

Providing the Standards to Implement Academic Freedom in the Context of Free Speech and Expression and the Campus Journalism Act

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Academic freedom is a double-edged sword. It is a right that must be cherished and protected, but at the same time it is a right that seemingly gives students unstoppable power to publish. This Note discusses the standards that should be met in order to regulate campus journalism without violating the right to Academic Freedom in the context of free speech and expression. The Note therefore aims to balance the two by summarizing the rarely litigated concept of academic freedom in the Philippines.

The Note first presents the concept of Academic freedom as found in our Constitution and in our laws. The concept of Academic freedom was defined in the landmark case of *Garcia v. Loyola School of Theology*, where the Court applied the concept of academic freedom to resolve a conflict between a student and a school. A discussion is then presented showing the relation between the State and Academic Institutions as clearly reflected in jurisprudence, such as *Lupangco v. Court of Appeals, Board of Medical Education v. Alfonso*, and the aforementioned *Garcia v. Loyola School of Theology*.

History shows the development of the relationship between the school and the faculty and between the school and its students. The Note delves into the intricacies of such relationship and how jurisprudence in the Philippines reflects that evolving relationship. Based on the review made by the Author on the development of the concept of academic freedom and how it has been adopted in Philippine setting, there are certain standards that must be examined before a violation can be determined. The first is the defamatory character of the publication. The second is the malicious intent of the publication, and the third is the identification of the victim.

Based on these standards, the Author proposes that the acts or writings of a student should be classified as creating a substantial disorder or an invasion to the rights of other students only after certain standards are met. The implications of these standards will help the courts in determining and defining if a violation of academic freedom has occurred and will prevent school abuses in the guise of academic freedom.