

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 886

Introduced by Honorable Eileen Ermita-Buhain

EXPLANATORY NOTE

This bill seeks to provide for the guidelines in the selection and appointment of a state university/college president, amending for the purpose Republic Act eighty-two Hundred and ninety-two, otherwise known as the "Higher Education Modernization Act of 1997."

Section 6 of RA 8292 provides that the president shall be appointed by the Board of Regents/Trustees, upon the recommendation of a duly constituted search committee. Under the CHED rules and regulations implementing RA 8292, the Search Committee for the Presidency shall recruit and screen the applicants for President and may devise its own procedures for the search. Furthermore, Section 25 mandates that the search committee so constituted shall submit the names of at least three nominees to the Governing Board of Regents from whom the latter shall select the President of the chartered state university/college. Given that the administration of the university or college shall be vested in the president, it is of utmost importance that the qualifications to be appointed as one are fully met. However, the law does not provide for specific guidelines in the selection and appointment of a state university/college president. Thus, a uniform set of guidelines for the purpose must be instituted so as to avert possible questions on the validity of the search committee's recommendation. Said guidelines will also assure a transparent process of selection.

It is also deemed imperative that a review committee to conduct a study of, and review the existing tuition and other fees structure of the university and a disciplinary board be created.

It is provided under Section 7(e) of RA 8292 that the Board of Regents shall adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students. It has been reported that certain universities charge an average of P13,000.00 per student each semester, an amount which marginalized students

cannot afford. This curtails the right of the youth to avail themselves of a quality education. Hence, there is a need to review and revise the tuition scheme of state universities to arrest this problem.

Finally, the disciplinary board is created on the general principle that the appointing authority is the disciplinary authority. In this case, the Board of Regents should exercise the power to discipline. This must be unequivocally contained in RA 8292 to avoid questions on conflict of interest should matters relative to this arise.

In view of the foregoing, approval of this bill is earnestly sought.


EILEEN ERMITA-BUHAIN

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AN ACT
PROVIDING FOR GUIDELINES IN THE SELECTION AND APPOINTMENT
OF A STATE UNIVERSITY/COLLEGE PRESIDENT, AMENDING FOR THE
PURPOSE THE "HIGHER EDUCATION MODERNIZATION ACT OF 1997,
AND FOR OTHER PURPOSES."

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 of Republic Act No. 8292 otherwise known as the
Higher Education Modernization Act of 1997," is hereby amended to read as follows:

"SEC. 4. The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all its powers granted to the Board of Directors of a corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines:

- a) To enact rules and regulations not contrary to law, as may be necessary to carry out the purposes and functions of the University;
- b) To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, in its

discretion, to carry out the purposes and functions of the university or college;

x

x

x

e) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students [;]. WITHIN SIXTY (60) DAYS FROM EFFECTIVITY OF THIS LAW, THE BOARD SHALL IMMEDIATELY CREATE A REVIEW COMMITTEE TO CONDUCT A STUDY OF, AND REVIEW THE EXISTING TUITION AND OTHER FEES STRUCTURE OF THE UNIVERSITY, AND TO CONDUCT PUBLIC HEARINGS AND CONSULTATIONS WITH STUDENTS, PARENTS, TEACHERS AND OTHER SECTORS CONCERNED. THE REVIEW COMMITTEE SHALL BE COMPOSED OF FIVE (5) MEMBERS, THREE (3) OF WHOM SHALL COME FROM VARIOUS ACADEMIC DEPARTMENTS OF THE UNIVERSITY, ONE (1) FROM THE ACCOUNTING/FINANCE DEPARTMENT, AND ONE (1) FROM THE STUDENTRY. THE MEMBERS SHALL CHOOSE FROM AMONG THEMSELVES A CHAIRMAN AND A VICE-CHAIRMAN. COMPOSITION OF SAID COMMITTEE SHALL BE REPLACED AFTER EVERY THREE (3) YEARS, UPON WHICH A PERIODIC REVIEW OF THE SOCIALIZED TUITION SCHEME SHALL BE CONDUCTED. THE COMMITTEE SHALL THEN SUBMIT ITS RECOMMENDATION/S TO THE BOARD.

f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, material and equipment. Purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;

g) To appoint, upon recommendation of the president of the University, vice presidents, deans, directors and heads of departments, faculty members and other officials and employees;

x x x

y) TO ACT AS DISCIPLINARY AUTHORITY OVER ITS APPOINTEES. FOR THIS PURPOSE, A BOARD OF INVESTIGATION AND DISCIPLINE (BID) IS HEREBY CREATED, TO BE COMPOSED OF A CHAIRMAN, A VICE-CHAIRMAN AND THREE (3) MEMBERS TO BE DESIGNATED BY THE BOARD: *PROVIDED*, THAT ONE OF THE MEMBERS SHALL BE THE STUDENT REPRESENTATIVE TO THE BOARD: *PROVIDED*, *FURTHER*, THAT THE PRESIDENT, BEING THE RECOMMENDING AUTHORITY, SHALL NOT BE A MEMBER OF THE BID. THE BID SHALL RECEIVE AND INVESTIGATE ADMINISTRATIVE COMPLAINTS AGAINST ANY APPOINTEE OF THE BOARD, CONDUCT HEARINGS, AND SUBMIT ITS FINDINGS AND RECOMMENDATIONS TO THE BOARD. IF THE RESPONDENT IS THE UNIVERSITY PRESIDENT, THE BOARD MAY AUTHORIZE

ITS CHAIRMAN TO DESIGNATE A COMMISSIONER OF THE
CHED AS VICE-CHAIRMAN OF THE BOARD ONLY FOR THE
PURPOSE OF SUCH INVESTIGATION.

SEC. 2. Section 6 of the same Act is likewise amended to read as follows:

"SEC. 6. *The Administration.* – The Administration of the university or college shall be vested in the president of the university or college who shall render full-time service. He shall be appointed by the Board of Regents/Trustees, upon the recommendation of a duly constituted search committee: *PROVIDED*, THAT THE BOARD, PRIOR TO CONSTITUTING THE SEARCH COMMITTEE FOR THE PRESIDENCY, SHALL CAUSE THE PUBLICATION OF NOTICE OF VACANCY IN A NEWSPAPER OF GENERAL CIRCULATION. SAID NOTICE OF VACANCY SHALL CONTAIN THE QUALIFICATIONS OF NOMINEES: *PROVIDED, FURTHER*, THAT THIRTY (30) DAYS AFTER THE PUBLICATION OF THE NOTICE OF VACANCY, THE BOARD SHALL AGAIN CAUSE THE PUBLICATION OF THE LIST OF NOMINEES, AND AN INVITATION TO THE GENERAL PUBLIC TO SUBMIT THEIR COMMENTS UNDER OATH ON SUCH NOMINEES TO THE BOARD. IN CASE AN OPPOSITION AGAINST ANY OF THE NOMINEES ARISES, A PUBLIC HEARING SHALL BE CONDUCTED BY THE SEARCH COMMITTEE. [He] THE **PRESIDENT** shall have a term of four (4) years and shall be eligible for

reappointment for another term: *Provided*, FINALLY, That this provision shall not adversely affect the terms of the incumbents."

SEC. 3. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in three (3) newspapers of general circulation.

Approved,