

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 4669



Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

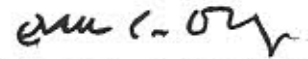
EXPLANATORY NOTE

Throughout the years, the Commission on Higher Education (CHED) has been focusing heavily on state universities and colleges. Although indeed problems in the public schools are enormous and deserving of much attention, the CHED should not lose sight of the whole picture. Private education also has its own problems and areas for improvement which need to be addressed and resolved as well. Yet, it cannot be denied that only limited time is given to private schools.

Considering the dilemma faced by the private educational institutions, it is about time that a bureau that will exclusively cater to the needs of private education is created.

Through the creation of the Bureau of Private Schools for Tertiary Education, all matters concerning private tertiary education shall all be directed to a centralized department. All concerns, problems, transactions and activities relating to private colleges and universities will now be heard and catered to immediately by the said Bureau. By doing this, the CHED's load of work will definitely be reduced. On the other hand, meeting the concerns of the private schools will be expedited.

Clearly, the creation of the Bureau of Private Schools promises efficiency and greater productivity. Moreover, it also ensures that all problems - whether coming from public schools or private, will be attended to indiscriminately. It is for this reason that the approval of this Bill is hereby being sought.



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**AN ACT ESTABLISHING A BUREAU OF PRIVATE SCHOOLS
TO ADMINISTER, SUPERVISE AND REGULATE PRIVATE
UNIVERSITIES, COLLEGES, SCHOOLS AND OTHER PRIVATE
INSTITUTIONS OFFERING TERTIARY EDUCATION IN THE
COUNTRY, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES.**

SECTION 1. *Title.* This Act shall be known as the *Bureau of Private Schools for Tertiary Education Act of 2014*.

SECTION 2. *Declaration of Policy.* The State shall protect, foster and promote the right of all citizens to affordable quality education at all levels and shall take appropriate steps to ensure that education shall be accessible to all. The State shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of high-level and middle-level professionals, and the enrichment of our historical and cultural heritage. All institutions of higher learning shall exemplify through their physical and natural surroundings the dignity and beauty of, as well as their pride in, the intellectual and scholarly life.

SECTION 3. Coverage and Limitation. It is understood that the provisions of this Act shall only cover activities and other concerns or matters relating to private colleges, universities, and other private institutions offering higher education. The Bureau shall be under the direct control and supervision of the Commission on Higher Education and in no case shall the former interfere or transgress with the powers of the Commission on Higher Education (CHED).

SECTION 4. Creation of the Bureau. Pursuant to the abovementioned policies, the Bureau of Private Colleges is hereby created, hereinafter referred to as the Bureau. The Bureau shall be responsible for administering, supervising and regulating all private universities, colleges or other private institution offering tertiary education. The Bureau shall be under the direct control of the CHED but it shall function mainly for the purpose of centralizing the administration of all concerns relating only to private schools.

SECTION 5. Composition of the Bureau. The Bureau shall be headed by a Director General and shall have four (4) Assistant Directors. For each region there shall be appointed Regional Director. Upon approval of this Act, the President of the Republic of the Philippines shall appoint the Director General, who shall head the Bureau, the four (4) Assistant Directors and the Regional Director for each region. The Director General and the Assistant Directors and Regional Directors must be a holder of post graduate degrees and should not have been candidates for elective positions in the elections immediately preceding their appointment.

SECTION 6. Term of Office. The President shall appoint the Director General and the other Assistant Directors and Regional Directors and they shall hold office until their successors shall have been appointed and qualified.

SECTION 7. Powers and Functions of the Bureau. With respect to private colleges and/or universities, the CHED shall devolve the following powers and functions to the Bureau:

a. formulate and recommend development plans, policies, priorities, and programs on higher education and research;

b. formulate and recommend development plans, policies, priorities and programs on research;

c. recommend to the executive and legislative branches, priorities and grants on higher education and research;

d. set minimum standards for programs and institutions of higher learning recommended by panels of experts in the field and subject to public hearing, and enforce the same;

e. monitor and evaluate the performance of programs and institutions of higher learning for appropriate incentives as well as the imposition of sanctions such as, but not limited to, diminution or withdrawal of subsidy, recommendation on the downgrading or withdrawal of accreditation, program termination or school closure;

f. identify, support and develop potential centers of excellence in program areas needed for the development of world-class scholarship, nation building and national development;

g. 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, subject to budgetary limitations and the number of institutions of higher learning in the province or region where creation, conversion or elevation is sought to be made;

h. review the policies, guidelines and other rules and regulations issued by universities, colleges and other institutions of higher learning including the chairmanship and membership of their governing bodies and recommend appropriate measures as basis for necessary action;

i. 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

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

SECTION 8. *The Technical Panels.* The Technical Panels constituted and/or organized by CHED for different disciplines/program areas shall also assist the Bureau in setting standards and in program and institution monitoring and evaluation. The technical panels shall be composed of senior specialists or academicians as evaluated, approved or appointed by the CHED.

SECTION 9. *Guarantee of Academic Freedom.* Nothing in this Act shall be construed as limiting the academic freedom of private universities and colleges. In particular, no abridgment of curricular freedom of the individual educational institutions by the Bureau shall be made except for:

(a) minimum unit requirements for specific academic programs;

(b) general education distribution requirements as may be determined by the Bureau; and (c) specific professional subjects as may be stipulated by the various licensing entities. No academic or curricular restriction shall be made upon private educational institutions which are not required for chartered state colleges and universities.

SECTION 10. *Accreditation.* The Bureau shall provide incentives to private institutions of higher learning whose programs are accredited or whose needs are for accreditation purposes.

SECTION 11. *Authority.* The Bureau shall exercise such authority as may be deemed necessary within its premises or areas of operation to effectively carry out its powers and functions and to attain its objectives. Provided, That the CHED may at any time order the Bureau to desist from exercising certain powers or functions that are inconsistent with that of CHED and other government agencies.

SECTION 12. *Budget Appropriation.* The funding for the creation of the Bureau of Private School shall be sourced from the budget allotted to CHED and shall be included in the annual General Appropriations Act.

SECTION 13. *Implementing Rules and Regulations.* The CHED shall promulgate the Implementing Rules and Regulations to carry out the provisions of this Act.

Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

SECTION 14. *Repealing Clause.* – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SECTION 15. *Separability Clause.* – In the event that any provision of this Act or any portion thereof is declared unconstitutional by a competent court, the other provisions shall not be affected thereby and shall remain valid and enforceable.

SECTION 16. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

APPROVED.