

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **1995**



10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

EXPLANATORY NOTE

Republic Act No. 8292, also known as the "Higher Education Modernization Act of 1997" provides for the uniform composition and powers of the governing boards as well as the manner of appointment and terms of office of the president of chartered state universities and colleges (SUCs).

This bill seeks to amend the said law to put a limit on the term of office of the president as well as the private sector representatives. This is because a big number of presidents and private sector representatives have abused their term limits by the simple reason that the incoming president or representatives are not appointed or chosen on time thus allowing the incumbents to overstay as "hold-over" or "caretaker officials." They are thus allowed to vote on important SUC decisions despite the fact that they are already overstaying.

This bill also aims to mandate the SUCs to fund the initial fiscal requirements of upgrading their new faculty positions as well as making null and void those SUC governing board resolutions that run counter to existing laws and issuances.

HON. ANTHONY M. BRAVO

HON. CRESENTE C. PAEZ

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AN ACT
AMENDING REPUBLIC ACT NO. 8292 OR THE HIGHER EDUCATION
MODERNIZATION ACT OF 1997

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

SECTION 1. Section 3, Paragraph b of Republic Act No. 8292, also known as the
"Higher Education Modernization Act of 1997", is hereby amended to read as follows:

Section 3. The Governing Boards; manner of appointment. –

xxx

(b) *Term of office* – The president of the faculty and alumni associations
and the student regents or trustees shall sit in the board until expiration of their
term of office in such capacities.

The prominent citizens shall serve for a term of two (2) years. THE
TERMS OF OFFICE OF THE PRIVATE SECTOR REPRESENTATIVES
SHALL BE DEFINITE AND SHALL NEVER BE EXTENDED FOR ANY
REASON. IF THE NEXT PRIVATE SECTOR REPRESENTATIVES ARE
NOT CHOSEN ON TIME, THEIR POSITIONS SHALL BE DECLARED
VACANT.

SECTION 2. Section 6 of Republic Act No. 8292, also known as the "Higher Education
Modernization Act of 1997", is hereby amended to read as follows:

1 **Section 6. *The Administration.*** – The administration of the university or
2 college shall be vested in the president of the university or college who shall
3 render full-time service. He shall be appointed by the Board of Regents/Trustees,
4 upon the recommendation of a duly constituted search committee. He shall have a
5 term of four (4) years and shall be eligible for reappointment for another term:
6 Provided, That this provision shall not adversely affect the terms of the
7 incumbents. PROVIDED, FURTHER, THAT THE TERM OF OFFICE OF THE
8 PRESIDENT SHALL NEVER BE EXTENDED FOR ANY REASON. IF THE
9 SUCCEEDING PRESIDENT IS NOT APPOINTED ON TIME, AN OFFICER
10 IN CHARGE, OTHER THAN THE OUTGOING PRESIDENT, SHALL BE
11 APPOINTED.

12 The president shall be assisted by a vice president for academic affairs
13 who shall be appointed by the Board upon the former's recommendation without
14 prejudice to the appointment of more than one vice president when so warranted.

15 In case of vacancy by reason of death, resignation, removal for cause or
16 incapacity of the president to perform the functions of his office, the Board shall
17 have the authority to designate an officer-in-charge pending the appointment of a
18 new president.

19 In case of vacancy in the office of the president as mentioned in the
20 immediately preceding paragraph, his successors shall hold office for the
21 unexpired term.

22 SECTION 3. Section 16 of the same law is hereby amended to read as follows:

23 **Section 16. [*Separability clause.*** – If, for any reason, any part or provision
24 of this Act is declared invalid or unconstitutional, the remaining parts or
25 provisions not affected thereby shall remain in full force and effect.] CASH
26 BACKING REQUIREMENT. – THE CASH BACKING REQUIRED TO FUND
27 THE UPGRADING OF NEW POSITIONS UNDER NATIONAL BUDGET
28 CIRCULAR NO. 461 OR ANY FUTURE ISSUANCE SHALL BE INITIALLY

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1 SOURCED FROM THE INCOME OF THE SUC AFTER THE RESULT OF
2 EACH CYCLE UNTIL SUCH TIME THAT THE EVALUATION FOR THE
3 NEXT CYCLE WILL COMMENCE. THE DEPARTMENT OF BUDGET AND
4 MANAGEMENT SHALL BE MANDATED TO TAKE OVER THE
5 FINANCIAL BURDEN AFTER THIS.

6
7 SECTION 4. Section 17 of the same law is hereby amended to read as follows:

8 **Section 17. [Repealing clause.** – All laws, presidential decrees, executive
9 orders, letters of instruction and SUC charters contrary to or inconsistent with this
10 Act are hereby repealed or amended accordingly.] *VOID RESOLUTIONS.* – ANY
11 RESOLUTION PROMULGATED BY ANY SUC GOVERNING BOARD
12 SHALL BE DECLARED NULL AND VOID *AB INITIO* IF IT IS
13 INCONSISTENT WITH EXISTING LAWS AND EXECUTIVE ISSUANCES.

14 SECTION 5. *Separability clause.* – If, for any reason, any part or provision of this Act or
15 Republic Act No. 8292 is declared invalid or unconstitutional, the remaining parts or provisions
16 not affected thereby shall remain in full force and effect.

17 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
18 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
19 with, the provisions of Republic Act No. 8292, as amended by this Act is hereby repealed,
20 modified, or amended accordingly.

21 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) newspapers of general circulation.