

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5683



INTRODUCED BY HON. CONSUELO A. DY

EXPLANATORY NOTE

The right of all citizens to quality education at all levels is enshrined in the 1987 Constitution. Along this line, the State is mandated to take appropriate steps to make education accessible to all and to take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

With the enactment of Republic Act No. 7722, otherwise known as the Higher Education Act of 1994, the Commission on Higher Education (CHED) was created primarily to undertake the pursuit of the constitutional mandate and State policies on higher education. Under Section 8(h) of RA 7722, CHED was mandated to "rationalize programs and institutions of higher learning and set standards, policies and guidelines for the creation of new ones as well as the conversion or elevation of schools to institutions of higher learning." CHED was also mandated under Section 8(m) of RA 7722 to "review the charters of institutions of higher learning and state universities and colleges including the chairmanship and membership of their governing bodies and recommend appropriate measures as basis for necessary action."

However, the powers and functions of the CHED to pursue these constitutional mandate and State policies on education may have been overlooked by Local Government Units when they started establishing their own higher educational institutions in accordance with the powers granted their respective Sanggunian by Republic Act 7160, or the Local Government Code of 1991. According to RA 7160, the Sanggunian of local government units may pass an ordinance that "establish and provide for the operation of vocational and technical schools and *similar post-secondary institutions* and, with the approval of the Department of Education, Culture and Sports, fix and collect reasonable fees and other school charges on said institutions, subject to existing laws on tuition fees."

This provision of the Local Government Code of 1991 became the basis for the proliferation of local colleges and universities (LCUs) that offer both degree and non-degree programs. While the creation of LCUs within the Local Government Unit concerned provides access and equitable distribution of opportunities for Filipinos to acquire higher education, there is a need to rationalize the creation or establishment of higher education institutions to address quality and excellence in the areas of school administration, facilities, library and laboratories, curriculum and instruction, research and community service, and faculty and non-teaching personnel development programs.



CONSUELO A. DY
Congresswoman
Lone District of Pasay City

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**AN ACT RATIONALIZING THE ESTABLISHMENT AND OPERATIONS OF
LOCAL COLLEGES AND UNIVERSITIES AND FOR OTHER PURPOSES**

SECTION 1. *Short Title.* – This act shall be known as “Local Colleges and Universities Act of 2006.”

SECTION 2. *Declaration of Policy.* – The State is mandated to protect and promote the right of all citizens to quality education at all levels and to take appropriate steps to make education accessible to all. In doing so, the State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

SECTION 3. *Scope and Application.* – The provisions of this Act shall apply to: (a) new higher education institutions to be established by local government units; (b) educational institutions established and operated by local government units offering non-degree programs but would eventually offer degree programs; (c) local colleges proposing elevation to university status; (d) existing local colleges or universities which have not met the standards prescribed in this Act.

SECTION 4. *Definition.* – As used in this Act:

(a) “Local College or University” or “LCU” refers to a public higher education institution established by the local government unit through an enabling ordinance, and financially supported by the concerned local government unit. In Filipino, an LCU is referred to as “Dalubhasaan” for college and “Pamantasan” for university.

(b) “Ordinance” refers to the enabling act of the Sangguniang Bayan, Panglunsod or Panlalawigan that creates a particular local college or university and serves as the charter of said local college or university.

(c) “Degree Program” refers to a collection of all courses in a discipline or a field of study leading to an undergraduate or graduate degree, and may also be referred to as an academic program.

(d) “Non-degree Program” refers to a post-secondary program below the bachelor degree.

(e) “Local Government Unit” or “LGU” refers to municipalities, cities and provinces that created or established the local college or university.

(f) "College or Dalubhasaan" is an institution of higher learning offering academic programs and usually pre-professional training leading to a bachelor's degree.

(g) "University or Pamantasan" is an institution made up of an undergraduate division that offers bachelor's degrees and a graduate division that comprises a graduate school and professional schools each of which may confer Master's degrees and doctorates. It is an entire socio-physical infrastructure comprised of Schools, Colleges and Institutes offering degree programs in various disciplines and levels.

SECTION 5. *Establishment of Higher Education Institutions by LGUs.* – All LCUs shall be established or created and/or operated through an Ordinance duly enacted for that purpose by the Sanggunian concerned. *Provided*, that before the enactment of the same, an LGU establishing a higher education institution shall consult and coordinate with the Regional Office of the Commission on Higher Education having jurisdiction of the place where the institution is intended to be established to ensure compliance with the requisites established by the Commission on Higher Education.

SECTION 6. *Use of "College" or "University".* – An LGU planning to establish a local educational institution shall start as a College or "Dalubhasaan" and only after compliance with Section 12 of this Act and other requisites established by the Commission on Higher Education, may apply for elevation to University.

Local educational institutions offering only non-degree programs shall not use College or University in its name unless they would eventually offer degree programs and have complied with the requisites provided for in this Act.

SECTION 7. *Funding of LCUs.* – There shall be a provision for a regular annual appropriation from the local government unit to support and sustain the operation of the LCU.

SECTION 8. *Governing Board of a Local College or University.* – The Governing Board of a college or dalubhasaan shall be its Board of Trustees (BOT) composed of the following: Chairman, Local Chief Executive; Vice- Chairman, President of the College; and seven (7) members composed of but not limited to the President of the Faculty Association, President of the Student Organization/Government, President of the Alumni Association, Chairman of the Sangguniang Committee on Education, and one (1) representative each from accredited NGOs preferably from business or industry sector, the Association of Local Colleges and Universities (ALCU), the Commission on Higher Education with a rank not lower than Director. *Provided*, that the representatives from CHED, ALCU, and accredited business or industry sector shall be appointed by the Board for a specific term. *Provided further*, that the representatives of the faculty, student body and alumni are co-terminus to their terms of office.

The Governing Board of a university or pamantasan shall be its Board of Regents (BOR) which shall be composed of the following: Chairman, Local Chief Executive, Vice-Chairman, President of the University and nine (9) members composed of but not limited to the President of Faculty Association, President of the Student Organization/Government, President of the Alumni Association, Chairman of the Sangguniang Committee on Education, two (2) representatives from accredited

NGOs preferably from business or industry sector, and one (1) representative each from the Association of Local Colleges and Universities (ALCU), the Commission on Higher Education (CHED) with a rank not lower than Director, and the Department of Science and Technology (DOST) with a rank not lower than Director. *Provided*, that the representatives from CHED, ALCU, and accredited business or industry sector shall be appointed by the Board for a specific term. *Provided further*, that the representatives of the faculty, student body and alumni are co-terminus to their terms of office.

SECTION 9. *Powers of the Governing Board.* – The governing boards shall promulgate policies in accordance with the declared state policies on higher education as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722 and other pertinent laws.

SECTION 10. *President of the LCU.* – The administration of the local college or university shall be vested in the President who shall render full-time service to implement policies promulgated by the Governing Board. He/She shall be appointed by the Governing Board upon the recommendation of a duly constituted search committee. He/She shall have a term of four (4) years and shall be eligible for reappointment for another term unless otherwise provided for in the Ordinance creating the LCU. The president shall hold an appropriate earned doctoral degree with at least five (5) years of relevant administrative experience.

The Vice-President(s), Dean(s), Directors, Registrar, Administrative Officer, accountants, faculty/non-teaching personnel and other officials shall be appointed by the President subject to the confirmation of the Board, provided that their appointments shall be pursuant to existing Civil Service laws, rules and regulations.

SECTION 11. *Search Committee for the President of an LCU.* – Six (6) months before the expiration of the term of office of the incumbent President, the Governing Board shall appoint a Search Committee for President. The Search Committee for President of the LCU shall have five (5) members to be appointed by the Governing Board with a member each representing the academe, an accredited NGO preferably from business or industry sector, Association of Local Colleges and Universities (ALCU), Commission on Higher Education (CHED), Civil Service Commission (CSC). They shall elect a Chairman and Vice-Chairman from among themselves.

SECTION 12. *Elevation of Local College to University Status.* – All local colleges aspiring to become a university shall comply with the following:

- a. a four-year program in Arts and Sciences (AB/BS) with at least Level II accreditation by Association of Local Colleges and Universities Commission on Accreditation (ALCU COA) and certified by the National Network of Quality Assurance Agency (NNQAA);
- b. a minimum of four (4) other undergraduate programs with at least Level II accreditation by ALCU COA and certified by NNQAA, three (3) of which are professional programs or requiring licensure examinations;
- c. at least two (2) graduate-level programs leading to masters and doctoral degrees;
- d. average passing rate for the immediate past three (3) years in all its professional programs is not lower the national passing rate;

e. excellence in the areas of instruction, research and extension and publication of research journal both local and international including refereed journal;

f. research program is manned by qualified and competent personnel

g. substantial evidence of strength in the Arts, Sciences, Humanities, Social Sciences components of each undergraduate courses in the professions or discipline and preferably accredited;

h. creditable community extension service program; and

i. compliance with Faculty requirements of at least 20% with doctoral degrees, 35% with masteral degrees in their respective areas of specialization. Provided that at least 70% of all faculty members are on full-time status. Provided further that at least 50% of the faculty in the Arts and Sciences must be on full-time status.

SECTION 13. *Grant of University Status.* – The proposal for elevation to University status shall be submitted to the Office of Programs and Standards, CHED Central Office, through the CHED Regional Office for review. Only the Commission en banc may grant the University status upon compliance with the requirements.

SECTION 14. *Period of Compliance.* – All existing local HEIs must comply with the requirement of this Act within eight (8) years. The Commission shall grant full university status upon compliance of this Act.

SECTION 15. *Implementing Rules and Regulations.* – The Commission on Higher Education shall promulgate the implementing rules and regulations as may be necessary to carry out the provisions of this Act.

SECTION 16. *Exclusionary Clause.* – This Act shall apply to all Local Colleges and Universities duly created by their Ordinances enacted for that purpose except for the Pamantasan ng Lungsod ng Maynila (PLM) which was created by virtue of RA 4196. Insofar, however, as faculty qualification, curriculum and instruction, and facilities are concerned, PLM shall be governed by this Act and other CHED issuances.

SECTION 17. *Separability Clause.* – If any provision of this Act shall be held unconstitutional or invalid, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 18. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances, or parts thereof, contrary to or inconsistent with this Act are hereby modified, amended or repealed accordingly.

SECTION 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

APPROVED.