|  |  |
| --- | --- |
| **Name of the country or entity submitting information** | Antonio D. Salazar Jr.University of the Philippines Tacloban College; School of Public Policy, Chiang Mai UniversityAudrey Eurielle G. DayataUniversity of the Philippines College of Law |

**State of Academic Freedom in the Philippines: Insights from the University of the Philippines (UP) System**

This brief narrative seeks to provide a snapshot of state academic freedom in the Philippines, particularly at the University of the Philippines (UP). We examine the principle of academic freedom by focusing on existing institutions (i.e., policies, laws, and university-level guidelines), practices (i.e., student, faculty, and administrative repertoire), and time-specific events to describe how academic freedom is shaped, eroded, and protected.

Data was derived from a review of existing policies, documents, and pronouncements, as well as an analysis of events that tested the principle of academic freedom in UP. In addition, we also draw from our experience as activists and student leaders at the university. We extensively drew from this to reflect on the shape and character of academic freedom in the university and the way it is shaped within our own specific contexts. We analyzed the data through a normative lens of academic freedom. Specifically, we define academic freedom as the fundamental right to an education, the right to engage in scholarly activities, the right to express dissent and opinion, particularly on decisions made by those in positions of power and authority, and the universal application of academic freedom to all university stakeholders.

However, it should be noted that we do not claim to speak for or on behalf of students in UP in general. Instead, we recognize and emphasize three specific limitations of this narrative. First, because the UP is a system of 17 campuses located across the archipelago, this report will not fully capture the essence of academic freedom in the UP, let alone the entire country. Instead, we strive to provide an evidence-based account of how academic freedom is understood and applied at UP. Second, recognizing that the university is composed of multiple agents in several sectors, we recognize that we are unable to account for other dimensions of academic freedom drawn from various perspectives within the university. We specifically did not mention funding since we do not have current information or a sound analytical viewpoint to provide a clear and fair description of how it operates. We hope that additional members of the UP community and the rest of the Philippines will contribute to this report. Lastly, while we put emphasis on the first three questions, issues of surveillance and the state of current efforts are also discussed in this narrative.

**Academic Freedom as enshrined in the Constitution and the UP Charter**

 The Philippines has numerous pieces of legislation that guarantee academic freedom. Article XIV, Section 5(2) of the Philippine Constitution of 1987 stipulates that *"academic freedom shall be enjoyed in all institutions of higher learning."*[[1]](#footnote-1) This provision articulates the basic legal foundation for academic freedom in the country.

 The University of the Philippines Charter of 2008, also known as Republic Act No. 9500, reinforces the notion of academic freedom. Section 5 of the Act provides that the national universities have the right and responsibility to exercise academic freedom. Academic freedom functions as both means and an end in the university. Section 6 highlights the responsibility of the university in enhancing high academic standards in the performance of its functions of instruction, research and extension, and public service. Section 7 outlines the obligation of the University in harnessing academic excellence developed in the university towards nation-building and development. Another pertinent piece of legislation is Republic Act No. 7722, which established the Commission on Higher Education, protects academic independence. Section 13 of the Act says, "Nothing in this Act shall be construed as limiting the academic freedom of universities and colleges."

 To operationalize the mandate of UP, the Board of Regents (BOR) is institutionalized through Section 12 of the UP Charter to function as the governing body with administrative and corporate powers to exercise governance over academic, financial, and administrative matters relating to the university. To enhance a more democratic and inclusive governing body following the removal of Dictator Ferdinand Marcos Sr., Executive Order No. 204, issued in 1987, modified the composition of the Board of Regents. It included the addition of a Faculty Regent and a Student Regent. Consequently, the current Office of the Student Regent in the UP System operates under the leadership of the Student Regent, serving a 1-year term[[2]](#footnote-2). Before the start of each semester, the General Assembly of Student Councils (GASC) elects the Student Regent, who represents about 55,000 students in the UP system.

As discussed above, the Constitution grants the right to exercise academic freedom in higher learning institutions. In the 1993 Supreme Court ruling on *Ateneo De Manila University v. Capulong*, the Court broadly described academic freedom as the right to determine “who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” Nevertheless, while academic freedom is universally acknowledged as a fundamental principle in Philippine higher education institutions, issues arising from the principle (e.g., the use of security forces, the requirement of mandatory military reservist training, the redacting of students, faculty, and staff as underground insurgents etc.) highlight the contested nature of academic freedom. These issues will be further discussed in the subsequent sections.

**Challenges to the Operationalization of Academic Freedom**

As a practice, academic freedom takes on different shapes in the various university sectors. For the faculty, it is enshrined in Section 5 of the University Faculty Manual. The manual stipulates that faculty members have the freedom to establish academic standards, introduce innovative teaching methods, and align their approaches with program objectives. Academic freedom, in the context of faculty, is therefore the authority of the faculty to determine course content, teaching methods, and admission criteria. This freedom also extends to engaging in research, creative work, service, and professional growth, reflecting a comprehensive approach to academic autonomy. Faculty academic freedom has recently been tested with the issue of “subversive books” in the university.

 The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) urged state universities and colleges (SUCs) and higher education institutions (HEIs) nationwide to eliminate materials it deemed "subversive." Following suit, the Commission on Higher Education in the Cordillera Administrative Region (CHED-CAR) joined this campaign to purge academic institutions in the region of such materials. This directive faced strong opposition from various academic and library groups, who argued that it constituted censorship and an assault on academic freedom. Notably, the UP System-wide University Library Council and the Book Development Association of the Philippines criticized the move, emphasizing the importance of preserving critical thinking and preventing the creation of an uninformed and subservient generation. The UP Library Council defended academic freedom, asserting that true learning involves the application of critical thinking to a variety of ideas, even those considered dangerous. They criticized the memorandum order for threatening academic freedom and argued against book purges, stating that such practices are characteristic of dictatorships and prove futile in advancing knowledge and addressing societal issues[[3]](#footnote-3).

In the context of the students, the principle and practice of academic freedom in the UP system are inextricably linked to the role of the Office of the Student Regent (OSR) and the larger alliance, Katipunan ng mga Sangguniang Mag-aaral sa UP (KASAMA sa UP)[[4]](#footnote-4). The Student Regent, who represents about 55,000 UP students, is in charge of the OSR for a one-year term. The General Assembly of Student Councils (GASC) selects student regents prior to each semester in accordance with the Codified Rules of Student Regent Selection. The GASC, which is recognized as the student council for the entire UP System, provides a forum for student leaders from across the country. They highlight the students' role as important stakeholders, discuss relevant problems, and unify through campaigns to defend democratic rights.
 The role of student governance in promoting academic freedom was again tested with the abrogation of the UP-DND Accord. The UP-DND Accord, signed in 1989, is an agreement between the University of the Philippines (UP) and the Philippines' Department of National Defense (DND)[[5]](#footnote-5). This agreement is intended to prohibit state forces from entering UP campuses without prior notice to the university administration. Its major goal is to protect academic freedom and the rights of the university community, particularly in the context of protesting and expressing dissent.

 In January 2021, Secretary Delfin Lorenzana of the DND unilaterally dissolved the UP-DND Accord, citing concerns about the Communist Party of the Philippines and the New People's Army (NPA) recruiting UP students [[6]](#footnote-6). The Defend UP Network, which includes UP stakeholders such as the Office of the Student Regent, university student councils, faculty, and staff across the system, was then established as the community feared more human rights and academic freedom breaches while state forces strengthened their presence on UP campuses. They have aggressively advocated for the accord's reintroduction, seeing it as an institutional bulwark against undue influence.

In an open letter addressed to Secretary Delfin N. Lorenzana, UP President Danilo L. Concepcion expressed grave concern with the DND's unilateral termination of the UP-DND Accord, deeming it completely unneeded and unjustified [[7]](#footnote-7). He stressed that the agreement never obstructed the ability of police and security services to carry out legal activities and that access was always granted to law enforcement officials within their authorized jurisdiction. In addition, he expressed remorse at the abrupt abrogation of the accord without prior consultation.

The hashtag #DefendUP went viral on social media as a means of protesting against the agreement's termination. The unilateral decision has also prompted legal disputes, with some claiming that the DND has the authority to dissolve the agreement without mutual consent.

**Challenges to Academic Freedom and Current Response**

 In the Philippines, academic freedom faces significant challenges, notably due to red-tagging and campus militarization. Government agencies, including the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), have branded universities, particularly the University of the Philippines (UP), as breeding grounds for communist insurgency. The "whole-of-nation approach" outlined in Executive Order No. 70[[8]](#footnote-8) heightened this narrative, leading to an intensified red-tagging campaign[[9]](#footnote-9). The abrogation of the UP-DND Accord allows military operations on campuses without consent, exposing constituents to harassment and arrest[[10]](#footnote-10).

 Redtagging was part of unwarranted intrusion of state forces onto campuses, violating established agreements like the UP-DND Accord and UP-DILG Accord[[11]](#footnote-11). These agreements, designed to safeguard the autonomy and academic freedom of the university, have been blatantly disregarded. The AFP and PNP, invoking the "Red October Plot," accused specific schools, including UP, of conspiring against the government. Former PNP Chief and Senator Ronald "Bato" dela Rosa even initiated an investigation into alleged missing members of national democratic mass organizations contributing to the renewed agenda of campus militarization[[12]](#footnote-12). With the eventual abrogation of the UP-DND Accord, military and police forces to operate on UP campuses without prior consent, resulting in documented cases of red-tagging in UP Mindanao,[[13]](#footnote-13) and the arrest of Prof. Melania Flores—former All-UP Academic Employees Union President[[14]](#footnote-14). These are just among the many cases recorded by student councils across the university and the Defend UP Network.

 Another challenge is the purging of materials deemed "subversive" or supportive of communist-terrorist groups as mentioned above. The NTF-ELCAC and CHED have called for the removal of such materials from State Universities and Colleges (SUCs) and higher education institutions (HEIs)[[15]](#footnote-15).

 Lorraine Badoy of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) red tagged the *Komisyon ng Wikang Filipino (KWF)* and professors from the *Departamento ng Filipino at Panitikan ng Pilipinas (DFPP)* of the College of Arts and Literature in UP Diliman. Commissioners of the KWF were required to abide by a memorandum to flag certain books as subversive and to cease their production and distribution of books that were deemed to be “subversive”[[16]](#footnote-16). As mentioned in the previous sections, a number of university departments opposed the censorship of books deemed to be subversive. The System-wide University Library Council of the University of the Philippines also released a statement regarding the decision of CHED-CAR, stating its opposition to the objective of the memorandum to purge libraries of "subversive" materials and explaining how it impedes students access to their academic freedom[[17]](#footnote-17). However, the trend of resisting state propaganda was not universal. Some UP officials have accepted book donations from the AFP as part of counterinsurgency efforts, a move that raises questions about censorship and its potential impact on stifling critical thinking among students and faculty[[18]](#footnote-18).

 In terms of examining the gaps in the legal framework designed to protect academic freedom in the university, there are clear institutional gaps and erosion of existing institutions. The unilateral abrogation of the UP-DND Accord by the Department of National Defense (DND) stands out as a critical issue of erosion of academic freedom. This termination, executed without prior consultation or justification, has allowed military and police forces to operate on UP campuses without the consent of the university administration or community. This breach exposes UP constituents to various threats, including harassment, surveillance, and arrest.

 Furthermore, the absence of a system-wide committee on academic freedom and human rights underpins the institutional vulnerability of academic freedom in the university. This gap exposes a deficiency in the mechanisms designed to safeguard academic freedom and human rights within the university system. To address this, a multi-sectoral effort composed of Faculty Regent Carl Marc Ramota, Staff Regent Victoria Belegal, Student Regent Siegfred Severino, and representatives from the All U.P. Academic Employees Union, All U.P. Workers Union, and KASAMA sa UP met with UP President Angelo A. Jimenez and his management team on April 26, 2023[[19]](#footnote-19).

 This is important for the committee to function to do its job of protecting academic freedom and human rights, which includes recommendations like coming up with policies and programs to make academic freedom better; monitoring, and reporting cases of academic freedom violations; providing assistance whose freedoms have been eroded; handling public relations through press conferences; timely statements and quick response mechanisms to reported cases; and to collaborate with other sectors in the academic community. At present, members of the All U.P. Academic Employees Union, All U.P. Workers Union, and KASAMA sa UP are actively collaborating with their respective university student councils to ensure the adoption of a common resolution, demonstrating the student body's unwavering dedication to upholding academic freedom.

1. 1987 Constitution of the Republic of the Philippines [↑](#footnote-ref-1)
2. Executive Order No. 204-A, s. 1987. *Official Gazette of the Republic of the Philippines. https://www.officialgazette.gov.ph/1987/07/15/executive-order-no-390-s-1987/* [↑](#footnote-ref-2)
3. U. P. Media and Public Relations Office, “Statement on the Regional Memo on the Removal of ‘Subversive’ Books from Libraries in the CAR,” University of the Philippines, November 6, 2021, https://up.edu.ph/statement-on-the-regional-memo-on-the-removal-of-subversive-books-from-libraries-in-the-car/. [↑](#footnote-ref-3)
4. Office of the Student Regent, “Term Report” 2022. Presented at the UP System Student Summit. [↑](#footnote-ref-4)
5. Michael T. Tiu Jr., “The 1989 UP-DND Accord: Content and Context,” *UP College of Law* (blog), accessed February 2, 2024, https://law.upd.edu.ph/faculty-portfolio/the-1989-up-dnd-accord-content-and-context/. [↑](#footnote-ref-5)
6. Magsambol. [↑](#footnote-ref-6)
7. U. P. Media and Public Relations Office, “‘Protect Academic Freedom’–UP President Danilo L. Concepcion Responds to DND’s Unilateral Abrogation of the UP-DND Accord,” University of the Philippines, January 19, 2021, https://up.edu.ph/protect-academic-freedom-up-president-danilo-l-concepcion-responds-to-dnds-unilateral-abrogation-of-the-up-dnd-accord/. [↑](#footnote-ref-7)
8. 4. "Executive Order No. 70, s. 2018". *Official Gazette of the Republic of the Philippines*. December 4, 2018. Retrieved at https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf [↑](#footnote-ref-8)
9. Beatrice Puente, “Muzzling the Media: The Perils of the Critical Press in the Philippines,” *Media Asia* 47, no. 1–2 (April 2, 2020): 81–82, https://doi.org/10.1080/01296612.2020.1818172; Ruby Rosselle Tugade, “Persistent Red-Tagging in the Philippines as Violation of the Principle of Distinction Under International Humanitarian Law,” *Philippine Law Journal* 95 (March 19, 2023): 560–81; “Red-Tagging as a Human Rights Violation in the Philippines,” *New Mandala* (blog), April 13, 2022, https://www.newmandala.org/red-tagging-as-a-human-rights-violation-in-the-philippines/. [↑](#footnote-ref-9)
10. Ingalla, “Amid Nixed Revival of UP-DND Accord, Network Fears Rights Violations to Rise”; Media and Office, “‘Protect Academic Freedom’–UP President Danilo L. Concepcion Responds to DND’s Unilateral Abrogation of the UP-DND Accord”; Tiu Jr., “The 1989 UP-DND Accord.” [↑](#footnote-ref-10)
11. Tugade, “Persistent Red-Tagging in the Philippines as Violation of the Principle of Distinction Under International Humanitarian Law.” [↑](#footnote-ref-11)
12. “Press Release - Senator Ronald ‘Bato’ Dela Rosa Opening Statement for PSR 559,” accessed January 31, 2024, https://legacy.senate.gov.ph/press\_release/2020/1103\_delarosa1.asp. [↑](#footnote-ref-12)
13. Ingalla, “Amid Nixed Revival of UP-DND Accord, Network Fears Rights Violations to Rise.” [↑](#footnote-ref-13)
14. Krixia Subingsubing, “UP Lauds Dismissal of SSS Case vs Activist Professor,” INQUIRER.net, March 21, 2023, https://newsinfo.inquirer.net/1745668/up-lauds-dismissal-of-sss-case-vs-activist-professor. [↑](#footnote-ref-14)
15. Jazul, “CHED-Cordillera Asks Schools to Rid Libraries of ‘Subversive’ Materials.” [↑](#footnote-ref-15)
16. Bonz Magsambol, “KWF Website Inaccessible after barring Distribution of ‘Anti-Gov’t’ Books,” *RAPPLER* (blog), August 12, 2022, https://www.rappler.com/nation/komisyon-wikang-filipino-website-inaccessible-after-barring-distribution-anti-goverment-books/. [↑](#footnote-ref-16)
17. Media and Office, “Statement on the Regional Memo on the Removal of ‘Subversive’ Books from Libraries in the CAR.” [↑](#footnote-ref-17)
18. Ms Ninfa Bandorio, “UP Visayas University Library Receives Book Donations from Phil Army,” University of the Philippines Visayas, November 23, 2022, https://www.upv.edu.ph/index.php/news/up-visayas-university-library-receives-book-donations-from-philippine-army. [↑](#footnote-ref-18)
19. Opisina ng Faculty Regent, “Nagkasundo Sa Isang Pulong Ang Mga Sectoral Regents, Kinatawan Ng All U.P. Academic Employees Union, All U.P. Workers Union, at KASAMA Sa UP, at Ang Mga Opisyal Ng University of the Philippines System Na Simulan Ang Pagbuo Ng Committee on the Promotion and Protection of Academic Freedom and Human Rights.,” April 26, 2023, https://www.facebook.com/UPfacultyregent2021/posts/pfbid02TV7w3MSALUZMpPoQ61Lt5DuqLvEScfeNLSLYviJMEBKYsA9wsTGAXuEiQhy55Y2Hl. [↑](#footnote-ref-19)