



Statement on the termination of 1989 DND-UP Accord 21 January 2021

The abrogation of the Department of National Defense (DND)-University of the Philippines (UP) Accord has hugged the headlines in the media the past two days and various personalities and groups have used the issue to assert their views for or against the DND decision.

Educational stakeholders – students and their parents, faculty, alumni, and politicians – have castigated and engaged in name calling both the security sector and the UP officials, called for legislative investigations, filed bills and resolutions to force a continuation of the Accord and created memes in social media to politicize the issue and push for their political agenda.

Meanwhile, millions of higher education students in both public and private universities see the situation between the DND and UP with raised levels of uncertainty.

Yet both the DND and the UP assert their adherence to the Constitutionally guaranteed observance of academic freedom and invoke the protection of the welfare of the students as basis for their support for or against the abrogation of the DND-UP Accord.

As a faculty member of UP for close to four decades, as Vice President for 5 years and Chairman of the Board of Regents for 4 years, I assert that the implementation of the DND-UP Accord was destined to be problematic. The Accord has no clear detailed operational details to implement the provisions of the agreement. The Joint Monitoring Group composed of UP regents and administrators, military and police officials has not met regularly to determine compliance with the agreement, review alleged violations, determine appropriate penalties, and recommend revisions in the Accord given the changing times.

The DND-UP Accord is therefore rich in intention but short on details, and is therefore prone to differing interpretations. Yet the stakes on the lives and the

future of students and schools are high. The vitriol unleashed in social media does not benefit anyone except those with a political agenda.

With the mandate of CHED to attend to the welfare of both the students and their schools, we urge the DND, the UP, and all higher education institutions (HEIs) to exercise sobriety and to allow the CHED to call on everyone concerned to jointly discuss the issues especially when everyone have the same goals of student protection, academic freedom and promotion of education – all embodied in no less than the Constitution itself.

In the next few days, I will be constituting a Panel of Education Experts to define the meaning of academic freedom and the role of security forces in the protection of academic freedom and the welfare of students. Courts have long drawn and placed judicial tests and standards to protect free speech and academic freedom, and we can be guided by them. Narrowly tailoring regulation to allow the fullest articulation of speech while allowing the protection of compelling state interest is a balanced standard that we all can be guided with to bring out what is common interest to all, and not on those where we differ.

This definition and framework can hopefully be the starting point of a dialogue between the DND and UP in the coming days. CHED is offering its offices to bring together not just UP and DND but all public and private HEIs so we can find common ground to protect the interest of our 3.1 million students while upholding academic freedom.



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