Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 1491

Introduced by KABATAAN PARTY-LIST Representative Sarah Jane I. Elago,
ACT TEACHERS PARTY-LIST Representative France L. Castro,
BAYAN MUNA PARTY-LIST Representatives Carlos Isagani T. Zarate,
Ferdinand Gaite and Eufemia C. Cullamat,
and GABRIELA WOMEN’S PARTY Representative Arlene D. Brosas

RESOLUTION

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES TO UPHOLD
THE UNIVERSITY OF THE PHILIPPINES – DEPARTMENT OF NATIONAL DEFENSE
(UP-DND) ACCORD AND THE ACADEMIC FREEDOM OF ALL EDUCATIONAL
INSTITUTIONS

WHEREAS, the 1987 Philippine Constitution provides that academic freedom shall be enjoyed in all institutions of higher learning;

WHEREAS, jurisprudence provides that institutional academic freedom includes the right of the school or college to decide for itself, its aims and objectives, and how best to attain them free from outside coercion or interference;

WHEREAS, academic freedom fosters truth-seeking and critical thinking, and is integral to democracy and national development;

WHEREAS, agreements have been entered into between higher educational institutions and the Philippine government via the Department of National Defense to regulate the presence of the police and military inside campuses and thereby uphold academic freedom - the freedom to think, speak, move, and even dissent critically;

WHEREAS, succeeding the 1981 Soto-Enrile Accord signed by then student leader Sonia Soto and then defense minister Juan Ponce Enrile to protect students from the police and military who intended to suppress dissent and protest actions, the 1989 University of the Philippines - Department of National Defense (UP-DND) Accord, signed on June 30, 1989, expressly bars members of the police and military to enter premises of any of the UP campuses except in cases of hot pursuit and similar occasions of emergency, upon the request of UP officials, or ordinary transit through UP premises;
WHEREAS, also under the 1989 Accord, the DND agreed that the military and police “shall not interfere with peaceful protest actions by UP constituents within UP premises;”

WHEREAS, the 1989 UP-DND Accord was signed days following the arrest of Donato Continente, a staffer of UP Diliman’s official student publication Philippine Collegian, by the police and military at Vinzons Hall in UP Diliman;

WHEREAS, the agreements were in response to widespread human rights violations during and after martial rule, and borne out of democratic rights movements;

WHEREAS, these agreements, however, have been breached from time to time by the state forces especially in recent years;

WHEREAS, in October 2015, the Armed Forces of the Philippines (AFP) apologized to UP after six (6) military personnel were caught inside UP Diliman;

WHEREAS, in March 2020, during the height of the COVID-19 pandemic, UP Manila students who initiated donation drives to help the frontliners of the Philippine General Hospital (PGH) were sent death threats and were accused of being members of the New People’s Army (NPA);

WHEREAS, in June 2020, the Cebu City police, without coordinating with UP officials, arrested and violently dispersed students who were peacefully protesting the Anti-Terrorism Act of 2020 inside UP Cebu campus for allegedly violating the government’s ban on mass gatherings;

WHEREAS, there are also several other reports through the years of unidentified plainclothes elements within the premises, during protest actions, fora, and similar activities apparently surveilling the peaceful protest actions and the participants thereof;

WHEREAS, the mentioned incidents are only snippets of the current condition that the youth, students, and Filipino people face in this climate of red-tagging, fear mongering, intimidation, and other forms of harassment. Thus, the UP-DND Accord is far from being moot and academic, contrary to DND’s claim in their letter addressed to UP President Danilo L. Concepcion unilaterally terminating the said agreement;

WHEREAS, until today, red-tagging, which is the practice of state actors of publicly and maliciously classifying individuals and organizations as communists and enemies of the state, has been prevalent amid the national government’s intensified counter-insurgency program;

WHEREAS, victims of red-tagging include members of various sectors, including the youth, students, women, labor, peasant, urban poor, indigenous cultural communities, women, and even celebrities and duly elected public officials;
WHEREAS, most recently, the Duterte administration through the Department of National Defense (DND) unilaterally abrogated the 1989 UP-DND Accord effective on January 15, 2021, on the premise of unfounded claims of clandestine communist recruitment in campuses and national security;

WHEREAS, UP President Conception expressed his “grave concern over this abrogation, as it is totally unnecessary and unwarranted, and may result in worsening rather than improving relations between our institutions, and detract from our common desire for peace, justice, and freedom in our society” and said that prior consultation would have addressed the concerns raised by the DND. For him, DND’s decision to unilaterally abrogate the agreement only sows “more confusion and mistrust, given that [the DND] have not specified what it is that [the DND] exactly aim[s] to do or put in place in lieu of the protections and courtesies afforded by the agreement”;

WHEREAS, the UP President also emphasized that the 1989 Accord was not sought and secured “to evade or weaken the law, but to protect the climate of academic freedom—guaranteed by the Constitution—that makes intellectual inquiry and human and social advancement possible” and urges the DND “to reconsider and revoke [its] abrogation”;

WHEREAS, the accord is a mutually binding agreement between two parties, UP and DND, and cannot be unilaterally abrogated by either party as provided by law;

WHEREAS, one-sidedly and arbitrarily terminating the accord which is being enforced for more than 30 years already and which the parties have generally respected through the years is an affront to civilian institutions and alarming as it could lead again to extensive campus militarization and brazen attacks on human rights;

WHEREAS, the unilateral abrogation of the 1989 UP-DND Accord and the looming militarization of campuses nationwide undermine academic freedom, and threaten the right to life, liberty, and security and freedoms of speech, of expression, and of peaceful assembly;

WHEREAS, schools should be safe spaces and zones of peace that are free from police and military presence and intervention, harassment, and intimidation;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Members express the sense of the House of Representatives to uphold the 1989 UP-DND accord and the academic freedom of all educational institutions.

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Adopted,

Rep. SARAH JANE I. ELAGO  
Kabataan Party-List

Rep. CARLOS ISAGANI T. ZARATE  
Bayan Muna Party-List

Rep. FRANCIS L. CASTRO  
ACT Teachers Party-List

Rep. FERDINAND GAITE  
Bayan Muna Party-List

Rep. ARLENE D. BROSAS  
Gabriela Women's Party

Rep. EUFEMIA C. CULLAMAT  
Bayan Muna Party-List