCOMPLETE (IC) GRADE

A student who received a grade of IC shall be given a period of one (1) year from the time the IC was incurred to complete/remove the grade.

If however, the student still fails to take the removal/completion examination or submit the requirements for the course(s) within the one (1) year period the IC grade will be converted to a grade of 5.00 and the student will be advised to re-take/re-enroll the course(s).

Procedure for IC Removal/Completion

1. Get completion/removal form from the registrar's office.
2. Fill out the form completely.
3. Submit the form to the College Dean.
4. Take note of the schedule of removal/completion examination(s).
5. Take the removal/completion examination(s) on the scheduled date.
6. After taking the exam, consult with the Dean about the result of the exam(s) and the final grade for the course.
7. Check with the registrar's office if the IC grade(s) was/were changed accordingly.
8. If the IC grade(s) was/were changed to a failing mark, the student must re-enroll the course(s).
9. Absolutely NO appeal on the late removal/completion examination will be entertained.

GENERAL POINT AVERAGE

Only grades in academic courses are included in the computation of the GPA. Grades in P.E. and NSTP are not included.

To compute the GPA:

- Multiply the credit units for each course by the corresponding grade points merited in each course to get the honor the points.
- Add the honor points to get the total.
- Divide the total honor points by the total number of credits during the term. Indices are computed to four decimal places rounded off to two.

Grades in courses which were cross-enrolled will be included in the computation.

GRADE COMPLAINTS

A student who is in doubt or has complaints on the grade(s) obtained can make an appeal to the College Dean within one (1) week after receipt of the grade slips.

Procedure in Filing Grade Complaint(s)

1. Get a grade complaint form from the Registrar's office.
2. Completely fill out the form.
3. Submit the complaint form to the College Dean.
4. If the complaint(s) is/are valid, the College Dean shall conduct an inquiry with the concerned faculty and resolve the grade complaint(s) within one (1) week upon receipt of the complaint(s).
5. Consult with the College Dean about the result of the grade complaint(s).
6. Check with the Registrar's office if the grade complaint(s) were recorded and the final grade(s) have been changed accordingly.

Absolutely NO change of grade will be accepted after the scheduled period.

ACADEMIC STANDING

Academic standing shall be determined by the Grade Point Average (GPA) of the student computed every end of the term. The Registrar shall compute the academic standing of the students and submit list result to the College Dean for appropriate actions.

Good Academic Standing – GPA 2.75 or better and passed at least 75% of the total academic units enrolled for the term.

Academic Probation – GPA 3.0 or better and passed at least 50% of the total academic units enrolled for the term.

SCHOLASTIC DELINQUENCY

Student Notice

A student who fails 25% of the total units enrolled in the term will be classified as under STUDENT NOTICE.

A student is issued a STUDENT NOTICE by the College Dean if the GPA for the term is at least 3.0 but fails 25% of the total units enrolled for the term.

The STUDENT NOTICE is a reminder from the College Dean for the student to improve his/her academic performance in the following term.

Probationary Status

A student with GPA of at least 3.0 but failed 50% of the total units enrolled in the term will be classified as under PROBATION and will be placed on the PROBATIONARY status list.

Students who received STUDENT NOTICE for two (2) consecutive terms will also be placed on the PROBATIONARY status list.

- A student is issued a notice from the College Dean about his/her probationary status. The letter shall include an advisory for the student on how to improve his/her academic performance and be removed from the PROBATIONARY status.
- A student placed under PROBATIONARY status will be allowed to enroll a maximum of 15 units in the succeeding term to help him/her improve his/her academic performance.
- A student will be removed from the PROBATIONARY status list after passing at least 75% of the total units enrolled in the succeeding term and obtaining a GPA of 3.0 or better.

Dismissed Status

A student with a GPA below 3.0 and failed more than 75% of the total units enrolled in the term will be classified as under DISMISSED status.

A student who received PROBATION NOTICE for two (2) consecutive terms will also be placed on the DISMISSED status list.

- A student is issued a notice from the College Dean about his/her dismissed status. The notice letter shall include the advisory for the student on how to apply for re-admission in the same program or in a different program of study.
- A student placed under DISMISSED status must apply for re-admission in the same program or in a different program of study to the College Dean. The College Dean must provide a decision one (1) week after the appeal is submitted.
- A re-admitted student will be allowed to enroll a maximum of 12 units in the succeeding term to help him/her improve the academic status.
- A re-admitted student will be removed from the DISMISSED status upon passing at least 75% of the total units enrolled in the succeeding term and obtaining a GPA of 3.0 or better.

Disqualified Status

A student with GPA below 3.0 and failed 100% of the total units enrolled in the term will be classified as under DISQUALIFIED status.

A student who received DISMISSED NOTICE for two (2) consecutive terms will also be placed on the DISQUALIFIED status list.

- A disqualified student may submit an appeal for re-admission in a different college/program to the School Director. Should the School Director finds merit in the appeal, the letter will be recommended for approval of the VPAA.
- A re-admitted student will be advised to shift to a less demanding program of study and will be allowed to enroll at the most 12 units in the succeeding term.
- A student with denied re-admission appeal will be advised to transfer to other institution and will be given honorable dismissal and transcript of record after all school clearances are accomplished.

MAXIMUM RESIDENCY RULE (MRR)

A student must finish the requirements of a program of any college using the same curriculum within the period of actual maximum residency rule (MRR) which is equivalent to twice the normal length prescribed for the program.

A student who fails to complete the program of study in the prescribed MRR may request for waiver of the MRR.

1. The student must submit a written request for waiver of the MRR to the College Dean. The request to continue with the same curriculum shall be evaluated and decided within one (1) week upon receipt of the request.
2. The approved request for waiver of MRR shall include penalty subjects if applicable or new curriculum if appropriate with all the credited courses. The approved request will be provided to the student concerned and a copy of which will be forwarded to the Registrar's Office to be included in the student's records.
3. Penalty course(s) will be appropriated to one (1) course for every year beyond the MRR. The College Dean upon the recommendation of the program head must prescribe the penalty courses.

4. The student must get a copy of the penalty courses if applicable and enroll accordingly.

EXAMINATION

As a general policy NO student is allowed to take a major examination without the TEST PERMIT. The student should observe the following:

1. Secure the test permits from the accounting/cashier office at least a day before the scheduled examination to avoid long time spent in queues.
2. Be at the prescribed examination room and scheduled examination date at least 10 minutes before the start of the exam. Those who are late for at most one(1) hour will be accepted but will not be given extra time to finish the examination.
3. Wear the school ID and present the test permit to the assigned proctor before entering the examination room. Make sure that the proctor signs the TEST PERMIT.
4. Take the assigned seat and sign the attendance sheet
5. Complete the examination within the prescribed period. No student will be allowed to leave the examination room. All communication devices are not allowed to be used during the examination.
6. Submit the completed examination to the proctor and leave the examination room quietly.

Procedure if the student FAILS to take a major examination

A student who is absent during the scheduled examination or who is late for more than one (1) hour or who has an examination conflict and therefore fails to take the scheduled examination will still be allowed to take a make-up/special examination as scheduled provided that the student presents:

- An excuse slip for being absent during the exam period (sickness, accident, death of immediate family members, etc.);
- An excuse slip for being late for more than one(1) hour during the scheduled examination;
- A certification from the college dean/education coordinator for the conflict examination; or
- A certification from cashier/accounting officer for nonpayment of the fees during the scheduled examination.

Make-up / Special Exams

During the scheduled make-up/special exam, the student should observe the following:

1. Be at the prescribed examination room and scheduled make-up/special examination date at least 10 minutes before the start of the exam. Those who are late for at most one(1) hour will be accepted but will not be given extra time to finish the examination.
2. Wear the school ID and present the test permit and appropriate excuse slip or medical certificate to the assigned proctor before entering the examination room. Make sure that the proctor signs the TEST PERMIT.
3. Take the assigned seat and sign the attendance sheet.
4. Complete the make-up/special examination within the prescribed period. No student will be allowed to leave the examination room. All communication devices are not allowed to be used during the examination.
5. Submit the completed examination to the proctor and leave the examination room quietly.

Failure to take the make-up/special examination within the prescribed schedule will mean a grade of zero (0) in that term examination and the term grade will be computed accordingly.

If however, the student fails to take the Final Term examination during the Make-up/Special Exam schedule, the student will be given a grade of Incomplete (IC) mark in the respective course(s).

OTHER CURRICULAR REQUIREMENTS

NATIONAL SERVICE TRAINING PROGRAM (NSTP)

All students enrolled in any baccalaureate degree course or at least 2-year technical vocational or associated courses in public and private educational institution shall be required to complete one (1) NSTP component to be taken for two terms:

The prescribed NSTP programs comprise the following:

NSTP1A – Civic Welfare Training Services (CWS) Part 1 (3 Units)

NSTP2A – Civic Welfare Training Services (CWS) Part 2 (3 Units)

NSTP1B – Literary Training Services (LTS) Part 1 (3 Units)

NSTP2B – Literary Training Services (LTS) Part 1 (3 Units)

Grading System:

NSTP 1			
	Quizzes	Attendance	Major Exam
Prelim Grade	40%	10%	50%
Midterm grade	40%	10%	50%
Final Term Grade	40%	10%	50%

NSTP 2			
Prelim Grade	Quizzes	Attendance	Major Exam
	40%	10%	50%
Midterm Grade	Project Proposal Presentation - 40% Attendance - 10% Community Extension Project Plan - 50%		
Final Grade	30% Prelim Grade + 30% Midterm Grade + 40% Pre-final Grade		

ON-THE-JOB TRAINING / PRACTICUM PROGRAM

On-The-Job Training / Practicum programs are structured off-campus based training programs and hands-on practical integration of formal classroom training. The primary purpose of the program is to:

1. Develop the skills of student/trainee through intensive and supervised training that is employment-based; and
2. Meet industry skills needs in terms of efficiency and effectiveness in actual work-related scenarios.

OJT/Practicum Procedure

1. The student should enroll in the appropriate OJT/Practicum course. Make sure that the correct units are enrolled. Practicum/OJT courses are charged as lecture.
2. Meet with the assigned Practicum/OJT adviser and get instructions on:
 - Company/Organization where the student will have his/her OJT/Practicum. Students can only undergo OJT/Practicum in related/relevant training institutions.
 - Guidelines and tips on how to report to the company/organization, objectives and scope of the training as well as the name of the contact person/training institution supervisor and the schedule of duty of the student to the company.
 - Scope of the training must be within the discipline or within the line of work of the student.

3. Report to the assigned company/organization and excel in the assigned tasks/duties.
4. Write the case(s) based on actual experience and apply the theories and principles learned in the classroom.
5. Meet with the Practicum/OJT adviser as scheduled (one hour per week) and submit the required progress reports. Meetings with OJT/Practicum adviser will not be counted as part of the required OJT/Practicum hours.
6. Students must complete the required number of hours as indicated in their respective program of study or complete a programming module/package, depending on the agreement of the student-trainee, practicum adviser/mentor and training institution supervisor.

EVALUATION OF STUDENT PERFORMANCE

Since a definite work schedule shall have been agreed upon between the Practicum Adviser / Mentor and the training institution practicum supervisors, the student must be able to finish the work assigned to him/her on time. The student will be evaluated on the basis of performance of the tasks assigned to him/her.

The following skills/competencies/attitude will be the basis for assessing student-trainee performance and numerical grade.

Technical Skills. Effective application of identified skills and knowledge to meet the requirements or problems in their assigned areas or scope of responsibility (e.g. documentation, encoding, programming, etc.).

Quality of Work. Consider accuracy of work done based on expected output, reliability of the output, judgment to quality standards and delivery of output against target dates.

Initiative and Dedication. Consider attitudes toward work (e.g. enthusiasm, aggressiveness and persistence).

Interpersonal and Team Relationships. Harmonious working relationships in carrying out work activities with employees and flexibility and receptiveness in dealing with others.

Attendance and Punctuality. Number of absences and tardiness per evaluation period will be noted against the student's-trainee's score.

Personality Assessment. Appropriateness of the attire to the working environment, good grooming, cheerfulness and good communication skills forms part of the evaluation.

Likewise, the OJT/Practicum adviser must provide an evaluation and numerical grade base on the following:

1. Attendance during scheduled meetings.
2. Submission of the required documents including copy of the certificate of completion. A grade of IC will be issued to the students for failure to submit copy of the certificate of completion.

The Final Grade = 90% (grade from training institution) + 10% (grade from OJT/Practicum adviser)

Copy of the Certificate of Training Completion from the training institution will be submitted to the OJT adviser. The original Copy will remain with the student.

FIELD TRIP

Students who are joining the off-campus trip are briefed by the Dean/Program Head at least one (1) day before the actual schedule of the trip.

1. Students are not allowed to bring, purchase and drink any alcoholic beverages or illegal substance during the entire field/educational trip.
2. Students must at all times, conduct themselves as responsible persons in dealing with co-students, faculty members and company authorities.
3. Students are not allowed to leave the designated premises for the duration of the trip.
4. Students will not be allowed to join the trip without a signed written consent and waiver form from the parent or guardian. The said waiver must be submitted to the office of the dean at least one (1) week before the scheduled date of the trip.

THESIS PROJECT

Students enrolled in AMACU/AMACC and whose program of study requires a thesis or capstone project must follow the guidelines and procedure below:

1. Thesis or Capstone Projects are terminal courses and therefore only graduating students or on their last year of attendance are allowed to enroll the said course.
2. After enrolment of the course students must report to the assigned adviser and attend regular scheduled class meetings.
3. Submit requirements of the course according to schedule.

4. Pay the defense fee and present/defend the completed Thesis/capstone project as scheduled.

Thesis A/DESPRO 1 Course Requirements and Grading System

Course Requirements

1. Topic Proposal
2. Chapter 1
3. Chapter 2
4. Chapter 3

THESIS A/DESPRO 1 Grading System

Preliminary Period	Chapter 1 (Introduction) + exam
Midterms Period	Chapter 2 (Review of Literature) + exam
Final Period	Chapter 3 (Materials & Method) + exam

Final Grade = 30% (Prelim) + 30% (Midterm) + 40% (Final)

A student will receive an "IC" mark for the following reasons:

1. Failure to pay financial obligations even if the required chapters 1, 2 and 3 were submitted. Should any of the members of the group fail to pay outstanding financial obligations, only said member will be given an IC mark. The appropriate numerical grade will be given upon presentation of proof of payment for the outstanding balance.
2. Failure to submit the revised Chapters 1, 2 and 3 even if the student has no outstanding financial obligations. The appropriate numerical Grade will be given upon submission of the revised chapters. Guidelines for removal of IC will be implemented.

A student will receive a grade of 5.00 if he fails to submit Chapter 1, Chapter 2 and Chapter 3 during the designated deadlines. A student who got a failing grade must re-enroll the course and will be allowed to use the same topic/project for a period not exceeding one year. After which the student must present a new topic/project.

Thesis B/DESPRO 2 Course Requirements and Grading System

Only upon successful completion of THESIS A/DESPRO 1 (IC mark has been removed) will the student be allowed to enroll THESIS B/DESPRO 2. The student works hand-in-hand with his thesis adviser for the completion and finalization of the approved thesis.

Course Requirements

The requirements for Thesis B/DESPRO 2 are:

1. Hardbound copy of the Thesis/Design Project (3 copies)
2. Software/Hardware/Prototype
3. Oral Defense

Grading System

FINAL PAPER	30%
Originality / Inventiveness	15%
Quality of thesis manuscript	15%
PROTOTYPE	35%
Conceptual & Logical Design	20%
Workability & Application	15%
ORAL PRESENTATION	35%
Quality of thesis presentation	20%
Ability to defend the thesis	15%
	100%

Final Grade = Final Paper Grade + Prototype Grade + Oral Defense Grade.

A student will be given IC marks for the following reasons:

1. Failure to pay financial obligations even if all requirements were complied with. Should any of the members of the group fail to pay outstanding financial obligations, only said member will be given an IC mark. The appropriate numerical grade will be given upon presentation of proof of payment for the outstanding balance.
2. Failure to submit the hardbound copy of the thesis. The appropriate numerical grade will be given upon submission of all course requirements. Guidelines for removal of IC will be implemented.

Students will be given grade of 5.00 for the following reasons:

1. Failure to remove IC mark.
2. Failure to defend thesis on the scheduled date plus 1 week grace period.
3. Failing grades in the three categories: Final Paper, Prototype and Oral Defense.
4. A student who gets a failing grade must re-enroll the course and will be allowed to use the same topic/project for a period not exceeding one year. After which, he must present a new topic/project.

CAPSTONE PROJECT

Capstone Project refers to the final project meant to encapsulate all things learned in the IT and IS program of study. The capstone project shall provide the students with an experience that brings together the technical knowledge that they have acquired on "real-life" projects or application. Students shall be able to apply problem/project definition, project planning, design selection and optimization, team building, communication, presentation skills, interpersonal skills, meeting skills, and conflict resolution. Students are encouraged to collaborate with corporations, industry and government clients in order for them to develop projects with real life application.

Course Requirements

1. Project Proposal
2. Hardbound copy of the capstone project
3. Oral Defense

Grading System for CAPSTONE PROJECT is as follows:

Preliminary Period	Chapter 1 (Introduction) + exam
	Chapter 2 (Review of Literature) + exam
	Chapter 3 (Materials & Method) + exam
Midterm Period	Chapter 4 (Results/Findings and Analysis)
	Chapter 5 (Conclusion and Recommendations)
Final Period	Final Paper Grade
	Prototype Grade
	Oral Defense Grade

FINAL PAPER GRADE	30%
Originality / Inventiveness	15%
Quality of thesis manuscript	15%
PROTOTYPE/SOFTWARE GRADE	35%
Conceptual & Logical Design	20%
Workability & Application	15%
ORAL PRESENTATION GRADE	35%
Quality of thesis presentation	20%
Ability to defend the thesis	15%
	100%

Final CAPSTONE Grade = 30% (Prelim) + 30% (Midterm) + 40% (Final)

A student will receive an "IC" mark for the following reasons:

1. Failure to pay financial obligations even if all course requirements was submitted. Should any of the members of the group fail to pay outstanding financial obligations, only said member will be given an IC mark. The appropriate numerical grade will be given upon presentation of proof of payment for the outstanding balance.
2. Failure to submit the hardbound copy of the capstone project even if the student has no outstanding financial obligations. The appropriate numerical grade will be given upon submission of the revised chapters. Guidelines for removal of IC will be implemented.

A student will be given grade of 5.00 for the following reasons:

1. Failure to submit the required chapters on schedule plus 1 week grace period.
2. Failure to remove IC mark within the allowed period.
3. Failure to defend capstone project on the scheduled date plus 1 week grace period.
4. Failing grades in the three categories: Final Paper, Prototype/Software and Oral Defense.

A student who got a failing grade must re-enroll the course and will be allowed to use the same topic/project for a period not exceeding one year. After which, the student must present a new topic/project.

GRADUATION

The institution confers degrees and titles only to a student who has satisfactorily completed all the academic and non-academic requirements in the curriculum based from the student's record in the office of the Registrar.

APPLYING FOR GRADUATION

1. Evaluation

Student files an application for evaluation of academic credit prior to the last term of his program. The evaluator checks, verifies and evaluates all the records of the student. Results of the evaluation are posted in the bulletin board before the last term enrolment of the student.

All deficiencies must be made up/enrolled during the last term of the student.

2. Deliberation

A preliminary deliberation shall be conducted when the midterm grades are available while the final deliberation is done after the submission of final grades for students. List of candidates indicating deficiencies shall be posted in the bulletin board after the first deliberation.

3. Announcement

A final list of graduates will be posted in the bulletin board one week after the release of grades. Students must pay the graduation fees and process the clearance. Completed clearance must be submitted to the Office of the Registrar for audit verification.

AWARDS AND RECOGNITION

TRIMESTER/SEMESTER HONORS

Recognition is given to students for their superior scholastic achievement in a given term such as students who have exhibited exemplary performance for a given term. They are given due recognition as follows:

President's List

1. Enrolled in at least 18 units in the pertinent trimester or 16 units/semester.
2. GWA of 1.45 or better
3. No grade below 3.0, D or UD
4. Must not be charged with any academic violation.
5. Must not be involved in any form of conduct violation.

Dean's List

1. Enrolled in at least 18 units in the pertinent trimester or 16 units/semester.
2. GWA of 1.46 – 1.75
3. No grade below 3.0, D or UD
4. Must not be charged with any academic violation.
5. Must not be involved in any form of conduct violation.

Recipient of trimester/semester honors shall be awarded with Certificate of Recognition and will become members of AMACC/AMACU Honor's Society – an elite organization of top academic achievers. They may also qualify for the ACAEX Scholarship Program.

Certificate of Recognition will be made available at the Registrar's Office in the succeeding trimester/semester. Students must personally claim their certificates.

GRADUATION AWARDS

ACADEMIC HONORS

The following honors are awarded to graduating students who satisfied the required residency and grade requirements.

		NO GRADE LOWER THAN	
HONORS	GWA	ACADEMIC	NON-ACADEMIC
Summa Cum Laude	1.00 - 1.20	2.00	2.50
Magna Cum Laude	1.21 - 1.40	2.25	2.75
Cum Laude	1.41 - 1.75	2.50	3.00

***Grade requirements** refer to those taken inside and outside the college/university.

The Honors/Awards Committee headed by the Registrar shall call for the nomination to graduation awards by sending a notice to the academic community. The Registrar will convene a committee for the deliberation, selection and recommendation of the awardees.

To qualify for Academic Honors the student must:

1. Have completed at least fifty percent (50%) of the total number of academic units at the AMACC/AMACU.
2. Have enrolled 18 units or more academic load per trimester/semester or as indicated in the curriculum.
3. Not have grade below 3.0, D or UD.
4. Not be charged with any academic violation.
5. Not be involved in any form of conduct violation
6. Have obtained the required GPA.

NON-ACADEMIC AWARDS

Leadership Award

The award is presented to a qualified member of the graduating class who has an outstanding participation in co-curricular and extracurricular activities that promote student and school welfare. The nominee must have exhibited exemplary character and at least one-year residence at AMACC/AMACU. He/she should have maintained a cumulative GWA of 2.50 or better with no failing grade in any academic/non-academic subject and should have passed the criteria set and endorsed by the Branch Screening Committee.

Outstanding Project/Feasibility/Thesis /Design Project Award

The award is given to a student or group of students whose terminal project: feasibility/ Thesis/ capstone/design project grade ranks highest in the graduating class.

Community Service Leadership Award

This award recognizes civic-minded students with exemplary contribution to the improvement of the quality of life of their fellow Filipinos through their selfless and untiring service and dedication. Qualifications are as follows:

1. General weighted average (GWA) of at least 2.5;
2. At least two (2) years residency at AMACC/AMACU;
3. Active involvement in a community extension project (off-campus) for at least two years (certification to be issued by the Dean/Community Extension Coordinator);
4. Not be charged with any academic violation.
5. Not be involved in any form of conduct violation

Athletic Award

This award honors a student-athlete who has consistently rendered outstanding performance in sport competitions. To qualify, a student athlete must have:

1. Grade point Average (GPA) of at least 2.5.
2. At least two (2) years of residency at AMACC/AMACU;
3. At least two (2) years membership in a varsity team as certified by the sports coordinator; and
4. Certification of good moral character as certified by the Office of the Student Affairs.

Loyalty Award

This award is given to graduating students who completed their basic, secondary and tertiary education at AMACC/AMACU. However, students with a break in their environment (non-enrollment for a school year) are disqualified.

DISCIPLINE

STUDENT ACADEMIC HONESTY

The following acts are considered violations of student academic honesty and are therefore meted with appropriate sanctions:

1. Cheating - the fraudulent or dishonest presentation of work or presentation of others' work as one's own. It includes using or attempting to use unauthorized materials, information or study aids in any academic exercise such as:
 - Use of books, notes, calculators, Internet, communication or collaboration with others, which has not been authorized by the professor;
 - During examination, copying from another student's examination paper, facilitating other students' copying and allowing other students to copy from one's own paper;
 - Submitting or presenting assignments, take home exams or any work written, prepared or completed in full or in part by someone else;
 - Unauthorized access to or use of examinations tests or quizzes;
 - Fabrication, falsification or invention of any information or citation in an academic exercise, listing sources that were not used in the academic exercise, reporting of statistical analyses, tests, or other studies never performed; manipulating or altering data or other manifestations of research to achieve a desired result; selective reporting, including the deliberate suppression of conflicting or unwanted data;
 - Using previously completed assignments to satisfy the requirements of another course without the permission of the instructors involved;
 - Handing in the same assignment simultaneously in two or more courses without the full knowledge and approval of all professors involved.
2. Plagiarism-the act of taking the words, ideas, data, illustrations or statements of another person or source and presenting them as one's own. Including but not limited to:

- Submitting another author's published or unpublished work, in whole, in part, or in paraphrase, as one's own work, without fully and properly crediting the other author with footnotes, citations or other bibliographical reference.
 - Submitting as one's own original work any material, including data, tables, graphs, charts, or other visual material obtained from any source, without acknowledgement and citation of the source.
 - Submitting as one's own original work material produced through unacknowledged collaboration with others, unless such collaboration is permitted by the instructor.
3. Collusion - assistance or an attempt to assist another student in an act of academic dishonesty. This can include, but is not limited to:
- doing work for another student;
 - designing or producing a project for another student; willfully providing answers during an exam, test or quiz;
 - calling a student on a mobile phone while taking an exam and providing information;
 - providing a student with an advance copy of a test;
 - leaving inappropriate materials behind at the site of an exam or test
 - altering outcome/results.
4. Inappropriate Proxy - is the misrepresentation of one's own or another's identity for academic purposes. Students must attend their own classes and be present for all examinations. Those impersonated and impersonators will be suspended or dismissed from the college.

Penalties for violation of academic honesty policy

Penalties for an academic offense may include one or more of the following:

- a. resubmission of the work in question.
- b. submission of additional work for the course in which the offense occurred.
- c. a lowered grade or loss of credit for the work found to be in violation of the integrity code.
- d. a failing grade of 5.00 or UD or denial of credit for the course in which the offense occurred.
- e. suspension for a period not exceeding twenty percent (20%) of the prescribed total class days for the school term.
- f. dismissal (for a specified term or permanently) from the college.

Penalties (a)–(c) are levied by the Dean after hearing the case and with the concurrence of the faculty member bringing the charge.

Penalties (d)–(f) are levied by the Dean after hearing the case with the

concurrence of the duly constituted academic investigation committee.

Disciplinary actions (d)–(f) will become a permanent part of the student's academic record, with appropriate notation indicating that there has been a violation of the academic honesty policy.

*** Proceedings:**

1. The student shall be informed in writing of the nature and cause of any accusation against him, and required to answer the accusation in writing. If the student is a minor, the parent or the guardian shall be furnished with a copy of a show cause letter;
2. If the student denies the accusation or alleges some fact or matter in justification or mitigation of the offense, the institution shall form a fact-finding committee to hear and receive evidence;
3. In all stages of the proceedings, the student shall have the right to assistance of a counsel of his choice;
4. The student shall have the right to listen to, and examine the evidence presented against him, to ask clarificatory questions through the fact-finding committee, and to present evidence on his behalf;
5. The fact-finding committee must consider the pieces of evidence presented, and received during the proceedings;
6. The student shall be informed in writing of the decision promulgated in his case; and
7. If the student is found culpable, the appropriate penalties shall be imposed.

***Section 105 CHED Manual 2008**

The student may not withdraw from a course in which an infraction has been found and a penalty applied and no refund or cancellation of tuition fees will be permitted in such cases. Student shall have the right to appeal after the decision has been made final.

STUDENT DISCIPLINARY POLICY

All AMACC/AMACU students are expected to conduct and present themselves in a decent manner, abiding by the generally accepted norms of good behavior at all times and observe courtesy and decorum in dealing with fellow students, personnel, faculty members and administrators.

AMACC/AMACU students shall be responsible in knowing, understanding and complying with the contents of the memoranda, circulars, announcements, letters, notices, directives and the like affecting them, as may be regularly posted and/or disseminated by the school authorities.

Every AMACC/AMACU student shall observe the laws of the Republic of the Philippines, the rules and regulations of the school as provided herein and as may necessarily be promulgated from time to time, and the standards of good society.

The following acts or omissions are deemed improper student conduct for which a student may be subject accordingly to disciplinary action, to wit:

1. Failing to properly wear valid ID card while inside the school; failing to report the loss of ID card to the College Dean/education coordinator within 24 hours and have a replacement of the same within 48 hours; failing to surrender lost and found ID card within 48 hours while still in possession of a replacement ID card; failing to present ID card when requested by school authorities, faculty, personnel or guard on duty.

1st violation	–	Warning
2nd violation	–	Reprimand/Censure
3rd violation	–	Suspension

2. Using for official school purposes or transaction own ID card, which is neither authorized nor valid.

1st violation	–	Warning to Reprimand with Confiscation of ID
2nd violation	–	Suspension with Confiscation of ID
3rd violation	–	Suspension to Non-readmission with Confiscation of ID

3. Unauthorized stay in, or entry to the school after 9:00 o'clock in the evening.

1st violation	–	Warning to Reprimand / Censure
2nd violation	–	Reprimand/Censure to Suspension
3rd violation	–	Suspension to Dismissal / Non-readmission

4. Littering disposable materials such as but not limited to bottles, cans, pieces of paper, plastic and the like in the classroom, library and other places in the school.

1st violation	–	Warning
2nd violation	–	Reprimand/Censure
3rd violation	–	Reprimand/Censure to Suspension

5. Posting, distributing or disseminating notices, posters, leaflets, broadsheets, opinionaires, questionnaires, streamers, pop sheets, surveys or similar materials without the approval of the College Dean/education coordinator.

1st violation	–	Warning/Censure
2nd violation	–	Suspension

6. Defaming any student, teacher, personnel, or university authority or his agents; giving oral, or sending, disseminating or posting any written or electronically transmitted message or graphics, or demonstrating offensive gesture, which causes a person or his reputation or good name to be threatened, harassed, maligned, besmirched, disgraced, degraded, insulted, ridiculed or defamed.

1st violation	–	Warning/Reprimand to Suspension
2nd violation	–	Suspension to Dismissal/Non readmission
3rd violation	–	Dismissal/Non Readmission

7. Producing, possessing, distributing, publishing, exhibiting and/or disseminating literature, films, prints, plays, shows or similar forms which are offensive to morals, contrary to law, public order, good custom, and school policies.

Dismissal/Expulsion *

8. Engaging in lewd, indecent, obscene, immoral or provocative conduct such as passionate kissing, necking, petting and similar acts while within the school premises or during a school activity/ function.

1st violation	–	Warning/Censure/Reprimand to Suspension
2nd violation	–	Censure/Reprimand to Suspension/ Dismissal or Non-readmission
3rd violation	–	Suspension to Dismissal

9. Stealing the property of the school or of property in the possession of, or owned by a member of the school community; extorting, or making unauthorized collections or solicitations of money or property from any student, personnel, faculty member or administrator.

Dismissal/Expulsion *

10. Giving money, gift, or token of any kind or giving a treat to a faculty member concerned or school employee, personnel or official, and/or any person acting for and in his behalf, in order to obtain any kind of favor or benefit such as but not limited to exemption from attending class, lecture, examination, recitation, test, quiz or similar activity, of leniency or non-submission of plate, project, experiment, report, term paper, or other requirement such as internship, clerkship, practicum, community service or similar requirements, or late submission of

overdue, requirement or school equipment.

Dismissal/Expulsion *

11. Unlawfully possessing or using explosives of any kind, chemical or biological substance which can cause harm or injury, or any deadly weapons such as but not limited to guns, knives, darts, knuckles, pipes, wrench and the like.

Dismissal/Expulsion *

12. Intentionally or negligently damaging, destroying or committing act(s) of vandalism on property owned or in the possession of another person or of the school; defacing or tearing off any library book, magazine, newspaper; damaging or carving tables, chairs, walls; writing, sticking on or pasting any material on the walls, tables, chairs or other pieces of furniture; breaking glass windows, showcases, doors, laboratory equipment, materials, or electrical, mechanical or electronic devices; tearing or using improperly the curtains; removing or erasing or tampering with official notices, announcements and posters on bulletin boards; destroying or tampering with any school property; disobeying rules on the proper use of facilities including fraudulent use of school computers, network systems or computer files; abusing computer equipment (e.g., computer stalking and harassment, stealing, deleting information, Internet theft or knowingly introducing a computer virus) or gaining unauthorized access to computer resources on campus, or committing similar acts.

1st violation	–	Suspension to Dismissal/Non-readmission
2nd violation	–	Dismissal/Non-readmission

13. Knowingly and without consent or authorization possessing, removing, using, misappropriating, or selling the property or services of another person or of the school; defrauding or procuring services or materials of the school or persons under false pretenses; obtaining the property of another person or of the school by misrepresentation or deceptive means;

Dismissal/Expulsion *

14. Bringing in or imbibing or dispensing liquor or any intoxicating beverage; entering the school in a state of intoxication.

1st violation	–	Warning/Censure/Reprimand to Suspension
2nd violation	–	Suspension to Dismissal/Non-readmission

3rd violation – Dismissal/Non-readmission

15. Illegally using, possessing, or distributing narcotics or dangerous drugs or their derivatives or is under the influence of narcotics, hallucinogens, dangerous drugs, or controlled substances, except as permitted by law.

Dismissal/Expulsion *

16. Possessing, distributing or selling printed copies of offensive, obscene or harassing magazines. Offensive material includes, but is not limited to the following:

- ☐ Pornographic, nude, semi-nude or other similarly lewd images;
- ☐ Material displaying excessively violent or graphic content;
- ☐ Material of racist or sexist or similarly demeaning content; or any material that in general is understood to be socially and/or culturally offensive.

1st violation – Warning/Censure/Reprimand to Suspension

2nd violation – Suspension to Dismissal with confiscation

3rd violation – Dismissal with confiscation

17. Physically assaulting or encouraging to assault any person within the premises of the school; participating in any melee, such as but not limited to brawls, fighting, stabbing, quarreling, hazing which is any act that injures, degrades or tends to injure, degrade or disgrace any fellow student or person attending the school; threatening (by any means), intimidating, coercing or using physical or sexual force in a manner that endangers the health or safety of another person; creating a hostile environment, or which reasonably causes another person to be fearful of physical or emotional harm or abuse; or intentionally harassing or stalking another person. Harassment includes but is not limited to the verbal, emotional or sexual.

Dismissal/Expulsion *

18. Participating in gambling or other illegal or unauthorized games or contests of chance inside the school premises.

1st violation – Warning/Censure to Suspension

2nd violation – Suspension to Dismissal

3rd violation – Dismissal

19. Forging, altering, tampering, falsifying and/or misusing school documents, records, credentials, receipts, slips, markings, forms or certifications; copying, reproducing or procuring any unauthorized,

fake or tampered school document, record, credential, receipt, slip, marking, form, certification, identification card, and the like, or fabricating fake or spurious copy or semblance of the same AND using same for any school-related purpose or for any other purpose that puts the good name of the university in bad light; knowingly furnishing or using false or forged information in connection with official university transactions, proceedings, investigations – with fake or spurious documents, excuse letters, certifications, credentials, markings, or identification cards or similar supporting materials; publishing false information about the university, its officials, faculty members, personnel and students.

Dismissal/Expulsion *

20. Obstructing or disrupting teaching, administrative work, disciplinary proceedings or other school activities; impeding, obstructing, preventing or defeating either the right or obligation of the teacher or professor to teach his subjects or the right of the student to attend his classes; behaving violently or excessively disturbs other groups or individuals.

Dismissal/Expulsion *

21. Threatening, coercing, intimidating, compelling any student to be absent from classes; threatening, coercing, intimidating, preventing any administrator, faculty member, personnel, or administrator from discharging his duties.

Dismissal/Expulsion *

22. Using a university facility for activities like symposia, meeting, debates, practices and other such similar activities without having first obtained the necessary permit from the school director.

1st violation	–	Suspension to Dismissal/Non-readmission
2nd violation	–	Dismissal/Non-readmission

23. Using without prior authority the name of AMACU/AMACC in any ticket, invitation, program, announcement or similar printed matters.

1st violation	–	Warning/Censure to Suspension
2nd violation	–	Suspension to Dismissal/Non-readmission
3rd violation	–	Dismissal/Non-readmission

24. Cheating during examinations and quizzes, or plagiarism in connection with any academic work, or abetting the commission of the same.

1st violation	–	Warning with invalidation of grade
2nd violation	–	Censure to Suspension with invalidation of grade
3rd violation	–	Suspension to Dismissal/Non- readmission with invalidation of grade

25. Abusive behaviors or discourtesy towards school officials, faculty members, personnel, guards and other school officers.

1st violation	–	Warning to Suspension
2nd violation	–	Censure/Reprimand to Suspension
3rd violation	–	Suspension to Dismissal/Non-readmission

26. Coming to school or attending a school activity, occasion or function in an attire or grooming not appropriate for the said activity, occasion or function and/or not in accordance with basic decency and good custom or with duly established academic policy.

1st violation	–	Warning to Suspension
2nd violation	–	Reprimand/Censure to Suspension
3rd violation	–	Suspension to Dismissal

27. Failure to exhibit good sportsmanship while participating in or watching any athletic event. The following are considered evidence of poor sportsmanship, which can be used as basis for game officials, supervisors and administration personnel to warn, penalize or remove participants/players or teams from the athletic event:

- unnecessary delay of game
- participation under a false name
- use of profanity
- striking or shoving an opponent or official
- arguing with officials concerning judgment calls
- derogatory and abusive remarks
- any action intended to physically harm an official
- any action that shows disregard for the rules or policies of the Athletics Department

1st violation	–	Warning/Censure to Suspension
2nd violation	–	Censure to Dismissal/Non-readmission
3rd violation	–	Suspension to Dismissal/Non-readmission

Note: * Depending on the gravity of the offense

Conduct Outside the School

Every student is always identified with the school to which he/she belongs. While outside the school, the student should also observe generally accepted rules of conduct and norms of behavior.

As such every student is called upon:

1. To uphold the academic integrity of the school;
2. To conduct himself/herself with dignity and honor and to abide by all instructions of authorities when representing AMACC/AMACU in any authorized activity;
3. To participate in religious, civic, social and like activities/programs, approved by the university.
4. to keep away from establishments of ill repute such as gambling joints, sauna parlors, drinking places, pot session dens, and other similar places; and to avoid associating with persons of questionable character and conduct;

Although AMA cannot be held responsible for the conduct of its students outside the school premises, bad conduct of any of its students outside the school can be a cause for disciplinary action.

Violation of any of the foregoing shall be taken on a case-by-case basis and the penalty shall be based on the facts and circumstances surrounding the case.

JURISDICTION AND VENUE

The Office of the Student Affairs where the respondent student is officially enrolled as of the date of alleged commission of the offense shall have jurisdiction over the case regardless of the place where said offense was allegedly or was proved to have been committed.

Jurisdiction may however be transferred from one campus to another upon the approval of the president or his authorized representative.

SANCTIONS

Any violation of the rules and regulations shall be subject to disciplinary action and the imposition of corresponding penalty as may be determined by the investigation committee and without prejudice to other sanctions/measures that it may take under the circumstances. Such disciplinary action and/or penalties are herein below defined:

Warning

It is a notice, oral or written to the student that continuation or repetition of specified conduct may be a cause for other disciplinary action.

Reprimand

It is a severe form of formal rebuke by a person in authority.

Censure

This may either be an oral or written reprimand for violation of specified regulation(s).

Restitution

Repayment of the direct cost for damages or services resulting from a violation.

Article 14, Section 77 of the Manual of Regulations for Private Schools, 1992, 8th Edition, Annotated describes the three (3) categories of disciplinary administrative sanction which may be imposed on erring students commensurate with the nature and gravity of the violation of school rules and regulations as follows:

Suspension

A school is allowed to deny or deprive an erring student of attendance in classes during the school year or term for a maximum period not exceeding 20% of the prescribed school days. Suspension of more than 20% of the prescribed school days that will involve the loss of the entire year of term shall not be imposed unless approved by the President. There are two (2) kinds of suspensions: punitive suspension and preventive suspension.

- a. Punitive suspension—refers to the school's prevention of a student from attending class and thus from taking any examinations, quizzes and graded recitations given during the specified period. Since he is not excused from these graded works, he shall be given a failing mark for not having taken them; nor will he be given special examinations to make up for them later.
- b. Preventive suspension — is not a penalty but a deterrent to the disruption of normal school operations (or the threat to lives and property) that may be caused by the continued presence of a student-offender on campus.

Exclusion or Dismissal

This is a penalty in which the school is allowed to exclude or drop the name of the student from the school enrolment list for being undesirable or dismiss the student during the term and not allow him/her to finish the term. Upon

exclusion, the school should immediately issue the transfer credentials to the erring student. The decision of the school on every case involving penalty of exclusion from the school enrolment list together with all the pertinent papers therefore shall be filed in the school for a period of one (1) year.

Expulsion

The penalty of an expulsion is an extreme penalty on an erring student consisting of his exclusion from admission to any public or private in the Philippines and requires the prior approval of the Commission on Higher Education (CHED). Expulsion is usually considered proper punishment for gross misconduct or dishonest and/ or such offenses such as hazing, carrying deadly weapons, immorality drunk ness, vandalism, hooliganism, assaulting a teacher or any school authority or his agent or a student, instigating, leading to a stoppage of classes, preventing or threatening the students or faculty members or school authorities from discharging their duties, or from attending the classes or entering school premises, forging or tampering school records or transfer form or securing or using such forged transfer credentials and others as specified.

The decision of the school on every case involving the penalty of expulsion together with the supporting papers shall be forwarded to a CHED Regional Office concerned within ten (10) days from the termination of the investigation of each case. Based on the foregoing, a student may be dropped from the role during the school year or term.

*** DUE PROCESS**

The student shall be informed in writing of the nature and cause of any accusation against him, and required to answer the accusation in writing. If the student is a minor, the parent or the guardian shall be furnished with a copy of a show cause letter;

1. If the student denies the accusation or alleges some fact or matter in justification or mitigation of the offense, the Student Disciplinary Tribunal shall hear and receive evidence;
2. In all stages of the proceedings, the student shall have the right to assistance of a counsel of his choice;
3. The student shall have the right to listen to, and examine the evidence presented against him, to ask clarificatory questions through the fact-finding committee, and to present evidence on his behalf;
4. The fact-finding committee must consider the pieces of evidence presented, and received during the proceedings;
5. The student shall be informed in writing of the decision promulgated in his case; and
6. If the student is found culpable, the appropriate penalties shall be imposed.

*** Sec. 105 CHED Manual 2008**

STUDENT ORGANIZATIONS

Student organizations exist solely on the basis of camaraderie, unity and purposes explicitly stated in the organization's constitution. Duly recognized student organizations' objective should be in line with AMACC/AMACU's mission and objectives. Students who wish to form, establish or participate in student organizations will be allowed to do so but will be subjected to rules and regulation as promulgated by the AMACC/AMACU policies and procedures.

The Office of the Student Affairs (OSA) is tasked to approve/supervise student organization. Specifically, OSA is responsible in implementing the following:

1. Recognition of student organization or its suspension if the need arises and in accordance with the violation as set forth by the Office of the Student Affairs. Application for recognition is scheduled within the first two months of the first term of a particular school year.
2. Approval of faculty as recommended by the officer of the student organization.
3. Approval and disapproval of student activity as reckoned from AMACC/AMACU mission and institutional objectives.
4. Mediates and renders a decision in case of conflict between and among organizations.

Requirements for Recognition / Renewal of Student Organizations

1. Application Form to be secured from Office of the Student Affairs within the required period (first two months of the first semester/trimester)
2. Constitution and By-Laws
3. Member – a composition of 10-20 for start up
4. Set the Interim Officer with pertinent information as Year level, course, address and Telephone Number
5. Annual Program of Activities
6. Progress reports of activities for organizations who will be seeking renewal
7. Faculty Adviser/s
8. Monetary Collection/Financial Report

Ban on All Forms of Fraternities and/or illegal Organizations

All forms of fraternities and/or illegal organizations are not allowed in the institution. Hence, all bona fide students of AMACC/AMACU are dissuaded to join these kinds of associations. Any student proven and/or found to be a member of any fraternity and/or illegal organization shall face severe sanction based on the established student conduct policy.

Source Verification of Posters / Teasers / Leaflets

AMACC/AMACU recognizes the students' freedom of expression. However, to ensure the responsible ventilation of views, opinions and the like, students are required to have all posters, teasers and similar items checked and approved for posting by the OSA/School Director.

Selling of Tickets / Solicitations

Any group/student organization that intends to sell tickets or solicit contribution as part of a fund raising activity must initially secure a written approval from the School Director. Note that solicitation of any kind by faculty members from the student is strictly prohibited.

Student Activities

Organizers of student activities must secure a permit from the School Director least seven (7) days before the scheduled activity. The School Director may regulate the time, place, and manner of such activities in order to ensure that normal academic function shall not be disrupted.

Proposed student activity should be coursed through the Office of the School Director a week before the actual event. If the activity is academic, a written request should be submitted and recommended by the College Dean and approved by the School Director at least 1 week before the event.

Any monetary/ pecuniary collection that the organization undertakes requires the approval / supervision of the School Director. If the organization is engaged in ticket selling, the tickets should be properly stamped at the Office of the School Director verifying the number as reflected in the proposal, the expenses incurred and the intended budget for implementation of the project.

The use of facilities and security services for certain activities should be approved a week prior to the intended event.

Outside activities require the submission of waiver to be duly signed by parents or guardians and consequently forwarded to the Office of the Student Affairs a week before the activity. This should include the names of students who wish to join, the purpose and the financial requirements.

A one (1) week moratorium on all co-curricular and extra-curricular activities prior to the calendar dates of the Mid Term, Pre-Finals and Final Exams shall be strictly observed to allow student enough time to prepare and review for the exam at hand.

STUDENT SERVICES AND FACILITIES

Library

The library is open from Monday to Saturday. Only bonafide members of the AMACC/AMACU community are allowed to use the library. Outsiders may use the library facilities only upon prior written request from the librarian of the applicant's institution and approval of the School Director. AMACC/AMACU students must secure a library card in order to borrow books from the library.

Books in the circulation section maybe borrowed for three (3) school days while reserved books can only be borrowed overnight. AMACC/AMACU maintains an open shelf system in order that the books will be more accessible to the students.

Borrowing Privileges and Loan Periods

1. Circulation books may be taken out for overnight use and should be returned within three (3) days.
2. Students may borrow a maximum of three (3) books of different subjects overnight. The books may be renewed if such reference materials are not in demand.
3. Faculty is allowed to borrow at most five (5) books at a given time for a period of one week and renewable for another week if not in demand; however the books should be kept in the faculty room at all times.
4. All textbooks and books stamped with "NOT FOR HOME USE" are strictly to be used within the library premises.
5. A fiction book may be borrowed for five (5) days and is subject for renewal if the reference material is not in demand.
6. General reference books, theses, newspapers, serials, vertical files, rare collections must be read inside the library only.
7. Non-book materials such as maps, globes, pictures, vertical files and newspaper clippings may be borrowed for classroom use upon arrangement with the librarian.
8. A student who wishes to borrow a non-book material for classroom use must present a written request approved by the teacher concerned. The request should indicate the time and the date needed, classroom, subject and the name of the teacher. The student has to leave his/her library card together with the request and he/she has to sign the book card.
9. Books can only be renewed when presented to the librarian for proper recording.
10. No one is allowed to borrow a book on behalf of another person.
11. One week before the final examination, books and other library materials will no longer be allowed for home use.

Library Fines

1. Materials that are returned late are subject to the following overdue fines:
 - a. Books borrowed for overnight
Maximum fine is five pesos (Php5.00) per day
 - b. Books borrowed for photocopy, classroom use and not returned on time. Maximum fine is ten pesos (Php10.00) per day
 - c. Overdue fine is discontinued upon report of lost of the book borrowed. Replacement of the book should be made within two (2) weeks. After two (2) weeks and no replacement were made, the fine will be reinstated.
2. Borrowers with overdue books or with standing obligation to the library will not be allowed to borrow unless all library accounts are settled.

Library Conduct and Discipline

1. Observe silence. Idle conversations, loud laughter and other unnecessary noise must be avoided.
2. In order not to annoy other library patrons, activities such as eating, sleeping or doing industrial work are prohibited.
3. Keep the library clean. Don't litter on the floor or table. Wastebaskets are provided for the purpose.
4. Keep things in order. Push your chair back against the table when you leave the library.
5. Smoking, eating and drinking inside the library are strictly prohibited.
6. Vandalism of any form will be dealt with strongly and accordingly.
7. Return books properly.
8. Handle books and other reading materials with care.

Students should not commit acts such as hiding or stealing books or other library property. Tearing out pages of books or periodicals and forging signatures are subject to suspension of library privileges. More serious misdemeanors shall be subjected to appropriate disciplinary actions as outlined in the student conduct policy.

Guidance and Counseling

The Guidance and Testing Center was set up in order for students to discover their aptitude and interests and likewise find solution to their various problems. The Center has a staff that can assist students in acquiring the necessary skills in solving future difficulties. The Center offers the following services:

1. Orientation Service. Aims to facilitate adjustment to AMACC/AMACU life.
2. Individual Inventory Service. Designed to give information about the student to aid him/her towards self-knowledge and self-realization.

3. Testing. Aims to assist the student to achieve self-knowledge and self-realization.
4. Information Service. Provides the student with sufficient educational, social occupational data to guide his/her choices and decisions;
5. Individual and Group Counseling. The most important service of the Guidance program designed to help the students towards maximum self-realization and development to a fully integrated, mature and responsible person.
6. Follow-up Services. Provides career counseling, systematic contacts with alumni, job placement opportunities, and provision for continuing education and involvement in the community service; and
7. Research and Evaluation. Provides a systematic evaluation of the effectiveness of the students' personnel service offered by AMACC/AMACU, to be utilized for the improvement of the service.

Health Services

The medical clinical provides free consultation and initial treatment of minor injuries and sickness. It also extends first aid treatment to emergency cases. The clinic is headed by the AMACC/AMACU licensed health worker.

The Dental Clinic undertakes annual dental examination, dental consultation, dental health education program and emergency dental treatment arising from dental pain (temporary filling and control of secondary/ post exhaustion hemorrhage).

Placement Services

The Placement Office is the information focal point for all job descriptions submitted by recruiting companies and organization. It serves as a bridge between the academe and the world of the work, maintaining the close contact with government offices, community agencies, and educational institutional and industrial firms. These external relations pave the way to finding employment for our students. The placement office handles the following function and activities.

1. Career counseling
2. Career Orientation talks
3. Pre-employment talks
4. Job fair (On campus recruitment)
5. General Assembly for seniors
 - Self-assessment
 - Resume writing
 - Orientation on the different career field
 - Job interview training program /Job placement

ACADEMIC –INDUSTRY LINKAGES OFFICES

Function and Activities:

1. Provides practicum students with the companies where they will undergo training. The nature of business of said companies must be related to the area of specialization of practicum students.
2. Establishes linkages with top industrial corporations, government institutions as well as civic and non-government organizations.
3. Establishes affiliation with professional organizations to keep abreast of issues concerning the different fields and programs that AMACC/AMACU offers.
4. Monitors pre- and post-evaluation and documentation of practicum students through close coordination with the respective training departments of the partner institutions.
5. Establishes consortia with other schools in terms of faculty, library facilities, information technology, research and others.

Computer Center

Computer Laboratory rooms provide students with state-of-the-art computer facilities.

Audio-Visual Rooms

Audio-visual rooms (AVR) provide the faculty and the students with richer teaching-learning experience through the effective use of instructional media. The AVR houses, collects, organizes and makes available adequate, overhead projectors, sound system tape recorders and multimedia system.

Books / School Supplies Store

Book and school supplies stores are located near the canteen. Books, Manuals and other reading materials are available for sale at reasonable prices.

Cafeterias and Kiosk

AMACC/AMACU snack counters and kiosks located in the canteen are made available to provide affordable and nutritious food.

Related Policies

AMA Education system upholds and protects the right of its community and the society in general.

Every student should be aware of the following policies:

- RA 10627: Anti-Bullying Act of 2013
- RA 9262: Anti-Violence Against Women and Their Children Act of 2004
- RA 7877: The Anti-Sexual Harassment Act of 1995
- RA 8049: Anti-Hazing Law
- RA 7610: Special Protection of Children Against Abuse, Exploitation and Discrimination Act
- RA 8504: Philippine AIDS Prevention and Control Act of 1998
- RA 7277: Magna Carta for Person with Disability
- RA 9165: Comprehensive Dangerous Drug Act
- RA 9418: Volunteer Act of 2007
- RA 9512: Environmental Awareness and Education Act
- RA 9710: Gender and development
- RA 10175: Cybercrime Prevention Act of 2012
- RA 10173: Data Privacy Act of 2012

[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. Short 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.

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.

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

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 "**Anti-Violence Against Women and Their Children Act of 2004.**"

Section 2. Declaration of Policy. - It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security. Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.

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

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

A. "Physical Violence" refers to acts that include bodily or physical harm;

B. "Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:

a) Rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically

attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;

b) Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;

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

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

1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

3. Destroying household property;

4. Controlling the victims' own money or properties or solely controlling the conjugal money or properties.

(b) "Battery" refers to an act of inflicting physical harm upon the woman

or her child resulting to the physical and psychological or emotional distress.

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

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

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

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

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

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

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

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

(a) Causing physical harm to the woman or her child;

(b) Threatening to cause the woman or her child physical harm;

(c) Attempting to cause the woman or her child physical harm;

(d) Placing the woman or her child in fear of imminent physical harm;

(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

(1) Threatening to deprive or actually depriving the woman or her child of custody to her/his family;

(2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;

(3) Depriving or threatening to deprive the woman or her child of a legal right; and

(4) Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties.

(f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;

(g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;

(h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:

(1) Stalking or following the woman or her child in public or private places;

(2) Peering in the window or lingering outside the residence of the woman or her child;

(3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;

(4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and

(5) Engaging in any form of harassment or violence. (i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.

Section 6. Penalties. - The crime of violence against women and their children, under Sec. 5 hereof shall be punished according to the following rules:

(a) Acts falling under Sec. 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code;

If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prison mayor; those constituting less serious physical injuries shall be punished by prison correccional; and those constituting slight physical injuries shall be punished by arresto mayor;

Acts falling under Sec. 5(b) shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor;

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

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

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

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

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

If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty prescribed in the Sec. In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

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

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

(a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Sec. 5 of this Act;

(b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;

(c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and if

respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent has gathered his things and escort respondent from the residence;

(d) Directing the respondent to stay away from petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;

(e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

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

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

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

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

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

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

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

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

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

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

Section 10. Where to Apply for a Protection Order. – Applications for BPOs shall follow the rules on venue under Sec. 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application

for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the petitioner: Provided, however, That if a family court exists in the place of residence of the petitioner, the application shall be filed with that court.

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

- (a) names and addresses of petitioner and respondent;
- (b) description of relationships between petitioner and respondent;
- (c) a statement of the circumstances of the abuse;
- (d) description of the reliefs requested by petitioner as specified in Sec. 8 herein;
- (e) request for counsel and reasons for such;
- (f) request for waiver of application fees until hearing; and
- (g) an attestation that there is no pending application for a protection order in another court.

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

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

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

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

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

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

Section 14. Barangay Protection Orders (BPOs); Who May Issue and How. - Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts under Sec. 5 (a) and (b) of this Act. A Punong Barangay who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after ex parte determination of the basis of the application. If the Punong Barangay is unavailable to act on the application for a BPO, the application shall be acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay Kagawad the order must be accompanied by an attestation by the Barangay Kagawad that the Punong Barangay was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the same on the respondent, or direct any barangay official to effect is personal service.

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

Section 15. Temporary Protection Orders. – Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

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

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

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

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

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

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

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

"VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW."

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

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

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

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

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

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 of the Rules of

Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

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

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

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

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

Section 24. *Prescriptive Period.* – Acts falling under Sec.s 5(a) to 5(f) shall prescribe in twenty (20) years. Acts falling under Sec.s 5(g) to 5(i) shall prescribe in ten (10) years.

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

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

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

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

Section 28. *Custody of children.* – The woman victim of violence shall be entitled to the custody and support of her child/children. Children below

seven (7) years old older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

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

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

- a) communicate with the victim in a language understood by the woman or her child; and
- b) inform the victim of her/his rights including legal remedies available and procedure, and privileges for indigent litigants.

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

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

(h) immediately report the call for assessment or assistance of the DSWD, social Welfare Department of LGUs or accredited non-government organizations (NGOs).

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

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

- (a) properly document any of the victim's physical, emotional or psychological injuries;
- (b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;
- (c) automatically provide the victim free of charge a medical certificate concerning the examination or visit;
- (d) safeguard the records and make them available to the victim upon request at actual cost; and
- (e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

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

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

Section 33. Prohibited Acts. – A Punong Barangay, Barangay Kagawad or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection under this Act. Sec. 7 of the Family Courts Act

of 1997 and Sec.s 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

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

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

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

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

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

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

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

Section 39. *Inter-Agency Council on Violence Against Women and Their*

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

- (a) Department of Social Welfare and Development (DSWD);
- (b) National Commission on the Role of Filipino Women (NCRFW);
- (c) Civil Service Commission (CSC);
- (d) Commission on Human rights (CHR)
- (e) Council for the Welfare of Children (CWC);
- (f) Department of Justice (DOJ);
- (g) Department of the Interior and Local Government (DILG);
- (h) Philippine National Police (PNP);
- (i) Department of Health (DOH);
- (j) Department of Education (DepEd);
- (k) Department of Labor and Employment (DOLE); and
- (l) National Bureau of Investigation (NBI).

These agencies are tasked to formulate programs and projects to eliminate VAW based on their mandates as well as develop capability programs for their employees to become more sensitive to the needs of their clients.

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

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

The DOH shall provide medical assistance to victims.

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

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

- a. the nature, extend and causes of violence against women and their children;
- b. the legal rights of, and remedies available to, victims of violence against women and their children;
- c. the services and facilities available to victims or survivors;
- d. the legal duties imposed on police officers to make arrest and to offer protection and assistance; and
- e. techniques for handling incidents of violence against women and their children that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

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

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

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

Section 44. Confidentiality. – All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court. Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

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

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

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

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

Section 48. Separability Clause. – If any Sec. or provision of this Act is held unconstitutional or invalid, the other Sec.s or provisions shall not be affected.

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

Section 50. Effectivity – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation. Approved: March 08, 2004

[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 employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

(1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a 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 considerations; or

(4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

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

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

(a) Promulgate appropriate rules and regulations in consultation with the jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation or 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 other 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, teachers, instructors, professors or coaches and students or trainees, as the case maybe.

"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 provision of this Act shall prescribe in three (3) years.

Section 8. Separability Clause – If any portion or provision of this Act is declared void and 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 newspaper of general circulation.

[REPUBLIC ACT NO. 8049]

AN ACT REGULATING HAZING AND OTHER FORM OF INITIATION RITES IN FRATERNITIES, SORORITIES, AND ORGANIZATIONS AND PROVIDING PENALTIES THEREFORE

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

Section 1. Hazing as used in this Act is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing a recruit, neophyte or applicant in some embarrassing or humiliating situation such as forcing him to do menial, silly, foolish and similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.

The term organization shall include any club or the Armed Forces of the Philippines, National Police, Philippine Military Academy or officer and cadet corps of the Citizen Military Training or Citizen's Army Training. The physical, mental and psychological testing and training procedure and practices to determine and enhance the physical, mental and psychological fitness of prospective regular members of the Armed Forces of the Philippines and the Philippine National Police as approved by the Secretary of National Defense and the National Police Commission duly recommended by Chief of Staff, Armed Forces of the Philippines and the Director General of the Philippine National Police shall not be considered as hazing for the purpose of this Act.

Section 2. No hazing or initiation rites in any form or manner by a fraternity, sorority or organization shall be allowed without prior written notice to the school authorities or head of organization seven (7) days before the conduct of initiation. The written notice shall indicate the period of the initiation activities which shall serve not exceed three (3) days, shall include the names of those subjected to such activities, and shall further contain an undertaking that no physical violence be employed by anybody during such initiation rites.

Section 3. The head of the school or organization or their representatives must assign at least two (2) representatives of the school or organization, as the case may be, to be present during the initiation. It is the study of such representative to see to it that no physical harm of any kind shall be inflicted upon a recruit, neophyte or applicant.

Section 4. If the person subjected to hazing or other forms of initiation rites suffers any physical injury or dies as a result thereof, the officers and members of the fraternity, sorority or organization who actually participated

in the infliction of physical harm shall be liable as principals. The persons who participated in the hazing shall suffer;

A) The penalty of reclusion Perpetua if death, rape, sodomy, or mutilation results therefrom.

B) The penalty of reclusion temporal in its maximum period if in consequence of the hazing the victim shall become insane, imbecile, impotent or blind.

C) The penalty of reclusion temporal in its maximum period if in consequence of the hazing victim shall lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot an arm or a leg or shall have lost the use of any such member shall have become incapacitated for the activity or work in which he was habitually engaged.

D) The penalty of reclusion temporal in its minimum period if in consequence of the hazing victim shall become deformed, or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the activity or work in which he has habitually engaged for a period of more than ninety (90) days.

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

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

G) The penalty of prison mayor in its minimum period if in consequence of the hazing of the victim shall have been ill or incapacitated for the performance of the activity or work in which he was habitually engaged from 1-9 days, or that the injury sustained shall require medical attendance for the same period.

H) The penalty of prison correctional in its maximum period if in consequence of the hazing the victim shall have sustained physical injuries, which do not prevent him from engaging in his habitual activity or work nor require medical attendance.

The responsible officials of the school of the police, military or citizen's army training organization may impose the appropriate administrative sanctions on the person or persons charged under this provision even before their conviction.

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

- a) When the recruitment is accompanied by force, violence, threat, intimidation or deceit on the person of the recruit who refuses to join;
- b) When the recruit, neophyte or applicant initially consents to join but upon learning that hazing will be committed on his person, is prevented from quitting;
- c) When the recruit neophyte or applicant having undergone hazing is prevented from reporting the unlawful act to his parents or guardians, to the proper school authorities, or to the police authorities, through force, violence, threat or intimidation;
- d) When the hazing is committed outside of the school or institution;
or
- e) When the victim is below twelve (12) years of age at the time of hazing.

The owner of the place where hazing is conducted shall be liable as an accomplice, when he has actual knowledge of the hazing conducted therein but failed to take any action to prevent the same from occurring. If the hazing is held in the home of one of the officers or members of the fraternity, group or organization, the parents shall be held liable as principals when they have actual knowledge of hazing conducted therein but failed to take any action to prevent the same from occurring.

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

The officers, former officers, or alumni of the organization, group, fraternity or sorority who actually planned the hazing although not present when the acts constituting the hazing were committed shall be liable as principals. Officers or members of an organization group, fraternity or sorority who knowingly cooperated on carrying out the hazing by inducing the victim to be present thereat shall be liable as principals. A fraternity or sorority's

adviser which is present when the acts constituting the hazing were committed and failed to take any action to prevent the same from occurring shall be liable as principals.

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

Any person charged under this provision shall not be entitled to the mitigating circumstances that there was intention to commit so grave a wrong.

This section shall apply to the president, manager director or other responsible office of a corporation for employment in the manner provided therein.

Section 5. If any provision or part of this Act is declared invalid or unconstitutional, the other parts or provision thereof shall remain valid and effective.

Section 6. All laws, orders, rules or regulation which are consistent with or contrary to the provisions of this Act are hereby amended or repeated accordingly.

Section 7. This act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

[REPUBLIC ACT NO. 7610]

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

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

ARTICLE I

Title, Policy, Principles and Definitions of Terms

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

Section 2. Declaration of State Policy and Principles. – It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.

It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.

The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.

Section 3. Definition of Terms.

(a) "Children" refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or

discrimination because of a physical or mental disability or condition;

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

(c) "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following:

- (1) Being in a community where there is armed conflict or being affected by armed conflict-related activities;
- (2) Working under conditions hazardous to life, safety and normal which unduly interfere with their normal development;
- (3) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life;
- (4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;
- (5) Being a victim of a man-made or natural disaster or calamity; or
- (6) Circumstances analogous to those above stated which

endanger the life, safety or normal development of children.

(d) "Comprehensive program against child abuse, exploitation and discrimination" refers to the coordinated program of services and facilities to protect children against:

- (1) Child Prostitution and other sexual abuse;
- (2) Child trafficking;
- (3) Obscene publications and indecent shows;
- (4) Other acts of abuses; and
- (5) Circumstances which threaten or endanger the survival and normal development of children.

ARTICLE II

Program on Child Abuse, Exploitation and Discrimination

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

ARTICLE III

Child Prostitution and Other Sexual Abuse

Section 5. Child Prostitution and Other Sexual Abuse. – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

- (1) Acting as a procurer of a child prostitute;
- (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
- (3) Taking advantage of influence or relationship to procure a child as prostitute;
- (4) Threatening or using violence towards a child to engage him as a prostitute; or
- (5) Giving monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution.

(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and

(c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

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

There is also an attempt to commit child prostitution, under paragraph (b) of Section 5 hereof when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. A penalty lower by two (2) degrees than that prescribed for

the consummated felony under Section 5 hereof shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act, or, in the proper case, under the Revised Penal Code.

ARTICLE IV

Child Trafficking

Section 7. Child Trafficking. – Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

Section 8. Attempt to Commit Child Trafficking. – There is an attempt to commit child trafficking under Section 7 of this Act:

(a) When a child travels alone to a foreign country without valid reason therefore and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian;

(c) When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking; or

(d) When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or

(e) When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

A penalty lower two (2) degrees than that prescribed for the consummated felony under Section 7 hereof shall be imposed upon the principals of the attempt to commit child trafficking under this Act.

ARTICLE V

Obscene Publications and Indecent Shows

Section 9. Obscene Publications and Indecent Shows. – Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the

said materials shall suffer the penalty of prision mayor in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of prision mayor in its medium period.

ARTICLE VI

Other Acts of Abuse

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

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.

(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who in ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Fifty thousand pesos (P50,000): Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.

(c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of prision mayor in its medium period and a fine of not less than Forty thousand pesos (P40,000); Provided, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be prision mayor in its maximum period, a fine of not less than Fifty thousand pesos (P50,000), and the loss of parental authority over the minor.

(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of prison mayor in its medium period and a fine of not less than Fifty thousand pesos (P50,000), and the loss of the license to operate such a place or establishment.

(e) Any person who shall use, coerce, force or intimidate a street child or any other child to;

(1) Beg or use begging as a means of living;

(2) Act as conduit or middlemen in drug trafficking or pushing; or

(3) Conduct any illegal activities, shall suffer the penalty of prison correccional in its medium period to reclusion perpetua.

For purposes of this Act, the penalty for the commission of acts punishable under Articles 248, 249, 262, paragraph 2, and 263, paragraph 1 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of murder, homicide, other intentional mutilation, and serious physical injuries, respectively, shall be reclusion perpetua when the victim is under twelve (12) years of age. The penalty for the commission of acts punishable under Article 337, 339, 340 and 341 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of qualified seduction, acts of lasciviousness with the consent of the offended party, corruption of minors, and white slave trade, respectively, shall be one (1) degree higher than that imposed by law when the victim is under twelve (12) years age.

The victim of the acts committed under this section shall be entrusted to the care of the Department of Social Welfare and Development.

ARTICLE VII

Sanctions for Establishments or Enterprises

Section 11. *Sanctions of Establishments or Enterprises which Promote, Facilitate, or Conduct Activities Constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows, and Other Acts of Abuse.* – All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate

cancelled, without prejudice to the owner or manager thereof being prosecuted under this Act and/or the Revised Penal Code, as amended, or special laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishments or enterprises by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by prison correccional.

An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this Act or in violation of the Revised Penal Code, as amended. An enterprise such as a sauna, travel agency, or recruitment agency which: promotes the aforementioned acts as part of a tour for foreign tourists; exhibits children in a lewd or indecent show; provides child masseurs for adults of the same or opposite sex and said services include any lascivious conduct with the customers; or solicits children or activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.

ARTICLE VIII

Working Children

Section 12. *Employment of Children.* – Children below fifteen (15) years of age may be employed except:

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

(2) When a child's employment or participation in public & entertainment or information through cinema, theater, radio or television is essential: Provided, The employment contract concluded by the child's parent or guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: Provided, That the following requirements in all instances are strictly complied with:

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

(b) the employer shall institute measures to prevent the child's

exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and;

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

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

The Department of Labor Employment shall promulgate rules and regulations necessary for the effective implementation of this Section.

Section 13. Non-formal Education for Working Children. – The Department of Education, Culture and Sports shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances.

Section 14. Prohibition on the Employment of Children in Certain Advertisements. – No person shall employ child models in all commercials or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts and violence.

Section 15. Duty of Employer. – Every employer shall comply with the duties provided for in Articles 108 and 109 of Presidential Decree No. 603.

Section 16. Penalties. – Any person who shall violate any provision of this Article shall suffer the penalty of a fine of not less than One thousand pesos (P1,000) but not more than Ten thousand pesos (P10,000) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court; Provided, That, in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.

ARTICLE IX

Children of Indigenous Cultural Communities

Section 17. Survival, Protection and Development. – In addition to the rights guaranteed to children under this Act and other existing laws, children of indigenous cultural communities shall be entitled to protection, survival and

development consistent with the customs and traditions of their respective communities.

Section 18. *System of and Access to Education.* – The Department of Education, Culture and Sports shall develop and institute an alternative system of education for children of indigenous cultural communities which culture-specific and relevant to the needs of and the existing situation in their communities. The Department of Education, Culture and Sports shall also accredit and support non-formal but functional indigenous educational programs conducted by non-government organizations in said communities.

Section 19. *Health and Nutrition.* – The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority by all government agencies concerned. Hospitals and other health institution shall ensure that children of indigenous cultural communities are given equal attention. In the provision of health and nutrition services to children of indigenous cultural communities, indigenous health practices shall be respected and recognized.

Section 20. *Discrimination.* – Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination. Any person who discriminate against children of indigenous cultural communities shall suffer a penalty of arresto mayor in its maximum period and a fine of not less than Five thousand pesos (P5,000) more than Ten thousand pesos (P10,000).

Section 21. *Participation.* – Indigenous cultural communities, through their duly-designated or appointed representatives shall be involved in planning, decision-making implementation, and evaluation of all government programs affecting children of indigenous cultural communities. Indigenous institution shall also be recognized and respected.

ARTICLE X

Children in Situations of Armed Conflict

Section 22. *Children as Zones of Peace.* – Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace. To attain this objective, the following policies shall be observed.

- (a) Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane or degrading treatment;

(b) Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies;

(c) Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;

(d) The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work;

(e) Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and

(f) All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

Section 23. Evacuation of Children During Armed Conflict. – Children shall be given priority during evacuation as a result of armed conflict. Existing community organizations shall be tapped to look after the safety and well-being of children during evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

Section 24. Family Life and Temporary Shelter. – Whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal family life. In places of temporary shelter, expectant and nursing mothers and children shall be given additional food in proportion to their physiological needs. Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

Section 25. Rights of Children Arrested for Reasons Related to Armed Conflict. – Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights;

(a) Separate detention from adults except where families are accommodated as family units;

(b) Immediate free legal assistance;

(c) Immediate notice of such arrest to the parents or guardians of the child; and

(d) Release of the child on recognizance within twenty-four (24) hours to the custody of the Department of Social Welfare and Development or any responsible member of the community as determined by the court.

If after hearing the evidence in the proper proceedings the court should find that the aforesaid child committed the acts charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such child to the custody or care of the Department of Social Welfare and Development or to any training institution operated by the Government, or duly-licensed agencies or any other responsible person, until he has had reached eighteen (18) years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the agency or responsible individual under whose care he has been committed.

The aforesaid child shall subject to visitation and supervision by a representative of the Department of Social Welfare and Development or any duly-licensed agency or such other officer as the court may designate subject to such conditions as it may prescribe.

The aforesaid child whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases.

Section 26. Monitoring and Reporting of Children in Situations of Armed Conflict. – The chairman of the barangay affected by the armed conflict shall submit the names of children residing in said barangay to the municipal social welfare and development officer within twenty-four (24) hours from the occurrence of the armed conflict.

ARTICLE XI

Remedial Procedures

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

(a) Offended party;

(b) Parents or guardians;

(c) Ascendant or collateral relative within the third degree of consanguinity;

(d) Officer, social worker or representative of a licensed child-caring institution;

(e) Officer or social worker of the Department of Social Welfare and Development;

(f) Barangay chairman; or

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

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

Section 29. *Confidentiality.* – At the instance of the offended party, his name may be withheld from the public until the court acquires jurisdiction over the case.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

Section 30. *Special Court Proceedings.* – Cases involving violations of this Act shall be heard in the chambers of the judge of the Regional Trial Court duly designated as Juvenile and Domestic Court.

Any provision of existing law to the contrary notwithstanding and with the exception of habeas corpus, election cases, and cases involving detention prisoners and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing or disposition of cases involving violations of this Act.

ARTICLE XII

Common Penal Provisions

Section 31. Common Penal Provisions.

(a) The penalty provided under this Act shall be imposed in its maximum period if the offender has been previously convicted under this Act;

(b) When the offender is a corporation, partnership or association, the officer or employee thereof who is responsible for the violation of this Act shall suffer the penalty imposed in its maximum period;

(c) The penalty provided herein shall be imposed in its maximum period when the perpetrator is an ascendant, parent guardian, stepparent or collateral relative within the second degree of consanguinity or affinity, or a manager or owner of an establishment which has no license to operate or its license has expired or has been revoked;

(d) When the offender is a foreigner, he shall be deported immediately after service of sentence and forever barred from entry to the country;

(e) The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public officer or employee: Provided, however, That if the penalty imposed is reclusion perpetua or reclusion temporal, then the penalty of perpetual or temporary absolute disqualification shall also be imposed: Provided, finally, That if the penalty imposed is prison correccional or arresto mayor, the penalty of suspension shall also be imposed; and

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

ARTICLE XIII

Final Provisions

Section 32. Rules and Regulations. – Unless otherwise provided in this Act, the Department of Justice, in coordination with the Department of Social Welfare and Development, shall promulgate rules and regulations of the effective implementation of this Act.

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

Section 33. Appropriations. – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 34. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

Section 35. Repealing Clause. – All laws, decrees, or rules inconsistent with the provisions of this Acts are hereby repealed or modified accordingly.

Section 36. Effectivity Clause. – This Act shall take effect upon completion of its publication in at least two (2) national newspapers of general circulation.

[REPUBLIC ACT NO. 8504]

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

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 **"Philippine AIDS Prevention and Control Act of 1998."**

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

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

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

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

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

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

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

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

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

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

Section 3. Definition of Terms - As used in this Act, the following terms are defined as follows:

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

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

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

(d) "Contact tracing" - refers to the method of finding and counseling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.

(e) "Human Immunodeficiency Virus (HIV)" - refers to the virus which causes AIDS.

(f) "HIV/AIDS Monitoring" - refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread.

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

(h) "HIV-positive" - refers to the presence of HIV infection as documented by the presence of HIV antibodies in the sample being tested.

(i) "HIV-negative" - denotes the absence of HIV or HIV antibodies upon HIV testing.

(j) "HIV Testing" - refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.

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

(l) "High-Risk Behavior"- refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV.

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

(n) "Medical Confidentiality" - refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist nurse medical technologist and all other health workers or personnel involved in any counseling, testing, or professional care of the former; it also applies to any person who, in any official capacity, has acquired or may have acquired or may have acquired such confidential information.

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

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

(q) "Post-Test Counselling" - refers to the process of providing risk -

reduction information and emotional support to a person who submitted to HIV testing at the time that the result is released.

(r) "Prophylactic" - refers to any agent or device used to prevent the transmission of a disease.

(s) "Sexually Transmitted Diseases" - refers to any disease that may be acquired or passed on through sexual contact.

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

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

ARTICLE I

EDUCATION AND INFORMATION

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

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

All teachers and instructors of said HIV/AIDS courses shall be required to undergo a seminar or training on HIV/AIDS prevention and control to be supervised by DECS, CHED and TESDA, in coordination with the Department

of Health (DOH), before they are allowed to teach on the subject.

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

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

Section 7. HIV/AIDS Education for Filipinos Going Abroad - The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS before certification for overseas assignment. The Department of Labor and Employment or the Department of Foreign Affairs, the Department of Tourism and the Department of Justice through the Bureau of Immigration, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Section.

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

Section 9. HIV/AIDS Education in Communities - Local government units, in collaboration with the Department of Health (DOH), shall conduct an educational and information campaign on HIV/AIDS. The provincial

governor, city or municipal mayor and the Barangay Captain shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

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

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

ARTICLE II

SAFE PRACTICES AND PROCEDURES

Section 12. Requirement on the Donation of Blood, Tissue, or Organ - No laboratory or institution shall accept a donation of tissue or organ, whether such donation is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to HIV testing and HIV (+) blood shall be disposed of properly and immediately. A second testing may be demanded as a matter of right by the blood, tissue, or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: Provided, that donations of blood, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.

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

The necessary protective equipment such as gloves, goggles and gowns, shall be made available to all physicians and health care providers and

similarly exposed personnel at all times.

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

ARTICLE III TESTING, SCREENING AND COUNSELLING

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

- (a) a person volunteers or freely agrees to donate his/her blood, organ, or tissue for transfusion, transplantation, or research;
- (b) a person has executed a legacy in accordance with Section 3 of Republic Act No. 7170, also known as the "Organ Donation Act of 1991;
- (c) a donation is executed in accordance with Section 4 of Republic Act No. 7170.

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

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

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

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

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

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

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

Section 20. Pre-test and Post-test Counseling - All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counseling and post-test services. However, such counseling services must be provided only to persons who meet the standards set by the DOH.

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

ARTICLE IV

HEALTH AND SUPPORT SERVICES

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

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

and care services.

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

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

Section 26. Insurance for Persons with HIV - The Secretary of Health, in cooperation with the Commissioner of the Insurance Commission and other public and private insurance agencies, shall conduct a study on the feasibility and viability of setting up a package of insurance benefits and, should such study warrant it, implement an insurance coverage for persons with HIV.

The study shall be guided by the principle that access to health insurance is a part of an individual's right to health and is the responsibility of the State and of society as a whole.

ARTICLE V MONITORING

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

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

Section 29. Contact Tracing - HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Department of Health: Provided, That these do not run counter to the general purpose of this Act:

Provided, further. That any information gathered shall remain confidential and classified, and can only be used for statistical and monitoring purposes and not as basis or qualification for any employment, school attendance, freedom of abode, or travel.

ARTICLE VI

CONFIDENTIALITY

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

Section 31. Exceptions to the Mandate of Confidentiality - Medical confidentiality shall not be considered breached in the following cases:

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

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

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

Section 32. Release of HIV/AIDS Test Results - All results of HIV/AIDS testing shall be confidential and shall be released only to the following persons:

(a) the person who submitted himself/herself to such test;

(b) either parent of a minor child who has been tested;

(c) a legal guardian in the case of insane persons or orphans;

(d) a person authorized to receive such results in conjunction with

the AIDSWATCH program as provided in Section 27 of this Act;

(e) a justice of the Court of Appeals or the Supreme Court, as provided under subsection (c) of this Act and in accordance with the provision of Section 16 hereof.

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

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

ARTICLE VII

DISCRIMINATORY ACTS AND POLICIES

Section 35. Discrimination in the Workplace - Discrimination in any form from pre-employment to post-employment, including hiring promotion or assignment, based on the actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.

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

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

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

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

Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said health condition.

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

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

Section 42. *Penalties for Discriminatory Acts and Policies* - All discriminatory acts and policies referred to in this Act shall be punishable with a penalty of imprisonment for six (6) months to four (4) years and a fine not exceeding Ten Thousand Pesos (=P=10,000.00). In addition, licenses/permits of schools, hospitals and other institutions found guilty of committing' discriminatory acts and policies described in this Act shall be revoked.

ARTICLE VIII

THE PHILIPPINE NATIONAL AIDS COUNCIL

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

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

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

(1) The institution of a nationwide HIV/AIDS information and education program;

(2) The establishment of a comprehensive HIV/AIDS monitoring system;

(3) The issuance of guidelines on medical and other

practices and procedures that carry the risk of HIV transmission;

(4) The provision of accessible and affordable HIV testing and counseling services to those who are in need of it;

(5) The provision of acceptable health and support services for persons with HIV/AIDS in hospitals and in communities;

(6) The protection and promotion of the rights of individuals with HIV; and

(7) The strict observance of medical confidentiality.

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

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

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

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

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

Section 45. Membership and Composition - (a) The Council shall be composed of twenty-six (26) members as follows:

(1) The Secretary of the Department of Health;

(2) The Secretary of the Department of Education, Culture and Sports or his representative;

(3) The Chairperson of the Commission on Higher Education or his representative;

(4) The Director General of the Technical Education and Skills

Development Authority or his representative;

(5) The Secretary of the Department of Labor and Employment or his representative;

(6) The Secretary of the Department of Social Welfare and Development or his representative;

(7) The Secretary of the Department of the Interior and Local Government or his representative;

(8) The Secretary of the Department of Justice or his representative;

(9) The Director-General of the National Economic and Development Authority or his representative;

(10) The Secretary of the Department of Tourism or his representative;

(11) The Secretary of the Department of Budget and Management or his representative; (12) The Secretary of the Department of Foreign Affairs or his representative;

(13) The Head of the Philippine Information Agency or his representative;

(14) The President of the League of Governors or his representative;

(15) The President of the League of City Mayors or his representative;

(16) The Chairperson of the Committee on Health of the Senate of the Philippines or his representative;

(17) The Chairperson of the Committee on Health of the House of Representatives or his representative;

(18) Two (2) representatives from organizations of medical/health professionals;

(19) Six (6) representatives from non-government organizations involved in HIV/AIDS prevention and control efforts or activities; and

(20) A representative of an organization of persons dealing with HIV/ AIDS.

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

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

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

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

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

Section 46. Reports - The Council shall submit to the President and to both Houses of Congress comprehensive annual reports on the activities and accomplishment of the Council. Such annual reports shall contain for the medium and long term prevention and control program on HTV/AIDS in the Philippines.

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

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

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 49. Implementing Rules and Regulations - Within six (6) months after it is fully reconstituted; the Council shall formulate and issue the appropriate

rules and regulations necessary for the implementation of this Act.

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

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

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

[REPUBLIC ACT NO. 7277]

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

TITLE I

GENERAL PROVISIONS

CHAPTER I

BASIC PRINCIPLE

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

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

(a) Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.

(b) Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone — the family, community and all government and nongovernment organizations. Disabled persons' rights must never be perceived as welfare services by the Government.

(c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community based programs that will ensure full participation of different sectors as supported by national and local government agencies.

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

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

Section 3. Coverage. — This Act shall cover all disabled persons and, to the extent herein provided, departments, offices and agencies of the National Government or nongovernment organizations involved in the attainment of the objectives of this Act.

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

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

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

(c) Disability shall mean 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment;

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

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

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

(g) Auxiliary Aids and Services include:

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

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

(3) acquisition or modification of equipment or devices; and

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

(h) Reasonable Accommodation include 1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and 2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons;

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

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

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

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

description shall be considered evidence of the essential functions of the job;

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

(1) the nature and cost of the action;

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

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

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

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

(o) Covered Entity means an employer, employment agency, labor organization or joint labor management committee; and

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

TITLE II

RIGHTS AND PRIVILEGES OF DISABLED PERSONS

CHAPTER I

EMPLOYMENT

Section 5. *Equal Opportunity for Employment.* — No disable person shall be denied access to opportunities for suitable employment. A qualified

disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.

Five percent (5%) of all casual emergency and contractual positions in the Departments of Social Welfare and Development; Health; Education, Culture and Sports; and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons.

Section 6. Sheltered Employment. — If suitable employment for disabled persons cannot be found through open employment as provided in the immediately preceding Section, the State shall endeavor to provide it by means of sheltered employment. In the placement of disabled persons in sheltered employment, it shall accord due regard to the individual qualities, vocational goals and inclinations to ensure a good working atmosphere and efficient production.

Section 7. Apprenticeship. — Subject to the provisions of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners: Provided, That their handicap is not as much as to effectively impede the performance of job operations in the particular occupation for which they are hired; Provided, further, That after the lapse of the period of apprenticeship, if found satisfactory in the job performance, they shall be eligible for employment.

Section 8. Incentives for Employers.

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

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

(c) Private entities that improve or modify their physical facilities in

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

Section 9. Vocational Rehabilitation. — Consistent with the principle of equal opportunity for disabled workers and workers in general, the State shall take appropriate vocational rehabilitation measures that shall serve to develop the skills and potentials of disabled persons and enable them to compete favorably for available productive and remunerative employment opportunities in the labor market.

The State shall also take measures to ensure the provision of vocational rehabilitation and livelihood services for disabled persons in the rural areas. In addition, it shall promote cooperation and coordination between the government and nongovernmental organizations and other private entities engaged in vocational rehabilitation activities.

The Department of Social Welfare and Development shall design and implement training programs that will provide disabled persons with vocational skills to enable them to engage in livelihood activities or obtain gainful employment. The Department of Labor and Employment shall likewise design and conduct training programs geared towards providing disabled persons with skills for livelihood.

Section 10. Vocational Guidance and Counseling. — The Department of Social and Welfare and Development, shall implement measures providing and evaluating vocational guidance and counseling to enable disabled persons to secure, retain and advance in employment. It shall ensure the availability and training of counselors and other suitably qualified staff responsible for the vocational guidance and counseling of disabled persons.

Section 11. Implementing Rules and Regulations. — The Department of Labor and Employment shall in coordination with the Department of Social Welfare and Development (DSWD) and National Council for the Welfare of the Disabled Persons (NCWDP) shall promulgate the rules and regulations necessary to implement the provisions under this Chapter.

CHAPTER II EDUCATION

Section 12. Access to Quality Education. — The State shall ensure that disabled persons are provided with access to quality education and ample

opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability. The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

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

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

Section 14. Special Education. — The State shall establish, maintain and support complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other types of exceptional children in all regions of the country. Toward this end, the Department of Education, Culture and Sports shall establish special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities.

The National Government shall allocate funds necessary for the effective implementation of the special education program nationwide. Local government units may likewise appropriate counterpart funds to supplement national funds.

Section 15. Vocational or Technical and Other Training Programs. — The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness programs specifically designed for disabled persons taking into consideration the nature of their

handicap.

Section 16. Non-Formal Education. — The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

Section 17. State Universities and Colleges. — If viable and needed, the State University or State College in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for vocational rehabilitation and special education instructions; (c) the research on special problems, particularly of the visually-impaired, hearing impaired, speech-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and others, and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled (SPED) course in the curriculum.

The National Government shall provide these state universities and colleges with necessary special facilities for visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students. It shall likewise allocate the necessary funds in support of the above.

CHAPTER III

HEALTH

Section 18. National Health Program. — The Department of Health in coordination with the National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

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

Section 19. Rehabilitation Centers. — The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers. The Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

Section 20. Health Services. — The State shall protect and promote the right to health of disabled persons and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost.

The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

(a) prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; and early detection of disability and timely intervention to arrest disabling condition; and

(b) medical treatment and rehabilitation.

The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

CHAPTER IV

AUXILIARY SOCIAL SERVICES

Section 21. Auxiliary Social Services. — The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Towards this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons. The components of such a program shall be as follows:

(a) assistance in the acquisition of prosthetic devices and medical intervention of specialty services;

(b) provision of specialized training activities designed to improve functional limitations of disabled persons related to communication skills;

(c) development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening daily living capability;

(d) provision of family care services geared towards developing the capability of families to respond to the needs of the disabled

members of the family;

(e) provision of substitute family care services and the facilities therefore for abandoned, neglected, abused and unattached disabled persons who need custodial care;

(f) provision of after care and follow-up services for the continued rehabilitation in a community-based setting of disabled persons who were released from residential care or rehabilitation centers; and

(g) provision of day care services for disabled children of pre-school age.

CHAPTER V TELECOMMUNICATIONS

Section 22. *Broadcast Media.* — Television stations shall be encouraged to provide a sign— language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance.

Section 23. *Telephone Services.* — All telephone companies shall be encouraged to install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable them to communicate through the telephone system.

Section 24. *Free Postal Charges for the Disabled.* — Postal charges shall be free on the following:

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

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

CHAPTER VI ACCESSIBILITY

Section 25. *Barrier-Free Environment.* — The State shall ensure the attainment of a barrier-free environment that will enable disabled persons

to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law".

The national and local governments shall allocate funds for the provision of architectural facilities or structural features for disabled persons in government buildings and facilities.

Section 26. Mobility. — The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

Section 27. Access to Public Transport Facilities. — The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare. The said department shall also allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons.

The "Accessibility Law", as amended, shall be made suppletory to this Act.

Section 28. Implementing Rules and Regulations. — The Department of Transportation and Communications shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

CHAPTER VII

POLITICAL AND CIVIL RIGHTS

Section 29. System of Voting. — Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense. Polling places should be made accessible to disabled persons during national or local elections.

Section 30. Right to Assemble. — Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerned action held in public.

Section 31. Right to Organize. — The State recognizes the right of disabled persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of the disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons.

Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

TITLE III

PROHIBITION ON DISCRIMINATION AGAINST DISABLED PERSONS

CHAPTER I

DISCRIMINATION ON EMPLOYMENT

Section 32. Discrimination on Employment. — No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:

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

(1) have the effect of discrimination on the basis of disability; or

(2) Perpetuate the discrimination of others who are subject to common administrative control.

(d) Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;

(e) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;

(f) Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;

(g) Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity: Provided, however, That the employer first sought to provide reasonable accommodations for disabled persons;

(h) Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such tests purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and

(i) Excluding disabled persons from membership in labor unions or similar organizations.

Section 33. Employment Entrance Examination. — Upon an offer of employment, a disabled applicant may be subjected to medical examination, on the following occasions:

(a) all entering employees are subjected to such an examination regardless of disability;

(b) information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record; Provided, however, That:

(1) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;

(2) first aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment;

(3) government officials investigating compliance with this Act shall be provided relevant information on request; and

(4) The results of such examination are used only in accordance with this Act.

CHAPTER II

DISCRIMINATION ON TRANSPORTATION

Section 34. Public Transportation. — It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

CHAPTER III

DISCRIMINATION ON THE USE OF PUBLIC ACCOMMODATIONS AND SERVICES

Section 35. Public Accommodations and Services. — For purposes of this Chapter, public accommodations and services shall include the following:

(a) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(b) a restaurant, bar, or other establishment serving food or drink;

(c) a motion picture, theater, concert hall, stadium, or other place of exhibition or entertainment;

(d) an auditorium, convention center, lecture hall, or other place of public gathering;

(e) a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;

(f) a bank, barber shop, beauty shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;

(g) a terminal, depot, or other station used for specified public transportation;

(h) a museum, gallery, library or other place of public display or collection;

(i) a park, zoo, amusement park, or other place of recreation;

(j) a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;

(k) a gymnasium, health spa, bowling alley, golf course; or

(l) Other place of exercise or recreation.

Section 36. Discrimination on the Use of Public Accommodations. — (a) No disabled person shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:

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

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

(3) providing a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantage, privilege, or accommodation that is different or separate form that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege, or accommodation, or other opportunity that is as

effective as that provided to others;

For purposes of this Section, the term "individuals or class of individuals" refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

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

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

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

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

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

(2) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;

(3) failure to take such steps as may be necessary to

ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden;

(4) A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and

(5) Where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

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

Section 38. Implementing Rules and Regulations. — The Department of Public Works and Highways shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

TITLE IV FINAL PROVISIONS

Section 39. Housing Program. — The National Government shall take into consideration in its national shelter program the special housing requirements of disabled persons.

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

Section 41. Support From Nongovernment Organizations. —

Nongovernment organizations or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of disabled persons shall, as they, are hereby encouraged, become partners of the Government in the implementation of vocational rehabilitation measures and other related programs and projects. Accordingly, their participation in the implementation of said measures, programs and projects is to be extended all possible support by the Government.

The Government shall sponsor a volunteer service program which shall harness the involvement of private individuals in the provision of assistance to disabled persons.

Section 42. Tax Incentives.

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

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

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

- (1) repatriation of investments;
- (2) remittance of earnings;
- (3) remittance of payments on foreign contracts;
- (4) freedom from expropriations;
- (5) freedom from requisition of investment;
- (6) income tax holiday;
- (7) additional deduction for labor expense;
- (8) tax and duty exemption on imported capital equipment;
- (9) tax credit on domestic capital equipment;
- (10) exemption from contractor's tax;

- (11) simplification of customs procedures;
- (12) unrestricted use of consigned equipment;
- (13) employment of foreign nationals;
- (14) tax credit for taxes and duties on raw materials;
- (15) access to bonded manufacturing/traded warehouse system;
- (16) exemption from taxes and duties on imported spare parts; and
- (17) Exemption from wharf age dues and any export tax, duty, impost and fee.

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

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

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

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

Section 44. Enforcement by the Secretary of Justice.

(a) Denial of Right

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

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

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

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

Section 45. Authority of Court. — The court may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act:

- (a) granting temporary, preliminary or permanent relief;
- (b) providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
- (c) Making facilities readily accessible to and usable by individuals with disabilities.

Section 46. Penal Clause.

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

(1) for the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and

(2) for any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.

(b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (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.

Section 47. Appropriations. — The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

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

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

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

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. – Anything 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, bhang, 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 (P15,000,000.00) 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, methylenedioxymethamphetamine (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 or 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 the 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.

[REPUBLIC ACT NO. 9418]

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

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

SEC. 1. Title. - This Act shall be known and cited as the "**Volunteer Act of 2007**".

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

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

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

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

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

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

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

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

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

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

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

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

(b) Volunteerism in the corporate sector as an expression of corporate social responsibility and citizenship refers to activities recognized by the company, where employees give their time, skills and resources in the service of the company's internal and/or external communities. These volunteering activities include, but are not limited to, employee giving of material resources to specific

causes; employee-led fund-raising; one-time outreach activities; environmental campaign; medical and health related advocacies; knowledge and change management; scholarship programs; and sharing of expertise, particularly of business and developmental skills through mentoring, tutoring, training, business, consulting/advising and rendering of pro bono services on a case-to-case basis; and

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

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

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

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

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

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

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

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

(d) Develop and implement prototypes and models of volunteering for adoption by institutions and communities;
(e) Provide technical services and support for capability building of volunteers and volunteer organizations;

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

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

(h) Administer all the PNVSCA funds from all sources including foreign aid in accordance with accounting and auditing requirements. For this purpose, the executive director of the PNVSCA shall submit an organizational plan upon advice of the MultiSectoral Advisory Body to the Department of Budget and Management.

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

- (a) The National Economic and Development Authority (NEDA);
- (b) The Department of Education (DepED);
- (c) The Department of Foreign Affairs (DFA);
- (d) The Department of Justice (DOJ);
- (e) The Department of the Interior and Local Government (DILG);
- (f) The Department of Social Welfare and Development (DSWD);
- (g) The Commission on Higher Education (CHED);
- (h) The Presidential Management Staff (PMS), Office of the President;
- (i) The Representative/s from the corporate sector;
- (j) The Representative/s from the private academe sector; and
- (k) The Representative/s from the not-for-profit sector. All member government agencies shall be represented at least by an assistant secretary while the private sector agencies shall be represented at least by their highest executive officers. The government agencies shall be permanent members while the representatives from the private sector shall serve for a two year term. The chair of the MSAB shall be elected from among the members of the body. The PNVSCA executive director, being an ex officio member, shall serve as the permanent vice chair.

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

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

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

SEC. 12. Special Provisions.

(a) Establishment of a National Volunteer Infrastructure and Forum. – The PNVSCA shall develop and establish a system of national registration and networking to improve coordination of volunteers and volunteer service organizations to widen horizon for sharing and complementing information, experiences and resources.

(b) Integration of Volunteerism in the Basic and Higher Education Curriculum. – The DepEd and the CHED shall integrate volunteerism as part of the curriculum in basic and higher education to raise the consciousness of the youth and develop the culture of volunteerism among the citizenry.

(c) Establishment of Volunteer Program in National Government Agencies and Local Government Units (LGUs). – National government agencies and LGUs shall establish volunteer programs in their respective offices to promote and encourage volunteering in government programs and projects as well as enjoin government employees to render volunteer service in social, economic and humanitarian development undertakings in the community.

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

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

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

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

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

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

[REPUBLIC ACT NO. 9512] December 12, 2008
AN ACT TO PROMOTE ENVIRONMENTAL AWARENESS THROUGH ENVIRONMENTAL EDUCATION 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 "**National Environmental Awareness and Education Act of 2008**".

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

Section 3. Scope of Environmental Education. - The Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Social Welfare and Development (DSWD), in coordination with the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST) and other relevant agencies, shall integrate environmental education in its school curricula at all levels, whether public or private, including in barangay daycare, preschool, non-formal, technical vocational, professional level, indigenous learning and out-of-school youth courses or programs. Environmental education shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. It shall cover both theoretical and practicum modules comprising activities, projects, programs including, but not limited to, tree planting; waste minimization, segregation, recycling and composting; freshwater and marine conservation; forest management and conservation; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection law.

Section 4. Environmental Education and Activities as Part of National Service Training Program. - The CHED and the TESDA shall include environmental

education and awareness programs and activities in the National Service Training Program under Republic Act No. 9163, as part of the Civic Welfare Training Service component required for all baccalaureate degree courses and vocational courses with a curriculum of at least two (2) years.

Section 5. Declaration of Environmental Awareness Month. - Pursuant to the policy set forth in this Act, the month of November of every year shall be known as the "Environmental Awareness Month" throughout the Philippines.

Section 6. Interagency and Multi-sectoral Effort. - The DepEd, CHED, TESDA, DENR, DOST and other relevant agencies, in consultation with experts on the environment and the academe, shall lead in the implementation of public education and awareness programs on environmental protection and conservation through collaborative interagency and multi-sectoral effort at all levels.

The DENR shall have the primary responsibility of periodically informing all agencies concerned on current environmental updates, including identifying priority environmental education issues for national action and providing strategic advice on the environmental education activities. The DepEd, CHED, TESDA, DENR, DOST, DSWD and barangay units shall ensure that the information is disseminated to the subject students.

The DOST is mandated to create programs that will ensure that students receive science-based quality information on environmental issues to encourage the development of environment-friendly solutions, devices, equipment and facilities.

Section 7. Capacity-Building. - The DepEd, CHED and TESDA, in coordination with the DENR and other relevant agencies, shall undertake capacity-building programs nationwide such as trainings, seminars, workshops on environmental education, development and production of environmental education materials, and teacher-education courses and related livelihood programs.

Section 8. Separability Clause. - If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Section 9. Repealing Clause. - All other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 10. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN

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

Section 1. Short Title. - This Act shall be known as "**The Magna Carta of Women**".

Section 2. Declaration of Policy. - Recognizing that the economic, political, and sociocultural realities affect women's current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.

The State condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments consistent with Philippine law. The State shall accord women the rights, protection, and opportunities available to every member of society.

The State affirms women's rights as human rights and shall intensify its efforts to fulfill its duties under international and domestic law to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status. The State shall provide the necessary mechanisms to enforce women's rights and adopt and undertake all legal measures necessary to foster and promote the equal opportunity for women to participate in and contribute to the development of the political, economic, social, and cultural realms.

The State, in ensuring the full integration of women's concerns in the mainstream of development, shall provide ample opportunities to enhance

and develop their skills, acquire productive employment and contribute to their families and communities to the fullest of their capabilities.

In pursuance of this policy, the State reaffirms the right of women in all sectors to participate in policy formulation. Planning, organization, implementation, management, monitoring, and evaluation of all programs, projects, and services. It shall support policies, researches, technology, and training programs and other support services such as financing, production, and marketing to encourage active participation of women in national development.

Section 3. Principles of Human Rights of Women. - Human rights are universal and indalienable. All people in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights, which states that all human beings are free and equal in dignity and rights.

Human rights are indivisible. Human rights are inherent to the dignity of every human being whether they relate to civil, cultural, economic, political, or social issues.

Human rights are interdependent and interrelated. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others.

All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards.

All people have the right to participate in and access information relating to the decision- making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples, and other identified groups.

States and other duty-bearers are answerable for the observance of human rights. They have to comply with the legal norms and standards enshrined in international human rights instruments in accordance with the Philippine Constitution. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

CHAPTER II

DEFINITION OF TERMS

Section 4. Definitions. - For purposes of this Act, the following terms shall mean:

(a) "Women Empowerment" refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management, and control of production, and of material and informational resources and benefits in the family, community, and society.

(b) "Discrimination Against Women" refers to any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

It includes any act or omission, including by law; policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.

A measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices.

Provided, finally, That discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under this Act.

(c) "Marginalization" refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life.

(d) "Marginalized" refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure; and the justice system.

These include, but are not limited to, women in the following sectors and groups:

(1) "Small Farmers and Rural Workers" refers to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include, but are not limited to, (a) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small-scale mining, handicrafts, and other related farm and off-farm activities;

(2) "Fisherfolk" refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers, and producers of mangrove resources, and other related producers:

(3) "Urban Poor" refers to those residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of abode, where the income of the head of the family cannot afford in a sustained manner to provide for the family's basic needs of food, health, education, housing, and other essentials in life;

(4) "Workers in the Formal Economy" refers to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government-owned and -controlled corporations and institutions, as well as nonprofit private institutions or organizations;

(5) "Workers in the Informal Economy" refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights;

(6) "Migrant Workers" refers to Filipinos who are to be engaged, are engaged, or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented;

(7) "Indigenous Peoples" refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied; possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains as defined under Section 3(h), Chapter II of Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" (IPRA of 1997);

(8) "Moro" refers to native peoples who have historically inhabited Mindanao, Palawan, and Sulu, and who are largely of the Islamic faith;

(9) "Children" refers to those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

(10) "Senior Citizens" refers to those sixty (60) years of age and above;

(11) "Persons with Disabilities" refers to those who are suffering from restriction or different abilities, as a result of a mental, physical, or sensory impairment to perform an activity in the manner or within the range considered normal for a human being; and

(12) "Solo Parents" refers to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents Welfare Act of 2000".

(e) "Substantive Equality" refers to the full and equal enjoyment of rights and freedoms contemplated under this Act. It encompasses de jure and de facto equality and also equality in outcomes.

(f) "Gender Equality" refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

(g) "Gender Equity" refers to the policies, instruments, programs, services, and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. These measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(h) "Gender and Development (GAD)" refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves

and participate in political processes to strengthen their legal rights.

(i) "Gender Mainstreaming" refers to the strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.

(j) "Temporary Special Measures" refers to a variety of legislative, executive, administrative, and regulatory instruments, policies, and practices aimed at accelerating this de facto equality of women in specific areas. These measures shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. They shall be discontinued when their objectives have been achieved.

(k) "Violence Against Women" refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to, the following:

(1) Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

(2) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and

(3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.

(l) "Women in the Military" refers to women employed in the military, both in the major and technical services, who are performing combat and/or noncombat functions, providing security to the State, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions.

(m) "Social Protection" refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets.

CHAPTER III

DUTIES RELATED TO THE HUMAN RIGHTS OF WOMEN

The State, private sector, society in general and all individuals shall contribute to the recognition, respect, and promotion of the rights of women defined and guaranteed under this Act.

Section 5. *The State as the Primary Duty-Bearer.* - The State, as the primary duty-bearer, shall:

- (a) Refrain from discriminating against women and violating their rights;
- (b) Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and
- (c) Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

The State shall fulfill these duties through law, policy, regulatory instruments, administrative guidelines, and other appropriate measures, including temporary special measures.

Recognizing the interrelation of the human rights of women, the State shall take measures and establish mechanisms to promote the coherent and integrated implementation, and enforcement of this Act and related laws, policies, or other measures to effectively stop discrimination against and advance the rights of women.

The State shall keep abreast with and be guided by progressive developments in human rights of women under international law and

design of policies, laws, and other measures to promote the objectives of this Act.

Section 6. Duties of the State Agencies and Instrumentalities. - These duties of the State shall extend to all state agencies, offices, and instrumentalities at all levels and government-owned and -controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define specific duties of state agencies and entities concerned.

Section 7. Suppletory Effect. - This chapter shall be deemed integrated into and be suppletory to other provisions of this Act, particularly those that guarantee specific rights to women and define specific roles and require specific conduct of state organs.

CHAPTER IV RIGHTS AND EMPOWERMENT

Section 8. Human Rights of Women. - All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of women under this Act to be enjoyed without discrimination.

Section 9. Protection from Violence. - The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing.

Towards this end, measures to prosecute and reform offenders shall likewise be pursued.

(a) Within the next five (5) years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services availed of by women who are victims of gender-related offenses until fifty percent (50%) of the personnel thereof shall be women.

(b) Women shall have the right to protection and security in situations of armed conflict and militarization. Towards this end, they shall be protected from all forms of gender-based violence, particularly rape and other forms of sexual abuse, and all forms of violence in situations of armed conflict. The State shall observe international standards for the protection of civilian population in circumstances of emergency and armed conflict. It shall not force women, especially indigenous peoples, to abandon their lands,

territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

(c) All government personnel involved in the protection and defense of women against gender-based violence shall undergo a mandatory training on human rights and gender sensitivity pursuant to this Act.

(d) All local government units shall establish a Violence Against Women's Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner.

Section 10. Women Affected by Disasters, Calamities, and Other Crisis Situations.

- Women have the right to protection and security in times of disasters, calamities, and other crisis situations especially in all phases of relief, recovery, rehabilitation, and construction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlement, if necessary. It shall also address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other sexual and gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support, livelihood support, education, psychological health, and comprehensive health services, including protection during pregnancy.

Section 11. Participation and Representation. - The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development. The State shall institute the following affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development:

(a) Empowerment within the Civil Service. - Within the next five (5) years, the number of women in third (3rd) level positions in government shall be incrementally increased to achieve a fifty-fifty (50-50) gender balance;

(b) Development Councils and Planning Bodies. - To ensure the participation of women in all levels of development planning and program implementation, at least forty percent (40%) of membership of all development councils from the regional, provincial, city, municipal and barangay levels shall be composed of women;

(c) Other Policy and Decision-Making Bodies. - Women's groups shall also be represented in international, national, and local special and decision-making bodies;

(d) International Bodies. - The State shall take all appropriate measures to ensure the opportunity of women, on equal terms with men and without any discrimination, to represent their governments at the international level and to participate in the work of international organizations;

(e) Integration of Women in Political Parties. - The State shall provide incentives to political parties with women's agenda. It shall likewise encourage the integration of women in their leadership hierarchy, internal policy-making structures, appointive, and electoral nominating processes; and

(f) Private Sector. - The State shall take measures to encourage women leadership in the private sector in the form of incentives.

Section 12. *Equal Treatment Before the Law.* - The State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of this Act.

Section 13. *Equal Access and Elimination of Discrimination in Education, Scholarships, and Training.*

(a) The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights, education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged.

(b) Enrollment of women in nontraditional skills training in vocational and tertiary levels shall be encouraged.

(c) Expulsion and non-readmission of women faculty due to pregnant; - outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely on the account of her having contracted pregnancy outside of marriage during her term in school.

Section 14. Women in Sports. - The State shall develop, establish, and strengthen programs for the participation of women and girl-children in competitive and noncompetitive sports as a means to achieve excellence, promote physical and social well-being, eliminate gender-role stereotyping, and provide equal access to the full benefits of development for all persons regardless of sex, gender identity, and other similar factors.

For this purpose, all sports-related organizations shall create guidelines that will establish and integrate affirmative action as a strategy and gender equality as a framework in planning and implementing their policies, budgets, programs, and activities relating to the participation of women and girls in sports.

The State will also provide material and nonmaterial incentives to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for participation in competitive and noncompetitive sports, especially in local and international events, including, but not limited to, the Palarong Pambansa, Southeast Asian Games, Asian Games, and the Olympics.

No sports event or tournament will offer or award a different sports prize, with respect to its amount or value, to women and men winners in the same sports category: Provided, That the said tournament, contest, race, match, event, or game is open to both sexes: Provided, further, That the sports event or tournament is divided into male or female divisions.

The State shall also ensure the safety and well-being of all women and girls participating in sports, especially, but not limited to, trainees, reserve members, members, coaches, and mentors of national sports teams, whether in studying, training, or performance phases, by providing them comprehensive health and medical insurance coverage, as well as integrated medical, nutritional, and healthcare services.

Schools, colleges, universities, or any other learning institution shall take into account its total women student population in granting athletic scholarship. There shall be a pro rata representation of women in the athletic scholarship program based on the percentage of women in the whole student population.

Section 15. Women in the Military. - The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and noncombat training that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations. Women in the military shall be accorded the same promotional privileges

and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. Towards this end, the State shall ensure that the personal dignity of women shall always be respected.

Women in the military, police, and other similar services shall be provided with the same right to employment as men on equal conditions. Equally, they shall be accorded the same capacity as men to act in and enter into contracts, including marriage.

Further, women in the military, police; and other similar services shall be entitled to leave benefits such as maternity leave, as provided for by existing laws.

Section 16. Nondiscriminatory and No derogatory Portrayal of Women in Media and Film. - The State shall formulate policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women and the role and contribution of women in the family; community, and the society through the strategic use of mass media.

For this purpose, the State shall ensure allocation of space; airtime, and resources, strengthen programming, production, and image-making that appropriately present women's needs, issues, and concerns in all forms of media, communication, information dissemination, and advertising.

The State, in cooperation with all schools of journalism, information, and communication, as well as the national media federations and associations, shall require all media organizations and corporations to integrate into their human resource development components regular training on gender equality and gender-based discrimination, create and use gender equality guidelines in all aspects of management, training, production, information, dissemination, communication, and programming; and convene a gender equality committee that will promote gender mainstreaming as a framework and affirmative action as a strategy, and monitor and evaluate the implementation of gender equality guidelines.

Section 17. Women's Right to Health. - (a) Comprehensive Health Services. - The State shall, at all times, provide for a comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which addresses the major causes of women's mortality and morbidity: Provided, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the spouses to found a family in accordance with

their religious convictions, and the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances.

Access to the following services shall be ensured:

- (1) Maternal care to include pre- and post-natal services to address pregnancy and infant health and nutrition;
- (2) Promotion of breastfeeding;
- (3) Responsible, ethical, legal, safe, and effective methods of family planning;
- (4) Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
- (5) Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- (6) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- (7) Prevention of abortion and management of pregnancy-related complications;
- (8) In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment;
- (9) Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;
- (10) Care of the elderly women beyond their child-bearing years; and
- (11) Management, treatment, and intervention of mental health problems of women and girls. In addition, healthy lifestyle activities are encouraged and promoted through programs and projects as strategies in the prevention of diseases.

(b) Comprehensive Health Information and Education. - The State shall provide women in all sectors with appropriate, timely, complete, and accurate information and education on all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

(1) The natural and primary right and duty of parents in the rearing of the youth and the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;

(2) The formation of a person's sexuality that affirms human dignity; and

(3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

Section 18. Special Leave Benefits for Women. - A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders.

Section 19. Equal Rights in All Matters Relating to Marriage and Family Relations. - The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

(a) the same rights to enter into and leave marriages or common law relationships referred to under the Family Code without prejudice to personal or religious beliefs;

(b) the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect;

(c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(d) the same personal rights between spouses or common law spouses including the right to choose freely a profession and an occupation;

(e) the same rights for both spouses or common law spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property;

(f) the same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary; and

(g) women shall have equal rights with men to acquire, change, or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered.

Customary laws shall be respected: *Provided*, however, That they do not discriminate against women.

CHAPTER V

RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

Women in marginalized sectors are hereby guaranteed all civil, political, social, and economic rights recognized, promoted, and protected under existing laws including, but not limited to, the Indigenous Peoples Rights Act, the Urban Development and Housing Act, the Comprehensive Agrarian Reform Law, the Fisheries Code, the Labor Code, the Migrant Workers Act, the Solo Parents Welfare Act, and the Social Reform and Poverty Alleviation Act.

Section 20. Food Security and Productive Resources. - The State recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency with the active participation of women. Towards this end, the State shall guarantee, at all times, the availability in the market of safe and health-giving food to satisfy the dietary needs of the population, giving particular attention to the specific needs of poor girl-children and marginalized women, especially pregnant and lactating mothers and their young children. To further address this, the State shall ensure:

(a) Right to Food. - The State shall guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals, the physical and economic accessibility for everyone to adequate food that is culturally acceptable and free from unsafe substances and culturally accepted, and the accurate and substantial information to the availability of food, including the right

to full, accurate, and truthful information about safe and health-giving foods and how to produce and have regular and easy access to them;

(b) Right to Resources for Food Production. - The State shall guarantee women a vital role in food production by giving priority to their rights to land, credit, and infrastructure support, technical training, and technological and marketing assistance. The State shall promote women-friendly technology as a high priority activity in agriculture and shall promote the right to adequate food by proactively engaging in activities intended to strengthen access to, utilization of, and receipt of accurate and substantial information on resources and means to ensure women's livelihood, including food security:

(1) Equal status shall be given to women and men, whether married or not, in the titling of the land and issuance of stewardship contracts and patents;

(2) Equal treatment shall be given to women and men beneficiaries of the agrarian reform program, wherein the vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to tillage, i.e., her direct and indirect contribution to the development of the land;

(3) Customary rights of women to the land, including access to and control of the fruits and benefits, shall be recognized in circumstances where private ownership is not possible, such as ancestral domain claims:

(4) Information and assistance in claiming rights to the land shall be made available to women at all times;

(5) Equal rights to women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains;

(6) Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;

(7) Equal status shall be given to women and men in the issuance of stewardship or lease agreements and other fishery rights that may be granted for the use and management of coastal and aquatic resources. In the same manner, women's organizations shall be given equal

treatment as with other marginalized fishers organizations in the issuance of stewardship or lease agreements or other fishery rights for the use and management of such coastal and aquatic resources which may include providing support to women-engaged coastal resources;

(8) There shall be no discrimination against women in the deputization of fish wardens;

(9) Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations;

(10) Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected;

(11) Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected;

(12) Equal rights shall be given to women to be members of farmers' organizations to ensure wider access to and control of the means of production;

(13) Provide opportunities for empowering women fishers to be involved in the control and management, not only of the catch and production of aquamarine resources but also, to engage in entrepreneurial activities which will add value to production and marketing ventures; and

(14) Provide economic opportunities for the indigenous women. Particularly access to market for their produce.

In the enforcement of the foregoing, the requirements of law shall be observed at all times.

Section 21. Right to Housing. - The State shall develop housing programs for women that are localized, simple, and accessible, with potable water, and electricity, secure, with viable employment opportunities and affordable amortization. In this regard, the State shall consult women and involve them in community planning and development, especially in matters pertaining to land use, zoning, and relocation.

Section 22. Right to Decent Work. - The State shall progressively realize and ensure decent work standards for women that involve the creation of jobs

of acceptable quality in conditions of freedom, equity, security, and human dignity.

(a) Decent work involves opportunities for work that are productive and fairly remunerative as family living wage, security in the workplace, and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize, participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.

(b) The State shall further ensure:

(1) Support services and gears to protect them from occupational and health hazards taking into account women's maternal functions;

(2) Support services that will enable women to balance their family obligations and work responsibilities including, but not limited to, the establishment of day care centers and breast-feeding stations at the workplace, and providing maternity leave pursuant to the Labor Code and other pertinent laws;

(3) Membership in unions regardless of status of employment and place of employment; and

(4) Respect for the observance of indigenous peoples' cultural practices even in the workplace.

(c) In recognition of the temporary nature of overseas work, the State shall exert all efforts to address the causes of out-migration by developing local employment and other economic opportunities for women and by introducing measures to curb violence and forced and involuntary displacement of local women. The State shall ensure the protection and promotion of the rights and welfare of migrant women regardless of their work status, and protect them against discrimination in wages, conditions of work, and employment opportunities in host countries.

Section 23. Right to Livelihood, Credit, Capital, and Technology. - The State shall ensure that women are provided with the following:

(a) Equal access to formal sources of credit and capital;

(b) Equal share to the produce of farms and aquatic resources; and

(c) Employment opportunities for returning women migrant workers taking into account their skills and qualifications. Corollarily, the State shall also promote skills and entrepreneurship development of returning women migrant workers.

Section 24. Right to Education and Training. - The State shall ensure the following:

(a) Women migrant workers have the opportunity to undergo skills training, if they so desire, before taking on a foreign job, and possible retraining upon return to the country:

(b) Gender-sensitive training and seminars; and

(c) Equal opportunities in scholarships based on merit and fitness, especially to those interested in research and development aimed towards women-friendly farm technology.

Section 25. Right to Representation and Participation. - The State shall ensure women's participation in policy-making or decision-making bodies in the regional, national, and international levels. It shall also ensure the participation of grassroots women leaders in decision and policy-making bodies in their respective sectors including, but not limited to, the Presidential Agrarian Reform Council (PARC) and its local counterparts; community-based resource management bodies or mechanisms on forest management and stewardship; the National Fisheries and Aquatic Resources Management Council (NFARMC) and its local counterparts; the National Commission on Indigenous Peoples; the Presidential Commission for the Urban Poor; the National Anti-Poverty Commission; and, where applicable, the local housing boards.

Section 26. Right to Information. - Access to information regarding policies on women, including programs, projects, and funding outlays that affect them, shall be ensured.

Section 27. Social Protection.

(a) The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall support indigenous and community-based social protection schemes.

(b) The State shall institute policies and programs that seek to reduce the poverty and vulnerability to risks and enhance the social status and rights of the marginalized women by promoting and protecting livelihood and employment, protecting against

hazards and sudden; loss of income, and improving people's capacity to manage risks.

(c) The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts.

(d) The State shall establish a health insurance program for senior citizens and indigents.

(e) The State shall support women with disabilities on a community-based social protection scheme.

Section 28. Recognition and Preservation of Cultural Identity and Integrity. -

The State shall recognize and respect the rights of Moro and indigenous women to practice, promote, protect, and preserve their own culture, traditions, and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge systems and practices, traditional livelihood, and other manifestations of their cultures and ways of life: *Provided*, That these cultural systems and practices are not discriminatory to women.

Section 29. Peace and Development. - The peace process shall be pursued with the following considerations:

(a) Increase the number of women participating in discussions and decision-making in the peace process, including membership in peace panels recognizing women's role in conflict- prevention and peace-making and in indigenous system of conflict resolution;

(b) Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the overall peace strategy and women's participation in the planning, implementation, monitoring, and evaluation of rehabilitation and rebuilding of conflict-affected areas;

(c) The institution of measures to ensure the protection of civilians in conflict-affected communities with special consideration for the specific needs of women and girls:

(d) Include the peace perspective in the education curriculum and other educational undertakings; and

- (e) The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution.

Section 30. Women in Especially Difficult Circumstances. - For purposes of this Act, "Women in Especially Difficult Circumstances" (WEDC) shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, women in detention, victims and survivors of rape and incest, and such other related circumstances which have incapacitated them functionally. Local government units are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.

Section 31. Services and Interventions. - WEDC shall be provided with services and interventions as necessary such as, but not limited to, the following:

- (a) Temporary and protective custody;
- (b) Medical and dental services;
- (c) Psychological evaluation;
- (d) Counseling;
- (e) Psychiatric evaluation;
- (f) Legal services;
- (g) Productivity skills capability building;
- (h) Livelihood assistance;
- (i) Job placement;
- (j) Financial assistance; and
- (k) Transportation assistance.

Section 32. Protection of Girl-Children.

(a) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development.

(b) Girl-children shall be protected from all forms of abuse and exploitation.

(c) Equal access of Moro and indigenous girl-children in the Madaris, schools of living culture and traditions, and the regular schools shall be ensured.

(d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in the Madaris and schools of living culture and traditions shall be developed.

(e) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab), and availability of halal food shall be ensured.

Section 33. Protection of Senior Citizens. - The State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation, and discrimination of older women.

Section 34. Women are entitled to the recognition and protection of their rights defined and guaranteed under this Act including their right to nondiscrimination.

Section 35. Discrimination Against Women is Prohibited. - Public and private entities and individuals found to have committed discrimination against women shall be subject to the sanctions provided in Section 41 hereof. Violations of other rights of women shall be subject to sanctions under pertinent laws and regulations.

CHAPTER VI INSTITUTIONAL MECHANISMS

Section 36. Gender Mainstreaming as a Strategy for Implementing the Magna Carta of Women. - Within a period prescribed in the implementing rules and regulations, the National Commission on the Role of Filipino Women (NCRFW) shall assess its gender mainstreaming program for consistency with the standards under this Act. It shall modify the program accordingly to ensure that it will be an effective strategy for implementing this Act and attaining its objectives.

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall adopt gender mainstreaming as a strategy to promote women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes, and procedures which shall include, but not limited to, the following:

(a) Planning, budgeting, monitoring and evaluation for GAD. GAD programs addressing gender issues and concerns shall be designed and implemented based on the mandate of government agencies and local government units, Republic Act No. 7192, gender equality agenda of the government and other GAD-related legislation, policies, and commitments. The

development of GAD programs shall proceed from the conduct of a gender audit of the agency or the local government unit and a gender analysis of its policies, programs, services and the situation of its clientele; the generation and review of sex-disaggregated data; and consultation with gender/women's rights advocates and agency/women clientele. The cost of implementing GAD programs shall be the agency's or the local government unit's GAD budget which shall be at least five percent (5%) of the agency's or the local government unit's total budget appropriations.

Pursuant to Republic Act No. 7192, otherwise known as the Women in Development and Nation Building Act, which allocates five percent (5%) to thirty percent (30%) of overseas development assistance to GAD, government agencies receiving official development assistance should ensure the allocation and proper utilization of such funds to gender-responsive programs that complement the government GAD funds and annually report accomplishments thereof to the National Economic and Development Authority (NEDA) and the Philippine Commission on Women (PCW).

The utilization and outcome of the GAD budget shall be annually monitored and evaluated in terms of its success in influencing the gender-responsive implementation of agency programs funded by the remaining ninety-five percent (95%) budget.

The Commission on Audit (COA) shall conduct an annual audit on the use of the GAD budget for the purpose of determining its judicious use and the efficiency, and effectiveness of interventions in addressing gender issues towards the realization of the objectives of the country's commitments, plans, and policies on women empowerment, gender equality, and GAD.

Local government units are also encouraged to develop and pass a GAD Code based on the gender issues and concerns in their respective localities based on consultation with their women constituents and the women's empowerment and gender equality agenda of the government. The GAD Code shall also serve as basis for identifying programs, activities, and projects on GAD.

Where needed, temporary gender equity measures shall be provided for in the plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities.

To move towards a more sustainable, gender-responsive, and performance-based planning and budgeting, gender issues and concerns shall be integrated in, among others, the following plans:

(1) Macro socioeconomic plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;

(2) Annual plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, and government-owned and -controlled corporations; and

(3) Local plans and agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical framework plan (PDPPF), and annual investment plan.

(b) Creation and/or Strengthening of the GAD Focal Points (GFP). All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall establish or strengthen their GAD Focal Point System or similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency or local government unit.

The GAD Focal Point System shall be composed of the agency head or local chief executive, an executive committee with an Undersecretary (or its equivalent), local government unit official, or office in a strategic decision-making position as Chair; and a technical working group or secretariat which is composed of representatives from various divisions or offices within the agency or local government unit.

The tasks and functions of the members of the GFP shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.

(c) Generation and Maintenance of GAD Database. All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall develop and maintain a GAD database containing gender statistics and sex disaggregated

data that have been systematically gathered, regularly updated; and subjected to; gender analysis for planning, programming, and policy formulation.

Section 37. Gender Focal Point Officer in Philippine Embassies and Consulates. - An officer duly trained on GAD shall be designated as the gender focal point in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in strengthening the Philippine foreign posts' programs for the delivery of services to women migrant workers.

Section 38. National Commission on the Role of Filipino Women (NCRFW). -

The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as the Philippine Commission on Women (PCW), the primary policymaking and coordinating body of the women and gender equality concerns under the Office of the President. The PCW shall be the overall monitoring body and oversight to ensure the implementation of this Act. In doing so, the PCW may direct any government agency and instrumentality, as may be necessary, to report on the implementation of this Act and for them to immediately respond to the problems brought to their attention in relation to this Act. The PCW shall also lead in ensuring that government agencies are capacitated on the effective implementation of this Act. The chairperson shall likewise report to the President in Cabinet meetings on the implementation of this Act.

To the extent possible, the PCW shall influence the systems, processes, and procedures of the executive, legislative, and judicial branches of government vis-a-vis GAD to ensure the implementation of this Act.

To effectively and efficiently undertake and accomplish its functions, the PCW shall revise its structure and staffing pattern with the assistance of the Department of Budget and Management.

Section 39. Commission on Human Rights (CHR). - The Commission, acting as the Gender and Development Ombud, consistent with its mandate, shall undertake measures such as the following:

(a) Monitor with the PCW and other state agencies, among others, in developing indicators and guidelines to comply with their duties related to the human rights of women, including their right to nondiscrimination guaranteed under this Act;

(b) Designate one (1) commissioner and/or its Women's Human Rights Center to be primarily responsible for formulating and implementing programs and activities related to the promotion

and protection of the human rights of women, including the investigations and complaints of discrimination and violations of their rights brought under this Act and related laws and regulations;

(c) Establish guidelines and mechanisms, among others, that will facilitate access of women to legal remedies under this Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women;

(d) Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of this Act; and

(e) Recommend to the President of the Philippines or the Civil Service Commission any possible administrative action based on noncompliance or failure to implement the provisions of this Act.

Section 40. Monitoring Progress and Implementation and Impact of this Act. - The PCW, in coordination with other state agencies and the CHR, shall submit to Congress regular reports on the progress of the implementation of this Act highlighting the impact thereof on the status and human rights of women: Provided, That the second report shall include an assessment of the effectiveness of this Act and recommend amendments to improve its provisions: Provided, finally, That these reports shall be submitted to Congress every three (3) years or as determined in the implementing rules and regulations.

Section 41. Penalties. - Upon finding of the CHR that a department, agency, or instrumentality of government, government-owned and -controlled corporation, or local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission and/or the Department of the Interior and Local Government. The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable under this Act.

If the violation is committed by a private entity or individual, the person directly responsible for the violation shall be liable to pay damages.

Filing a complaint under this Act shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws especially those recently enacted laws protecting women and children, including the Women in Development and Nation Building Act (Republic Act No. 7192), the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No.

7610), the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208) and the Anti- Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262). If violence has been proven to be perpetrated by agents of the State including, but not limited to, extrajudicial killings, enforced disappearances, torture, and internal displacements, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

Section 42. Incentives and Awards. - There shall be established an incentives and awards system which shall be administered by a board under such rules and regulations as may be promulgated by the PCW to deserving entities, government agencies, and local government units for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

Section 43. Funding. -The initial funding requirements for the implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for the implementation of this Act shall be included in the agencies' yearly budgets under the General Appropriations Act.

The State shall prioritize allocation of all available resources to effectively fulfill its obligations specified under this Act. The State agencies' GAD budgets, which shall be at least five percent (5%) of their total budgetary allocation, shall also be utilized for the programs and activities to implement this Act.

Section 44. Implementing Rules and Regulations. - As the lead agency, the PCW shall, in coordination with the Commission on Human Rights and all concerned government departments and agencies including, as observers, both Houses of Congress through the Committee on Youth, Women and Family Relations (Senate) and the Committee on Women and Gender Equality (House of Representatives) and with the participation of representatives from nongovernment organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty (180) days after its effectivity.

Section 45. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

Section 46. 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 47. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

[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. *lâwphi*

(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 or prison 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. *lāwphi*

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.

[REPUBLIC ACT NO. 10173]

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

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

CHAPTER I GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) *Processing* refers to any operation or any set of operations performed upon personal information including, but not limited to,

the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

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

(l) *Sensitive personal information* refers to personal information:

(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and

(4) Specifically established by an executive order or an act of Congress to be kept classified.

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

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

(1) The fact that the individual is or was an officer or

employee of the government institution;

(2) The title, business address and office telephone number of the individual;

(3) The classification, salary range and responsibilities of the position held by the individual; and

(4) The name of the individual on a document prepared by the individual in the course of employment with the government;

(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

(c) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit;

(d) Personal information processed for journalistic, artistic, literary or research purposes;

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);

(f) Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and

(g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

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 he 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.

PLEDGE OF LOYALTY

In gratitude to you, Alma Mater, I pledge my
loyalty to you and your ideals, to perpetually
uphold your standards and traditions, and to
endeavor to serve my country and fellowmen to my
utmost ability, mindful that whatever destiny shall
bring me, I shall have to live up to your
highest and fullest expectations, worthy of a true
progeny of my Alma Mater, the
AMA COMPUTER UNIVERSITY
Never to be complacent, we shall persevere
For progress and service.

AMA HYMN

You put us in mold, Dear Alma Mater
You hold the future in this race against time
Through the years in your folds
You nurtured our dreams
Our promise to you
The toast is for you

Dear Alma Mater
You have given us arms
For the battles of life
And the conquest of our dreams
Oh, Dear AMA
You have sharpened our minds
We will triumph by which
The toast is for you

The light up ahead is victory foreseen
With noble desires we behold its gleam
Our motherland lays her hopes on the youth
The future that we hold is her hope that unfolds

Dear Alma Mater
You have given us arms
For the battles of life
And the conquest of our dreams
Oh, Dear AMA
You have sharpened our minds
We will triumph by which
The toast is for you

CONFORME

I, the undersigned hereby acknowledge receipt of a copy of the AMA Computer University and Colleges Student Handbook 2019.

I understand that it is my responsibility to familiarize myself with the policies and procedures outlined in the Handbook; to see clarifications if necessary; and abide by these rules and regulations.

I agree that the contents thereof shall serve as a guide to both my actions and those which will be taken by AMACU/AMACC or AMA Education System (AMAES). This however shall not preclude AMACU/AMACC or AMAES from taking other course of action in line with its concept of justice and righteousness warranted by the circumstance.

The issuance of the said Handbook likewise does not preclude AMACU/AMACC or AMAES from making unilateral amendments as deemed necessary.

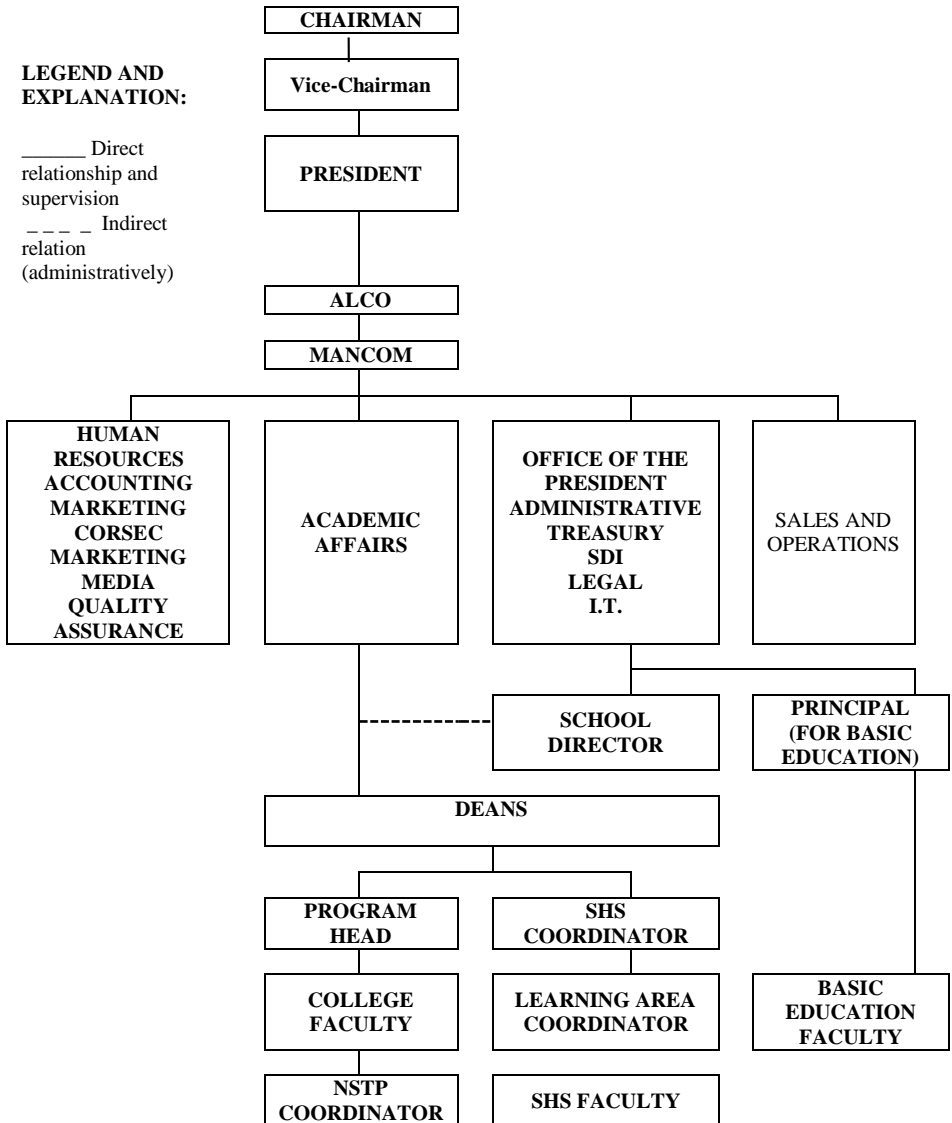
Student's Name & Signature

Parent's Name & Signature

Program & Major

Student Number

AMAES ORGANIZATIONAL CHART



Note:

Highlighted in the AMAES Org. Chart are ACAD Officers/Personnel only.

AMAES ADMISSION COMMITTEE

ADMISSION MANAGER/
ADMISSION SUPERVISOR

CASHIER/TREASURY

GUIDANCE

ACCOUNTING SUPERVISOR/STAFF

DEAN

NURSE/DOCTOR

AMAES PUBLICATION COMMITTEE

AMA EDUCATION SYSTEM HOLDINGS INC.

ACADEMIC AFFAIRS DEPARTMENT

Received Approval from:

CHAIRMAN

VICE CHAIRMAN

PRESIDENT

ALCO
(Assets and Liabilities Committee)

MANCOM
(Management Committee)