

HOUSE OF REPRESENTATIVES

H.B. No. 3187

Introduced by Congressman JUAN EDGARDO M. ANGARA

EXPLANATORY NOTE

Based on the facts cited by the Supreme Court in the case: *Review Center Association of the Philippines vs. Executive Secretary Eduardo Ermita and Commission on Higher Education (CHED)*, licensure applicants who took the Nursing Board Examination in June 2006 wrote the Professional Regulation Commission (PRC) to report that copies of two sets of examinations were circulated during the examination period among the examinees reviewing at certain review centers. The examinees were apparently provided with a list of 500 questions and answers in two of the examinations' five subjects. The PRC later admitted the leakage and traced it to two Board of Nursing members. On 19 June 2006, the PRC then released the results of the Nursing Board Examinations. However, on 18 August 2006, the Court of Appeals restrained the PRC from proceeding with the oath-taking of the successful examinees. As a consequence, then President Gloria Macapagal-Arroyo ordered the examinees to re-take the Nursing Board Examinations.

In view of the said anomaly committed by two (2) review centers, President Arroyo issued Executive Order 566 on 08 September 2006, which authorized the CHED to supervise the establishment and operation of all review centers and similar entities in the country.

Executive Order 566, however, was declared unconstitutional by the Supreme Court, on the ground that the scope of said EO and its Revised Implementing Rules and Regulations (RIRR) expanded the CHED's coverage under RA 7722 or the Higher Education Act. Under the said law, the CHED's coverage is limited to public and private institutions of higher education and degree-granting programs in all public and private post-secondary educational institutions. The Supreme Court ruled that a review center is not an institution of higher learning as contemplated by RA 7722, and it does not offer a degree-granting program that would put it under the jurisdiction of the CHED.

Given the pressing need to regulate review centers which would enable the government to protect the public against substandard review centers and unethical practices of these review centers, this representation seeks to amend RA 7722 by expanding its coverage to include the regulation and supervision of review centers and similar entities under CHED's jurisdiction.

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


JUAN EDGARDO M. ANGARA
Representative
Lone District, Province of Aurora

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AN ACT
AUTHORIZING THE COMMISSION ON HIGHER EDUCATION TO REGULATE THE
ESTABLISHMENT AND OPERATION OF REVIEW CENTERS AND SIMILAR ENTITIES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS
"HIGHER EDUCATION ACT OF 1994"

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

SECTION 1. Section 8 of Republic Act No. 7722 shall be amended to read as follows:

SEC. 3. *Creation of the Commission on Higher Education.* - In pursuance of the abovementioned policies, the Commission on Higher Education is hereby created, hereinafter referred to as the Commission. The Commission shall be independent and separate from the [Department of Education, Culture and Sports (DECS)] **DEPARTMENT OF EDUCATION (DepEd)** and attached to the Office of the President, for administrative purposes only. Its coverage shall be both public and private institutions, of higher education as well as degree-granting programs in all post-secondary educational institutions, public and private, **AND REVIEW CENTERS OR SIMILAR INSTITUTIONS INTENDED TO REFRESH AND ENHANCE THE KNOWLEDGE OR COMPETENCIES AND SKILLS OF REVIEWEES.**

SECTION 2. Section 8 of Republic Act No. 7722 shall be amended to read as follows:

Sec. 8. *Powers and Functions of the Commission.* — The Commission shall have the following powers and functions:

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(n) regulate review centers and similar entities, including but not limited to the development and institutionalization of policies, standards, guidelines for the establishment, operation and accreditation of review centers and similar entities; maintain a mechanism to monitor the adequacy, transparency and propriety of their operations; and institute reporting mechanisms to review performance and ethical practice.

(o) promulgate such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and

(p) perform such other functions as may be necessary for its effective operations and for the continued enhancement, growth or development of higher education.

SECTION 3. Section 9 of the same Act shall likewise be amended to read as follows:

Sec. 9. *The Secretariat.* — The Commission shall organize a secretariat which shall be headed by an executive officer, subject to the national compensation and position classification plan. It shall fix the secretariat's staffing pattern, determine the duties, qualifications, responsibilities and functions, as well as the compensation scheme for the positions to be created upon the recommendation of the executive officer. It shall also prepare and approve its budget. The Commission shall appoint the members of the staff upon the recommendation of the executive officer.

To ensure the effective implementation of CHED's regulatory power over review centers, the CHED shall organize a permanent office for this purpose, under its supervision, to be headed by an official with the rank of Director and to be composed of highly competent individuals with expertise in educational assessment, evaluation and testing; policies and standards development, monitoring, legal and enforcement; and statistics as well as curriculum and instructional materials development. The CHED shall submit the staffing pattern and budgetary requirements for this purpose to the Department of Budget and Management (DBM) for approval.

SECTION 4. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. *Separability Clause.* If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 6. *Effectivity.* This act shall take effect immediately after its publication in a national newspaper of general circulation.

Approved,