



STRENGTHENING ACCOUNTABILITY AND RISK GOVERNANCE IN COLLEGIATE ATHLETICS: A POLICY REVIEW OF HIGHER EDUCATION PROVISIONS IN LIGHT OF THE BATERBONIA-ADILI TRAGEDY

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ABSTRACT

The deaths of collegiate student-athletes Rene Clert Baterbonia and Divine Adili during an off-season team-building activity in June 2026 exposed significant gaps in the institutional framework governing collegiate athletics in the Philippines. While higher education institutions are entrusted with the welfare and development of student-athletes, existing legal and regulatory provisions inadequately define the extent of institutional responsibility, particularly during off-campus and off-season activities.

Anchored on the constitutional duty of the State to provide quality education and promote sports development, the regulatory authority of the Commission on Higher Education (CHED), and the principles of negligence and vicarious liability under Articles 2176 and 2180 of the Civil Code, this paper argues that colleges and universities possess continuing duties over student-athletes placed under their supervision. However, current policies remain reactive and fragmented. Consequently, this paper proposes reforms aimed at strengthening institutional accountability, clarifying the concept of custody, and establishing preventive safety mechanisms in collegiate athletic programs.

INTRODUCTION

The tragic deaths of student-athletes Rene Clert Baterbonia and Divine Adili during a team-building activity in Dipaculao, Aurora in June 2026 have raised serious questions concerning the obligations of colleges and universities toward students participating in athletic programs. Although investigations initially treated the incident as accidental, the tragedy highlighted broader concerns regarding supervision, risk management, and institutional accountability.

Athletic programs constitute an extension of the educational mission of higher education institutions. Student-athletes are recruited, trained, supervised, and developed under the authority of colleges and universities. Consequently, institutions assume responsibilities that extend beyond academic instruction and encompass the protection of students entrusted to their care.

For parents, especially young mothers who encourage their children to pursue athletic aspirations, such incidents create profound anxiety. Families entrust universities with more than the academic development of their children; they entrust their safety and well-being. The uncertainty brought by vague policies and unclear accountability mechanisms undermines public confidence and raises questions regarding whether existing safeguards adequately protect student-athletes.

The deaths of Baterbonia and Adili therefore necessitate a review not only of specific incidents but of the institutional framework governing collegiate athletics itself.

Constitutional and Statutory Bases of Institutional Responsibility

The 1987 Constitution establishes the State's obligation to provide quality education under Article XIV, Section 1. Article XIV, Section 19(1) further mandates the promotion of physical education and sports development. Meanwhile, Article II, Section 11 recognizes the dignity of every person and the State's duty to value and protect human life.

These constitutional provisions imply that educational institutions exercising authority over students must ensure that learning environments, including athletic activities, are conducted in a manner that protects life, dignity, and welfare.

Republic Act No. 7722, otherwise known as the Higher Education Act of 1994, grants CHED the authority to formulate policies and standards that ensure the quality and welfare of students in higher education institutions. Such authority necessarily includes regulating collegiate sports programs and imposing standards for student safety.

Institutional Liability Under the Civil Code

Article 2176 of the Civil Code establishes liability arising from negligence or quasi-delicts. Any person or institution whose acts or omissions cause damage through fault or negligence may be held liable.

Complementing this principle is Article 2180 of the Civil Code, which imposes vicarious liability upon teachers and educational institutions for acts occurring while students remain under their custody.



In the context of collegiate athletics, custody should not be interpreted narrowly as limited to classroom instruction. Student-athletes participate in activities organized, sanctioned, and supervised by institutions through coaches, athletic directors, and administrative personnel. Consequently, colleges and universities exercise continuing authority over students participating in official athletic functions.

The Baterbonia-Adili tragedy raises a crucial policy issue: To what extent does institutional custody extend during off-campus and off-season activities? Existing laws provide general principles, but no comprehensive guidelines exist to operationalize these responsibilities.

Existing College Provisions and Their Limitations

A. CMO No. 13, Series of 2026

CMO No. 13 establishes baseline standards for student-athlete protection. It provides mechanisms for medical response, reporting requirements, and insurance coverage.

However, the memorandum primarily focuses on post-incident management. It fails to provide:

- Administrative sanctions for negligence;
- Standards for determining responsibility;
- Accountability mechanisms for coaches and administrators; and
- Independent review procedures following serious injuries or deaths.

Thus, while institutions are required to respond after accidents occur, the memorandum does not sufficiently establish who should be answerable when preventive measures fail.

B. CMO No. 63, Series of 2017

CMO No. 63 regulates local off-campus activities through approvals, risk assessments, and safety requirements.

However, the policy is largely designed for academic activities. Off-season athletic camps, team-building exercises, and privately organized training retreats frequently operate outside its explicit coverage.

Consequently, activities similar to those attended by Baterbonia and Adili may fall within regulatory gray areas, where standards of supervision and accountability become unclear.

Jurisprudential Foundations of School Responsibility

In *Philippine School of Business Administration v. Court of Appeals* (1992), the Supreme Court recognized the responsibility of educational institutions over students under their custody.

Similarly, *Palisoc v. Brillantes* (1971) emphasized that teachers exercise authority and corresponding responsibilities over students entrusted to them.

In *St. Mary's Academy v. Carpitanos* (2002), the Court reiterated that schools are expected to exercise due diligence in supervising students.

Collectively, these cases demonstrate that educational institutions possess obligations extending beyond instruction and into the broader sphere of student welfare. However, jurisprudence has not clearly addressed the extent of custody

during collegiate athletic activities conducted outside academic settings. Consequently, uncertainties remain regarding institutional liability in off-campus sports programs.

Policy Issues Exposed by the Baterbonia-Adili Tragedy

The incident revealed four major institutional gaps:

- First, colleges and universities lack clearly defined accountability mechanisms when tragedies occur.
- Second, the concept of custody in collegiate athletics remains legally ambiguous.
- Third, off-season and team-building activities are inadequately regulated.
- Fourth, existing provisions emphasize reaction rather than prevention.

As a result, institutions may satisfy documentary requirements while substantial deficiencies in risk management remain unaddressed.

Policy Recommendations

1. Enact a Collegiate Sports Safety and Accountability Framework

CHED should establish a comprehensive framework defining institutional duties and standards of care for student-athletes.

2. Clarify the Scope of Institutional Custody

The concept of custody should expressly include all officially sanctioned athletic activities, whether conducted on-campus or off-campus and regardless of season.

3. Amend CMO No. 13, Series of 2026

The memorandum should incorporate:

- Administrative sanctions;
- Independent investigations;
- Accountability procedures for coaches and administrators; and
- Mandatory corrective actions.

4. Expand CMO No. 63, Series of 2017

Its coverage should explicitly include:

- Athletic camps;
- Team-building activities;
- Training retreats; and
- Off-season programs.

5. Institutionalize Risk Governance

Higher education institutions should establish mandatory:

- Safety officers;
- Emergency response protocols;
- Medical personnel;
- Hazard assessments; and
- Annual safety audits.

6. Strengthen Coach and Athletic Administrator Accountability

Certification in safety management and legal responsibilities should be required before supervising student-athletes.

Policy Proposal Amendments

1. Mandatory Institutional Risk Management Policy



Higher education institutions should adopt a comprehensive risk management policy that requires documented safety assessments before, during, and after all athletic training sessions, competitions, and off-campus activities. The policy should clearly identify the responsibilities of coaches, athletic directors, team physicians, and college administrators in implementing preventive safety measures.

2. Amendment to College Emergency Response Protocols

Existing institutional policies should require every college athletic program to maintain an updated Emergency Action Plan (EAP). The plan must include immediate access to first-aid equipment, trained medical personnel during official sports activities, established referral hospitals, and emergency communication procedures. Compliance should be reviewed annually.

3. Strengthened Coach and Administrator Accountability

Institutional policies should expressly provide that failure to comply with safety protocols, medical clearance requirements, or emergency procedures constitutes administrative negligence. Depending on the gravity of the violation, sanctions may include written reprimand, suspension, mandatory retraining, or administrative investigation.

4. Student-Athlete Protection and Reporting Mechanism

Colleges should establish a confidential reporting mechanism through which student-athletes may report unsafe training conditions, excessive physical demands, or violations of institutional safety policies without fear of retaliation. Reports should be investigated by an independent committee composed of representatives from student affairs, athletics, and health services.

5. Annual Safety Compliance Audit

Institutions should conduct annual audits of athletic programs to assess compliance with safety standards, medical protocols, and risk management policies. Audit findings should be reported to the college administration and used to improve institutional practices.

Conclusion

The deaths of Rene Clert Baterbonia and Divine Adili underscore the urgent need for higher education institutions to strengthen their responsibility for safeguarding student-athletes. While existing legal frameworks and institutional policies recognize the duty of care owed by colleges and universities, these incidents reveal significant gaps in the implementation, monitoring, and enforcement of safety measures. Institutional liability extends beyond responding to emergencies; it includes the proactive development and consistent application of policies that prevent foreseeable harm.

To address these gaps, colleges should adopt stronger accountability mechanisms through policy amendments that institutionalize student-athlete safety. These include the implementation of comprehensive risk management policies, mandated Emergency Action Plans (EAPs) for all athletic

programs, regular safety compliance audits, and confidential reporting mechanisms that allows student-athletes to report unsafe conditions without fear of retaliation. Furthermore, institutional policies should clearly define the administrative responsibilities of coaches, athletic directors, and college officials, with corresponding sanctions for negligence or non-compliance with established safety protocols.

Ultimately, protecting student-athletes require more than compliance with existing regulations, it demands a culture of accountability, transparency, and continuous policy improvement. By strengthening institutional provisions and embedding enforceable accountability mechanisms into college policies, higher education institutions can better fulfill their legal and ethical obligations, minimize preventable risks, and create a safer environment where students can pursue athletic excellence without compromising their health, safety, or lives.

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