

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

13th Congress
First Regular Session



HOUSE BILL NO. 2677

Introduced by the **HON. MICHAEL JOHN "JACK" R. DUAVIT**

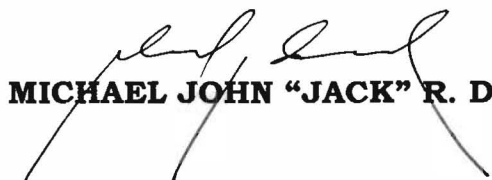
EXPLANATORY NOTE

By virtue of the passage of R.A. 7722 otherwise known as the Higher Education Act of 1994, the Commission on Higher Education (CHED) was created as an independent body, separate and distinct from the Department of Education, Culture and Sports (DECS) and attached to the Office of the President. Thus, the CHED is at the apex of the Philippine education system being the agency responsible for the overall growth and development of both public and private higher education institutions of learning as well as degree-granting programs in post-secondary educational institutions.

Considering the broad and critical functions of the Commission, it is felt that the authority and role of the CHED especially in relation to the cabinet and its appropriate clusters, the various governing boards of state colleges and universities (SUCs), as well as other national and international bodies or entities concerned with higher education, should be rationalized and strengthened in order for the Commission to discharge properly and effectively its mandate in accordance with the intent and spirit of R.A. 7722.

The rationalized powers and authority of the CHED can be further enhanced if it is renamed as a Department and made a regular member of the Cabinet.

In view of the foregoing considerations, the early approval of the Bill is earnestly sought.


MICHAEL JOHN "JACK" R. DUAVIT

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AN ACT
RENAMING THE COMMISSION ON HIGHER EDUCATION AS THE DEPARTMENT
OF HIGHER EDUCATION, AND FOR OTHER PURPOSES

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

SECTION 1. The Commission on Higher Education is hereby renamed as the **DEPARTMENT OF HIGHER EDUCATION** to be headed by a Secretary who shall be a portfolio member of the Cabinet and whose appointment shall be confirmed by the Commission on Appointments.

SECTION 2. COMPOSITION. – The position of Chairman shall henceforth be called Secretary and the position of Commissioners as Undersecretaries and shall be accorded with all the privileges and emoluments allowed under existing laws, rules and regulations as well as restrictions and disqualifications made applicable in the appropriate instances. Assistant Secretary positions may be created to assist the Secretary in accordance with existing rules and regulations.

SECTION 3. ROLE IN HIGHER EDUCATION BODIES/ENTITIES.

Pursuant to existing laws including R.A. 8292, the Secretary of the Department of Higher Education shall sit as the Chair of all State Universities and Colleges, and as Chairman or

member as the case may be, in the following organizations or committees, among others: the State Development Council (SDC) of the NEDA, as well as the appropriate Cabinet Cluster Committees, the Teacher Education Council, in the Advisory Committee provided in the Science and Technology Scholarship Program (R.A.7687), as Chairman of the Legal Education Board (R.A.7662), as Chairman of the State Assistance Council (SAC), as Chairman of the Board of FAPE, as Chairman of the TESDA Board under the TESDA Act of 1994, as the representative of the Philippines in the area of higher education in international bodies including but not limited to UNESCO, SEAMEO, RIHED and other similar organizations.

SECTION 4. ATTACHED AGENCIES TO CHED.

Higher education institutions or other degree-granting institutions presently under the administrative supervision of other agencies of government or those presently attached to the Office of the President are hereby transferred to the Department of Higher Education (DHE) as attached agencies in accordance with the Administrative Code of 1987.

The Philippine Merchant Marine Academy (PMMA), the National Maritime Polytechnic (NMP), the National Defense College of the Philippines (NDCP), the Public Safety College of the Philippine (PSCP), the Philippine Military Academy (PMA), and other state-funded educational institutions similarly situated are henceforth attached to DHE for administrative and coordination purposes.

Likewise, the Technical Education and Skills Development Authority (TESDA) is hereby transferred to the Department of Higher Education (DHE) as an attached agency.

SECTION 5. TRANSFER OF ASSETS AND OTHER PROPERTIES.

Upon approval of this Act, assets, other properties including but not limited to land, records, improvements, equipment, used or which utilization pertains to higher education activities or matters shall be transferred to the Department of Higher Education in accordance with an equitable sharing scheme.

SECTION 6. IMPLEMENTING RULES AND REGULATIONS

The Department shall prepare the Implementing Rules and Regulations of this Act within ninety days (90) from approval of the Act.

SECTION 7. SEPARABILITY CLAUSE. Any portion or provision of this Act that may be declared unconstitutional shall not have effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can be still subsist and be given effect in their entirety.

SECTION 8. REPEALING CLAUSE. Any provision of laws, orders, agreements, rules or regulations, including the provisions of the various charters of state colleges and universities on membership of the Boards contrary to and inconsistent with this Act are hereby repealed or amended or modified accordingly.

SECTION 9. EFFECTIVITY. – This Act shall take effect immediately upon approval.

Approved,