Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. 2752

Introduced by REP. CYNTHIA A. VILLAR

EXPLANATORY NOTE

Established in 1908, the University of the Philippines (U.P.) as the Apex of the Philippine education system has educated and trained many of our leaders in government, business, arts, science, technology and in the various kind of professions. It continuously produce research and creative works that showcase the critical analysis, ingenuity, intellectual and artistic capability of our race. It also serves the common *tao,* as well as the national leadership through its extension, outreach and voluntary service programs.

In 1972, U.P. was designated by the National Board of Education as the National University, thus recognizing its role as a standard setter in undergraduate and graduate education, research and public service; and its high status in national, regional and international circles.

The University was recognized into a university system in 1973 with its six autonomous universities, which include: UP Diliman, UP Los Banos, UP Manila, UP Visayas, UP Mindanao and UP Open University. UP as a university system has allowed the actual realization of democratic principles and equity while upholding and enhancing its tradition of quality and excellence in all fields of academic endeavor.

With the various achievements of the University, the revision of the UP charter is still necessary to erase the remaining vestiges of its colonial origins, to recognize the gains it make in democratic participation over the years and to underscore the principles which enable it to function effectively as the national university and as a system. In matters of governance, there is also a need to strike a better balance between its dual role as a community of scholars able to govern themselves and a university supported by the Filipino people. It is also necessary to enhance its educational autonomy so that it can continue to be a bastion of academic freedom and academic excellence.

This bill seeks to respond to the various needs of charter revision that have been raised within the university community and the Philippine society at large. It is a product of widespread consultation among all sectors, including the faculty, students, professional and administrative staff and alumni. It also incorporates many points that have been raised in

discussions about the University in Congress, the media and other public fora.

The bill emphasizes the values of academic freedom, academic excellence, social responsibility, democratic participation and access, ethics and autonomy as guiding principles in the life of the University of the Philippines. It creates the system University Council to serve as the inter-university academic body to set system-wide academic rules and standards and to reconcile differences among the autonomous university councils. It distributes functions of university governance to the Board of Regents, the President and other administrators, and the university councils; allows the faculty, students, alumni and non-teaching staff representation in the Board; and establishes the relationship between the University and other sectors of government, including Congress, constitutional commissions and the rests of the government agencies.

Recognizing the University's accountability to the Filipino people, it also allows representation in the Board through the chairs of the House and Senate committees on education and persons chosen by the President of the Philippines.

It is earnestly urged that this bill be approved so that our national university, the University of the Philippines, is strengthened and its academic freedom and institutional autonomy enhanced.

CYNTHIA A. VILLAR
Lone District, Las Piñas City

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Introduced by Hon. CYNTHIA A. VILLAR

AN ACT
TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL UNIVERSITY

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

SECTION 1. Title. This Act shall be known as "The University of the Philippines Charter of 2004."

SEC. 2. Declaration of Policy. The State shall promote, foster, nurture and protect the right of all citizens to quality education. Toward this end, it is the policy of the State to strengthen the University of the Philippines which is its national university.

SEC. 3. Purpose of the University. As the national university, a public and secular institution of higher learning and a community of scholars dedicated to the search for truth and knowledge, the University of the Philippines shall perform its unique and distinctive leadership in higher education and national education development through its combined functions, as follows:

(1) Set standards and initiate innovations in teaching, research and faculty development in Philosophy, the Arts and Humanities, the social sciences, the professions, and engineering, the natural sciences, mathematics and technology; and maintain centers of excellence in such disciplines and professions;

(2) Serve as a graduate University providing advanced studies and specialization for scholars, scientists, writers, artists and professionals, especially those who serve on the faculties of state and private colleges and universities;

(3) Serve as a research university in the various fields of its expertise and specialization by conducting basic and applied research, and research and development, promoting research in the various colleges and universities, and contributing to the dissemination and application of knowledge;

(4) Lead as a public service university by providing various forms of community, public and volunteer service, and scholarly and technical assistance to the government, the private sector, and civil society;

(5) Provide opportunities for training and learning in progressive leadership, responsible citizenship, and the development of democratic values, institutions and practice; and

(6) Serve as a regional and global university in cooperation with international scientific unions and with networks of universities and scholarly and professional associations in the Asia-Pacific region and around the world.

SEC. 4. The University of the Philippines. The University of the Philippines is a university system and shall be composed of constituent universities and regional units.

SEC. 5. Academic Freedom. The University has the right and the responsibility to exercise academic freedom.

SEC. 6. Academic Excellence. The University has the responsibility to maintain and enhance its high academic standards in the performance of the functions of instruction, research, and extension and public service.

SEC. 7. Social Responsibility. The University is committed to serve the Filipino nation and humanity. While it carries out the obligation to pursue universal principles, it must relate its activities to the needs of the Filipino people and their aspirations for social progress and transformation.

SEC. 8. Democratic Access. No student shall be denied admission to the University by reason of age, gender, nationality, religious belief, or political affiliation. The University shall take affirmative steps to enhance the access of disadvantaged students to its programs and services.

SEC. 9. The Board of Regents. The government of the University is vested in a board of regents known as the "Board of Regents of the University of the Philippines," composed of:

a) The Chair of the Commission on Higher Education as Chairperson;

b) The President of the University of the Philippines as Vice-Chairperson;

c) The Chair of the Senate Committee on Education;

d) The Chair of the House Committee on Higher Education;

e) The President of the U.P. Alumni Association, to serve as Alumni Regent during his or her incumbency in that position;

f) One Faculty Regent chosen by the full-time and tenured faculty members of the University from their ranks, to serve for a term of two (2) years;

g) One Student Regent, to serve for a term of one (1) year, chosen by the students from their ranks;

h) One Staff Regent representing the full-time permanent research, extension, and professional staff and administrative personnel and chosen by them from their ranks, to serve for a term of two (2) years; and,

i) Five (5) other Regents, at least three (3) of whom should be alumni, appointed by the President of the Philippines who shall each serve for a term of two (2) years; *Provided,* that Regents holding office as members of the Board of Regents at the time of this Act is promulgated shall continue to serve until the expiration of their appointments as provided for in the Executive Order No. 204-A issued by the President of the Philippines on July 15, 1987.

In case of vacancy in the Board of Regents of any appointive position, such vacancy shall be filled by appointment by the President of the Philippines, and such appointee shall hold office for the unexpired term. In case of vacancy in the position of sectoral Regents, the successor, who shall serve for the unexpired term, shall be chosen in the same manner as provided above for the predecessor; *Provided,* that in

the case of a sectoral Regent, membership in the Board ceases upon suspension or separation from the University.

Members of the Board shall serve without compensation other than actual and necessary expenses incurred in attendance of meetings of the Board or other official business authorized by the Board.

SEC. 10. Powers of the Board of Regents. The administration of the University and the exercise of its corporate powers are vested in the Board of Regents and the President insofar as authorized by the Board. The administration of each constituent university is vested in the Chancellor insofar as authorized by the Board and the University President.

The Board shall exercise the following specific powers and duties:

a) To adopt and define in general terms the thrusts of the University and broad policy guidelines to ensure their implementation;

b) To preserve the integrity of the University of the Philippines;

c) To approve the institution, merger or abolition of academic programs upon recommendation of the University Council of the constituent university concerned;

d) To approve the graduation of students, as recommended by their respective University Councils;

e) To confer honorary degrees upon persons in recognition of learning, statesmanship, or eminence in literature, science, or art, upon recommendation of a committee of the Board of Regents: *Provided*, that such degrees shall not be conferred in consideration of any payment, gifts or other valuable consideration;

f) To approve the rules on student discipline recommended by the University Councils;

g) To create, organize, reorganize, merge or abolish constituent universities, colleges, institutes, and other academic and administrative units of the University;

h) To establish chairs in the colleges and to provide for the maintenance or endowment of such chairs;

i) To provide fellowships and scholarships and to award the same to faculty, staff and students giving special evidence of merit;

j) To elect the University President for a term of six (6) years following a process of democratic consultation with the University community;

k) To appoint faculty members and other officials and employees, to draw up a position classification and compensation plan for its faculty and staff, and to fix and adjust salaries and benefits of the faculty members and other employees; to determine their hours of service, and such other terms and conditions as it may deem proper; to grant to them, in its discretion, leave of absence under such regulations as it may promulgate, any other provisions of law to the contrary notwithstanding; and to remove them for cause as provided by law after due investigation and proper hearing;

l) To extend, with their consent, the tenure of faculty members of the University beyond the compulsory retirement age, any other provision of law to the contrary notwithstanding, on recommendation of the units upon endorsement of the President of the University, whenever their services are specially needed: *Provided, however*, that no extension of tenure shall be made beyond the age of seventy (70);

m) To fix the tuition fees and other necessary school charges, as the Board may deem proper to impose. Such fees and charges, including government subsidies and other income generated by the University, constitute special trust funds and shall be deposited in any authorized government depository bank. Any and all interests that shall accrue therefrom shall form part of the same funds for the use of the University. Any provision of existing law to the contrary notwithstanding, all incomes generated by the University or by its own subsidiaries may, at the discretion of the Board, be disbursed for the professional growth and development, health, welfare, and other benefits of the faculty members and other personnel; for the acquisition, construction, maintenance and repair of urgently needed instructional and auxiliary facilities, equipment, buildings and other infrastructure; and for expenses necessary for the attainment of its purposes under this Act. If the University, for reasons beyond its control, shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which it deems necessary and urgent for the attainment of the objectives and goals of the University;

n) To receive and appropriate all sums as may be provided by law for the support of the University to the ends specified by law, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the University;

o) To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real and personal properties, including the necessary supplies, materials and equipment;

p) To receive in trust legacies, gifts and donations of real and personal property of all kinds and to administer and dispose the same when necessary for the benefit of the University and subject to the instructions of the donor, if any;

q) To exercise the general powers set out in the Corporation Code;

r) To delegate any of its powers to the President or any other officials or officers as it may deem necessary; and

s) To prescribe rules for its own government and the discipline of the faculty and other personnel and to enact for the government of the University such general policies, rules and regulations, not contrary to law, as are consistent with the purposes of the University.

SEC. 11. Quorum of the Board of Regents. A simple majority of all members of the Board of Regents holding office at the time the meeting is called shall constitute a quorum.

SEC 12. The University President. The University President is the chief academic officer and head of the University Faculty and the chief executive officer of the university. The President shall preside over the meetings of the constituent University Councils, if he or she is in attendance. The President shall exercise the powers specifically provided for in this Act, those determined by the Board of Regents, those which are usually pertaining to the office of the president of the university, and those which are related or necessary to its functions. The compensation of the President shall be determined by the Board of Regents.

SEC. 13. The Secretary of the University and of the Board of Regents. There shall be a secretary of the University appointed by the Board of Regents, who shall also be the secretary of the Board, and who shall keep such records of the University as may be designated by the Board.

SEC. 14. The University Council. There shall be in each constituent University Council consisting of the Chancellor as Chairperson, and of all the faculty members in the University holding the rank of assistant professor or higher.

SEC. 15. Powers of the University Council. The University Council shall be the highest academic body of each constituent University and shall exercise the following powers:

a) Fix the requirements for admission to any college or unit and for graduation and receiving a degree, subject to the minimum system-wide requirements;

b) Prescribe the academic programs including their institution, abolition and merger, subject to the approval of the Board;

c) Recommend to the Board the graduation of students;

d) Exercise disciplinary power over the students, through the Chancellors or their appropriate committees, subject to review by the President according to the limits prescribed by the system-wide rules on student discipline;

e) Undertake the periodic review of academic courses, programs, standards, thrusts and policies; and

f) Adopt internal rules of procedure consistent with the provisions of this Act.

SEC. 16. The Chancellor of the Constituent University. The Chancellor of the Constituent University shall be elected by the Board of Regents upon nomination of the University President, following a process of democratic consultation with the constituents of that constituent University. The Chancellor is the head of the faculty of that constituent University. The Chancellor shall report to the President of the University, and shall perform the duties and functions elsewhere stated in this Act, and all the usual, necessary and related functions of the office of the chancellor, subject to the policies and rules prescribed by the Board of Regents. The term and compensation of the Chancellor shall be determined by the Board of Regents.

SEC. 17. The Faculty. The teaching staff of each college shall constitute its faculty, which shall be presided over by a Dean elected by the Board of Regents on nomination by the University President and upon the recommendation of the Chancellor of the constituent University, following a process of democratic consultation with the constituents of the college. In the appointment of faculty members, no religious test shall be applied, nor shall the religious or political opinions or affiliations of the faculty members of the University be made a matter of examination or inquiry.

SEC. 18. Appointment Requisites. Faculty members, and research, extension and professional staff of the University shall be exempt as such from any civil service examination or regulation as a requisite to appointment.

SEC. 19. Land Grants and Other Real Properties of the University. (a) The State provides subsidy to the University of the Philippines as the national university in the form of a lump sum amount, through general appropriations and other financial benefits, and in kind, through land grants and donations and use of other real properties. To carry out the intent of these grants, income derived from the development of all land grants and real properties shall be used to further the ends of the University, as may be decided upon by the Board of Regents.

(b) Such parcels of land ceded by law, decree or presidential issuance to the University of the Philippines, are hereby declared to be reserved for the purposes

intended, as confirmed by the Board of Regents. The absolute ownership of the University over these landholdings is hereby affirmed. Where issuance of proper certificates of title is yet pending for these landholdings, the appropriate government office shall expedite the issuance thereof within six (6) months from the date of effectivity of this Act.

(c) The Board of Regents shall plan, design, approve and/or cause the implementation of financial mechanisms, such as joint ventures, long-term leases, fully-owned subsidiaries, securitization and outright sale, to give the University the most advantageous position in generating revenues and other resources from the land grants and other real property entrusted by the Filipino people to their national university; *Provided,* That such mechanisms and arrangements shall sustain and protect the environment, and be exclusive of the academic core zone of the U.P.'s campuses, and be for such periods of time as may be determined in accordance with law.

SEC. 20. Appropriations. The amount needed to carry out the implementation of this Act shall be charged against the current year's lump sum appropriation and other internal funds of the University. Thereafter, such lump sum representing the national government's assistance for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

SEC. 21. Tax Exemptions. The provisions of any general or special law to the contrary notwithstanding:

(1) All profits and income generated by the University derived exclusively from its fundamental function as an educational institution, shall be exempt from the income tax being imposed on every corporation;

(2) Gifts and donations of real and personal properties of all kinds shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended; and

(3) Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books, supplies and materials, including scientific and educational computer and software equipment, shall be exempt from the payment of customs duties upon endorsement from the Commission on Higher Education and the Department of Finance.

SEC. 22. Auditing of Accounts. All accounts and expenses of the University shall be audited by the Commission on Audit, and all disbursements shall be made in accordance with rules and regulations prescribed by the latter.

SEC. 23. Institutional Autonomy as the National University. To provide greater flexibility to the University, it shall be treated in a manner consistent with its institutional requirements as the national university by the service-wide agencies in the exercise of their respective jurisdiction.

The University, taking into account national goals and priorities, shall exclusively determine its teaching, research and extension thrusts, plans, policies, priorities, programs and standards and, on the basis of such determination, the University shall recommend its annual budget to the President and Congress.

SEC. 24. Rule of Construction. No statutory or other issuances shall diminish the powers, rights, privileges, and benefits accorded to the University under this Act or enjoyed at present by the University under other issuances not otherwise modified or repealed under this Act, unless subsequent legislation expressly provides for their repeal, amendment or modification. Any case of doubt in the interpretation

of any of the provisions of this Charter shall be resolved in favor of the academic freedom and fiscal autonomy of the University of the Philippines.

SEC. 25. Separability Clause. Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 26. Repealing Clause. All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation in the Philippines.

Approved.