

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session



HOUSE RESOLUTION No. 1490

---

Introduced by Representative EDCEL C. LAGMAN

---

**RESOLUTION**  
**URGING THE COMMITTEE ON HUMAN RIGHTS OF THE HOUSE OF REPRESENTATIVES TO IMMEDIATELY CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE UNILATERAL ABROGATION BY DEFENSE SECRETARY DELFIN LORENZANA OF THE 1989 UP-DND ACCORD PROTECTING AND UPHOLDING THE AUTONOMY AND ACADEMIC FREEDOM OF THE UNIVERSITY OF THE PHILIPPINES AND ITS COMPONENT CONSTITUENCIES**

**WHEREAS**, the University of the Philippines (U.P.) and the Department of National Defense (DND) executed on 30 June 1989 an Agreement which prohibited the conduct of military or police operations in any of the U.P. component campuses without prior notification to the U.P. administration, through its officials, a copy of which Agreement is attached as ANNEX "A";

**WHEREAS**, in a self-serving letter dated 15 January 2021, a copy of which is attached as ANNEX "B", Defense Secretary Delfin Lorenzana informed U.P. President Danilo L. Concepcion that effective immediately the Department of National Defense is abrogating the subject Agreement;

**WHEREAS**, the unilateral termination of the subject agreement by the DND without prior consultation with and conformity of U.P. is illegal and void *ab initio* because the subject Agreement was entered into bilaterally and mutually;

**WHEREAS**, with the unilateral termination of the subject Agreement, it is now open season for the military and police invasion of UP campuses in the guise of upholding national security and maintaining peace and order;

**WHEREAS**, the unilateral and baseless abrogation of the subject accord red-tags the entire UP constituencies nationwide consisting of UP Diliman, UP Manila, UP Los Baños, UP Visayas, and the regional units in Baguio, San Fernando, Tacloban, Ming-ao (Iloilo), and Cebu;

**WHEREAS**, the unilateral cancellation of the subject accord is fraught with emerging violations of academic freedom, civil liberties, and fundamental rights protected and enshrined in the Constitution; and

**WHEREAS**, the one-sided termination comes in the heels of the Anti-Terrorism Act of 2020 whose odious and constitutional infirmities have been challenged before the Supreme Court in 37 petitions, the biggest number of petitions in history assailing a statute;

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that the instant Resolution, entitled "Resolution Urging the Committee on Human Rights of the House of Representatives to Immediately Conduct an Inquiry In Aid of Legislation on the Unilateral Abrogation by Defense Secretary Delfin Lorenzana of the 1989 UP-DND Accord Protecting and Upholding the Autonomy and Academic Freedom of the University of the Philippines and its Component Constituencies", be referred without delay to the Committee on Human Rights for immediate consideration, action, and resolution.

***Adopted,***



**EDCEL C. LAGMAN**

ANNEX "A"

RECORDS

A G R E E M E N T

The DEPARTMENT OF NATIONAL DEFENSE, through the Honorable WIDEL V. RAMOS, Secretary;

- and -

The UNIVERSITY OF THE PHILIPPINES SYSTEM, through the Honorable JOSE V. ABUEVA, President;

HAVING IN MIND the establishment of our democracy and the goal of building a peaceful, just, and humane society as enshrined in the 1987 Constitution;

HAVING IN MIND the policy of the police on the one hand, and the University of the Philippines(U.P.) on the other, that no member of the police may conduct any police operation on the U.P. Diliman Campus without prior coordination with, or as requested by, U.P. authorities;

HAVING IN MIND the relationship between U.P. and its students, faculty and employees, as well as the academic freedom and institutional autonomy of U.P. in the governance of its affairs, and its responsibility to maintain proper behavior and conduct among the members of the U.P. Community;

HAVING IN MIND the responsibility of the Armed Forces of the Philippines(AFP) and the Philippine Constabulary-Integrated National Police(PC-INP) in the protection of national security, enforcement of law, and maintenance of peace and order;

HAVE REACHED THE FOLLOWING AGREEMENTS:

1. Prior notification shall be given by a commander of an AFP, PC-INP, or Citizens Armed Force Geographical Units(CAFGU) unit intending to conduct any military or police operations in any of the U.P. campuses in the constituent universities of U.P. Diliman, U.P. Manila, U.P. Los Baños, and U.P. Visayas, or in any of the regional units in Baguio, San Fernando, Tacloban, Miag-ao and Cebu, to the U.P.

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

*Handwritten note: prior notification*

*Handwritten signature*

PLS RETURN TO USU  
RECORDS

Agreement between the Department of National Defense  
and the University of the Philippines System

President, or the Chancellor of the constituent university, or the Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence, when the situation so warrants.

2. Except in cases of hot pursuit and similar occasions of emergency, or in cases defined in the next succeeding paragraph, or ordinary transit through U.P. premises, no member of the AFP, or the PC-Inf, or CAGU shall enter the premises of any of the campuses or regional units aforementioned.

Whenever requested by law enforcers, the appropriate U.P. officials shall extend the necessary assistance in the enforcement of the law within U.P. premises. In this regard, U.P. officials shall endeavor to strengthen U.P.'s own security, police and fire-fighting capabilities so as to leave no vacuum that can be exploited by malefactors or criminal elements.

3. Whenever the U.P. President, or Chancellor of the constituent university, or Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence, is of the opinion that the assistance of the AFP or the PC-Inf is indispensable to the maintenance of security, peace and order within U.P. premises, the said U.P. official shall so inform in writing the head of the AFP or PC-Inf unit in the area, and the latter shall promptly dispatch such assistance as may be warranted by the circumstances.

*H. Borja*

*Edwin*

*J. ...*

*...*

*Rodriguez*

*...*

*...*

PLS. RETURN TO USU  
RECORDS.

Agreement between the Department of National Defense  
and the University of the Philippines System

In case the request for assistance is granted, only uniformed members of the AFP or the PC-INP with proper identification shall be allowed entry into the campus or regional unit concerned, except where the assistance requested specifies otherwise.

4. Members of the AFP, or the PC-INP, or the CAFGU shall not interfere with peaceful protest actions by U.P. constituents within U.P. premises. U.P. officials shall be deemed responsible for the behavior of their students, faculty and employees in such activities.

5. The service of search or arrest warrants on any U.P. student, faculty, employee, or invited participants in any official U.P. activity shall, as far as practicable, be done after prior notification is given the U.P. President, or Chancellor of the constituent university, or Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence. The same requirement of notification applies to any oral or written "invitation" for questioning and similar purposes.

In case of prior notification, the party serving the warrant shall coordinate closely with the members of the U.P. police or security who shall accompany and assist them in the service of the warrants. Similarly, no warrant shall be served without the presence of at least two(2) U.P. faculty members designated by the appropriate U.P. official.

*S. Borja*

*Stev*

*Jacob Chan*

*RADM*

*[Signature]*

*[Signature]*

RECORDS

Agreement between the Department of National Defense and the University of the Philippines System

If the giving of prior notification by the party serving the warrant is not practicable, a report shall be submitted to the concerned U.P. official immediately, but not later than twenty-four (24) hours, after the service of the warrant.

6. The arrest or detention of any U.P. student, faculty or personnel anywhere in the Philippines shall, by the fastest means of communication, be reported immediately by the responsible head of the AFP or PC-INP unit effecting the arrest or detention to the U.P. President, or Chancellor of the constituent university, or Dean of the regional unit, or their respective officers-in-charge in the event of their absence, who shall then take the necessary action.

No U.P. student, faculty or employee shall be subjected to custodial investigation without, as far as practicable, prior notice to the U.P. President, or Chancellor of the constituent university, or Dean of the regional unit, or their respective officers-in-charge in the event of their absence, and except in the presence of the counsel of choice of the student, faculty or employee, or with the assistance of a counsel appointed for them by said U.P. officials.

7. The parties hereby agree to constitute a Joint Monitoring Group composed of the U.P. Faculty Regent, the U.P. Student Regent, the U.P. Vice-President for Public Affairs or his representative, the U.P. Vice-Chancellor for Student Affairs, the Undersecretary of National Defense for Civilian

*S. Borja*  
*St. John*

*R. Valera*

*[Signature]*

*[Signature]*

PLS. RETURN TO QSU  
RECORDS

Agreement between the Department of National Defense  
and the University of the Philippines System

Relations or his representative, the PC-INF Assistant Chief of Staff for Operations, the Deputy Regional Commander for Operations of the PC-INF National Capital Regional Command, and the Constabulary Judge Advocate or his representative, which shall meet at least twice a year, or as often as may be necessary, to determine compliance with this Agreement.

8. Nothing herein shall be construed as a prohibition against the enforcement of the laws of the land.

This Agreement shall take effect immediately.

DONE this 30th day of June, 1988 at Diliman, Quezon City, Philippines.

UNIVERSITY OF THE PHILIPPINES

DEPARTMENT OF NATIONAL DEFENSE

By:

By:

*Jos. V. Abueva*  
JOSE V. ABUEVA  
President

*Fidel V. Ramos*  
FIDEL V. RAMOS  
Secretary

SIGNED IN THE PRESENCE OF:

*Francisco Nemenzo*  
FRANCISCO NEMENZO  
U.P. Faculty Regent

*Renato C. de Villa*  
RENATO C. DE VILLA  
Chief of Staff  
Armed Forces of the  
Philippines

*Gonzalo T. Bongolan*  
GONZALO T. BONGOLAN  
U.P. Student Regent

*Ramon E. Montano*  
RAMON E. MONTANO  
Commanding General of the  
Philippine Constabulary,  
and Director General  
of the Integrated National  
Police

*Ernesto G. Tabujara*  
ERNESTO G. TABUJARA  
Chancellor, U.P. Diliman

Action of the Board of Regent  
CONFIRMATION  
1023 Meeting 7-27-88

5

For the Secretary  
*[Signature]*

## ANNEX "B"

Republika ng Pilipinas  
Bagawaran ng Tanggulang Pambansa  
Tanggapan ng Kalihim



Republic of the Philippines  
Department of National Defense  
Office of the Secretary

Jan 15 1971

PRESIDENT DANILO L. CONCEPCION  
University of the Philippines  
Quezon Hall, UP Diliman  
Quezon City

Dear President Concepcion:

Greetings!

This has reference to the "Agreement" (copy attached) executed by the Department of National Defense and the University of the Philippines (U.P.) on June 30, 1969 concerning the conduct of military or police operations in any of the U.P. campuses. The "Agreement" stipulates certain limitations wherein the military and the police are prohibited from entering the premises of any U.P. campus or its regional units without prior notification to the U.P. Administration, which this Department finds as a hindrance in providing effective security, safety and welfare of the students, faculty, and employees of U.P.

Recent events undeniably show that a number of U.P. students have been identified as members of the Communist Party of the Philippines/New People's Army (CPP/NPA), some of them were killed during military and police operations, while others were captured and surrendered to the authorities. These U.P. students were recruited by the CPP/NPA, an organization declared by the Anti-Terrorism Council (ATC) as a Terrorist Organization. This Department is aware that there is indeed an ongoing clandestine recruitment inside U.P. campuses nationwide for membership in the CPP/NPA and that the "Agreement" is being used by the CPP/NPA recruiters and supporters as a shield or propaganda so that government law enforcers are barred from conducting operations against the CPP/NPA. By reason of national security and safety of U.P. students, this Department intends to remedy this situation by terminating or abrogating the existing "Agreement." In order for us to perform our legal mandate of protecting our youth against CPP/NPA recruitment activities whose design and purpose is to destroy the democracy we have all fought for,

We do not intend to station military or police inside U.P. campuses nor do we wish to suppress activist groups, academic freedom and freedom of expression. The Department of National Defense has nothing to gain from suppressing these rights and freedoms but

DND Core Values: Patriotism, Professionalism, Good Governance

Office of the Secretary, Room 301 DND Building, Camp Aguinaldo, Quezon City | (917) 232-0000 / (917) 232-0000 Fax (917) 232-0000



will only alienate it further from the people. Our Armed Forces and Police are willing to reach out to the youth and provide them with another perspective on our nation and society. We want them to see their Armed Forces and Police as protectors worthy of trust, not fear.

In pursuit of true national peace and development, it is time to terminate or abrogate the existing "Agreement" with the end view of protecting and securing the institution and youth against the enemies of the Filipino people without sacrificing the freedoms we have preserved for about thirty (30) years since this "Agreement" was executed.

In this respect, please be notified that the DND-UP "Agreement" executed on June 30, 1989 is hereby terminated or abrogated effective this date. Lastly, I wish to emphasize that paragraph 8 of the "Agreement" explicitly states that "Nothing herein shall be construed as a prohibition against the enforcement of the laws of the land" which shows that the parties to the "Agreement" recognize the primary responsibility of the law enforcement agencies in implementing the laws without hindrance as long as it is within the prescribed procedures mandated by the law. Anchoring on this position, the "Agreement" has become moot and academic.

My warmest regards and best wishes.

Truly yours,



DELFIN N. LORENZANA  
Secretary

