

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session



House Bill No. 4800

Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

EXPLANATORY NOTE

Article II Section 17 of the 1987 Constitution states, "The State shall give priority to education, science and technology, art, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

This is the guiding principle behind the crafting of the Comprehensive Free Public Education Bill. Thrust before Congress is a bill drafted collectively by youth and students in the Philippines to holistically address the worsening state of the Philippine public higher education system. This proposed bill not only seeks to make public education up to the tertiary level free and accessible to all, but also to uphold the public character of our state-run higher education institutions, and address the structural ills of the Philippine education system.

Historical Roots of the Worsening State of Education

Before we tackle the proposed bill, there is a need for us to recognize the vast and disastrous effect of decades of implementation of the educational restructuring, a restructuring that served to transmogrify a fundamental right to a burgeoning business. Decades of implementation of policies that put hefty price tags on education have left generations of Filipinos without a chance to even enter college, much less finish their studies.

At the heart of the crisis is neoliberalism, the extensive and predominant 20th economic dictate that endorses economic liberalization policies which include reduction in government spending for public services, deregulation, and privatization. Led by

Ronald Reagan (United States), Margaret Thatcher (Great Britain), and Augusto Pinochet (Chile), the neoliberal dogma was spread throughout the world starting the 1970s through packaging reforms as "new and progressive." Euphemistic language was employed to appeal to the public and hide the real nature of neoliberal structural adjustment programs.

In education, for example, commercialization schemes were called "income-generating projects," privatization was labeled as "joint ventures," and state abandonment of social services was christened "fiscal autonomy."

Yet no euphemism can hide neoliberalism's disastrous attack against the people of the world. Neoliberal policies on education have slowly but steadily crept in public policy, thereby chipping and eroding the public character of our educational institutions throughout the years.

In 1982, under the Marcos administration, Congress passed the Education Act of 1982 or Batas Pambansa 232, which deregulated education in the country. This began the intensification of annual tuition and other school fee increases in both public and private educational institutions.

During the Corazon Aquino administration, the "Task Force to Study the State of Higher Education" was formed. The task force heavily criticized the fact that state universities and colleges source almost 90 percent of their funding from the government. The task force's report stated, "All students except for those qualifying on the basis of need, merit and priority area are to pay fully for their education."¹ From the task force's recommendations, the University of the Philippines implemented the Socialized Tuition and Financial Assistance Program, which gave way for the increase in tuition in UP from P40 to P200 in 1989. Meanwhile, other SUCs also began increasing tuition and other school fees.

While the government pushed for the gradual reduction of state funding for SUCs, it also introduced the Government Assistance to Students and Teachers in Private Education (GASTPE) under Republic Act 6728 in 1989. The government maintained that public higher education institutions cannot keep up with global standards for engineering and other technical courses to justify its introduction of financial subsidies for private education institutions.

Under the Ramos administration, Congress passed the Higher Education Modernization Act (HEMA) which further opened SUCs to the onslaught of privatization and commercialization. Under HEMA, SUCs were administered much like for-profit corporations with powers to enter joint ventures with the private sector, and utilizing

¹ Task Force to Study State Higher Education. "Report on the Panel on Financing State Higher Education." Ministry of Education, Culture and Sports. Philippines. 1987.

assets to earn more income, all in a bid to make SUCs “self-sustaining.” HEMA also empowered the governing boards of SUCs to set the rate of tuition and other school fees charged from students. This move was a precursor to the ever-increasing tuition and other school fee rates in the subsequent years.

During the Estrada administration, the World Bank and the Asian Development Bank pushed for more structural reforms in education through the Philippine Education Sector Study (PESS). Aside from pushing SUCs to earn more income through the privatization of assets and services, particular focus was again given to technical-vocational education while decreasing time allotted for Social Studies in the curriculum of schools. The government also aimed to reduce the number of SUCs from 110 to 12-15 by 2008. The Estrada administration also formed the Philippine Commission on Education Reform (PCER) in 2000 which released recommendations to “rationalize” state funding for public higher education, raise tuition rates, and implement socialized tuition schemes.

In 2001, the Arroyo administration particularized the recommendations under the PESS and PCER through the Long-Term and Medium-Term Education Development Plan (2001-2010), which pushed for:

- The closure of 20 percent of SUCs;
- Transformation of 20 percent of SUCs into semi-corporatized entities;
- Self-sufficiency of 20 percent of SUCs through generating income from the sale of intellectual property and grants;
- Urging 50 percent of SUCs to engage in active income-generating projects;
- Charging matriculation at par with private institutions in 70 percent of SUCs; and
- Ordering 60 percent of SUCs to enter contracts with the private sector.

This same blueprint has been adopted by the administration of Benigno Aquino III under its “Roadmap for Public Higher Education Reform,” with an emphasis on “rationalizing” program and course offerings of SUCs.

The Disastrous Effect of Neoliberal Policies on Education

The cumulative effect of decades of neoliberal restructuring has left Filipino students and their families heavily burdened, with most opting to drop out of school due to the prohibitive cost it entails.

According to the 2013 Functional Literacy, Education, and Mass Media Survey (FLEMMS), about one in every 10 or about four million Filipino children and youth 6 to 24 years old are out-of-school.² The 2013 FLEMMS also reveal that 9.3 percent of

² Philippine Statistics Authority. “2013 Functional Literacy, Education and Mass Media Survey.” 2015.

Filipinos aged 6 and over – or about 7.6 million – reach college but are not able to graduate.

The 2013 FLEMMS survey also reveal that among out-of-school youth aged 16-24, about 1.6 million youth point to their family's inability to sustain their education as reason for not attending school, while about 824,000 or 7.8 percent point to the high cost of education as main reason for not studying. The report also revealed that only 20.7 percent of persons 16 to 24 years old, or one in five, attended college.³

Reason for not attending	Age group			
	6-24	6-11	12-15	16-24
Philippines	11,480	326	584	10,570
Number (in '000)				
Schools are very far	0.4	4.1	0.6	0.3
No school within the barangay	0.2	1.7	0.4	0.1
No regular transportation	*	0.1	-	*
High cost of education	7.5	3.4	4.5	7.8
Illness/disability	3.0	20.4	10.3	2.1
Housekeeping	3.8	0.7	1.1	4.1
Marriage	12.9	-	1.4	13.9
Employment/looking for work	28.8	0.3	7.7	30.9
Lack of personal interest	14.9	24.9	46.1	12.9
Cannot cope with school work	0.9	4.4	3.9	0.6
Finished schooling	10.0	-	-	10.9
Problem with school record	0.3	1.5	1.8	0.2
Problem with birth certificate	0.2	2.7	1.2	0.1
Too young to go to school	0.6	19.1	0.2	*
Family income not sufficient to send child to school	15.7	11.8	19.8	15.6
Others	0.6	4.9	1.0	0.5

Note: An asterisk denotes a figure is less than 0.05 percent

Source: 2013 Functional Literacy, Education and Mass Media Survey

Similarly, the Commission on Higher Education reports that among the bottom 20 percent of the population, 37.8 percent point to "high cost of education/financial concerns" as main reason for not going to school.⁴

Higher education in the country is dominated by private educational institutions. According to CHED, of the 1,934 higher education institutions in the country, 88 percent or 1,706 are private, while only 228 are public. About 2.2 million students are enrolled in

³ Philippine Statistics Authority. "2013 Functional Literacy, Education and Mass Media Survey." 2015.

⁴ Commission on Higher Education. "Improving Access to Higher Education: Preliminary CHED position paper on the Senate-led Free Tuition Proposal." 2016.

private universities and colleges, while 1.8 million are enrolled in public universities and colleges.⁵

The prevalence of private higher education institutions in the Philippines betrays the extent of privatization and commercialization in the Philippine educational system. For the most part of the country, tertiary education has become a lucrative business, with many businessmen investing in education landing top spots in the list of billionaires.

Yet the high cost of education is not limited to private institutions. Even in SUCs, the cost of education has skyrocketed. With the intensified implementation of neoliberal policies, SUCs were encouraged to increase tuition and other school fees.

In UP, the “socialized tuition scheme” – a scheme where students pay tuition and other school fees supposedly based on their capacity to pay – only resulted in repeated increases in tuition, from P40/unit in 1989 to the current P1,500/unit.

Increase in Tuition in UP 1982-2016 ⁶								
Year	82-83	84-85	85-86	86-87	89-90	92-93	07-08	13-14
/unit	15.13	23.00	28.00	40.00	200.00	300.00	1,000.00	1,500.00
18 units	272.34	414.00	504.00	720.00	3,600.00	5,400.00	18,000.00	27,000.00

The promise of “socialized tuition” has continually been debunked. In UP Diliman, over two decades of implementation of socialized tuition resulted in the almost 90-percent decline in the number of students benefiting from free tuition. In 1991, two years after socialized tuition was first implemented, one in every five undergraduate students in Diliman benefited from free tuition under the program. In 2011, only one in every one hundred students was granted free tuition.⁷

Extant government policies compel SUCs to earn their own income through various means, including charging tuition and other fees, and utilizing assets. Data from the Department of Budget and Management (DBM) reveal that since 2010, the average internal income of all SUCs amount to an average of P36 billion, two-thirds or almost P11 billion of which comes from fees paid by students.

In 2016, total tuition collections in all SUCs amount to P8.3 billion, while collection from Other School Fees amount to P5.1 billion. Some SUCs, like the Polytechnic University of the Philippines, even earn more from other school fees than tuition.

⁵ Briefing Paper of the Commission on Higher Education for the 2017 Budget. August 31, 2016.

⁶ Data for 1982-1987 taken from: Riel, T. 1987. A comparative analysis of the tuition fees of selected tertiary schools in Metro Manila from SY 1980-1988

⁷ Tucay, Marjohara. “In two decades of STFAP implementation: Students with free tuition decreased by over 90 percent.” In *Philippine Collegian*, June 2, 2011.

Curiously, SUCs sit on billions of funds earned from their income-generating schemes. According to the 2017 Budget of Expenditures and Sources of Financing, while total receipts of SUCs amount to P45.2 billion in 2016, SUCs only used P19.5 billion from their internal income, leaving an ending balance of P25.7 billion (*see table below*). This case is most evident in the UP System, which unsurprisingly also has the highest tuition rate among SUCs. Data from DBM show that while UP has total internally-generated income of P14.5 billion in 2016 (of which P367.9 million is from tuition alone), the university system utilized only P2.7 billion, leaving an ending balance of P11.8 billion. The budget books reveal a similar pattern in previous years.

What these figures highlight is the effect of extant policies in education that direct school administrators to run their universities like corporations, and collect and amass internal income at the expense of students. Even if the funds remain unused, SUCs are still driven to charge fees from students annually.

PARTICULARS	IN THOUSAND PESOS			GROWTH RATE	
	FY 2015 ACTUAL	FY 2016 ESTIMATES	FY 2017 ESTIMATES	2016 vs. 2015	2017 vs. 2016
NATIONAL GOVERNMENT SUBSIDY					
APPROPRIATIONS					
Personal Services	27,798,688	26,916,021	35,809,700	-3.18%	33.04%
Maintenance and Other Operating Expenses	11,031,923	11,518,629	11,262,326	4.41%	-2.23%
Capital Outlay	13,221,505	8,980,077	9,022,942	-32.08%	0.48%
Sub - Total, New General Appropriations	52,052,116	47,414,727	56,094,968	-8.91%	18.31%
Add: RLIP - Automatic Appropriations	2,275,499	2,246,603	2,717,000	-1.27%	20.94%
Total Appropriations - National Government Subsidy (A)	54,327,615	49,661,330	58,811,968	-8.59%	18.43%
OBLIGATIONS					
Personal Services	27,715,495	26,916,021	35,809,700	-2.88%	33.04%
Maintenance and Other Operating Expenses	9,198,721	11,518,629	11,262,326	25.22%	-2.23%
Capital Outlay	8,060,247	8,980,077	9,022,942	11.41%	0.48%
Sub - Total, New General Appropriations	44,974,463	47,414,727	56,094,968	5.43%	18.31%
Add: RLIP - Automatic Appropriations	2,197,888	2,246,603	2,717,000	2.22%	20.94%
Total Obligations - National Government Subsidy (B)	47,172,351	49,661,330	58,811,968	5.28%	18.43%
BALANCE	7,155,264	-	-		
Unreleased Appropriations	296,990	-	-		
Unobligated Allotment	6,858,274	-	-		
INTERNALLY GENERATED INCOME					
BEGINNING BALANCE (ESTIMATES)	21,976,940	26,490,215	25,709,070	20.54%	-2.95%
ADD: INTERNALLY - GENERATED INCOME (RECEIPTS)	21,278,433	18,724,677	17,629,468	-12.00%	-5.85%
Tuition Fees	9,530,533	8,312,002	7,789,987	-12.79%	-6.28%
Income Collected from Students	6,382,209	5,144,968	4,369,376	-19.39%	-15.07%
Income from Other Sources	1,443,100	1,305,092	1,452,543	-9.56%	11.30%
Income from Revolving Fund	2,029,406	2,211,739	2,340,068	8.98%	5.80%
Grants / Donations	696,189	590,815	543,996	-15.14%	-7.92%
Others	1,196,996	1,160,061	1,133,498	-3.09%	-2.29%
Total Internally Generated Income (Receipts) (C)	43,255,373	45,214,892	43,338,538	4.53%	-4.15%
LESS: CHARGES TO INCOME (EXPENDITURES) (D)	16,765,158	19,505,822	17,836,382	16.35%	-8.56%
Personal Services	3,885,399	3,903,108	3,892,389	0.46%	-0.27%
M O O E	8,341,491	9,497,624	8,863,765	13.86%	-6.67%
Fiduciary Fee	4,484,470	6,042,272	5,003,266	34.74%	-17.20%
Capital Outlay	53,798	62,818	76,962	16.77%	22.52%
ENDING BALANCE, INTERNALLY-GENERATED INCOME	26,490,215	25,709,070	25,502,156	-2.95%	-0.80%
GRAND TOTAL, AVAILABLE FUNDS = (A + C)	97,582,988	94,876,222	102,150,506	-2.77%	7.67%
GRAND TOTAL, OBLIGATIONS = (B + D)	63,937,509	69,167,152	76,648,350	8.18%	10.82%

Source: 2017 Budget of Expenditures and Sources of Financing

The Need for Free Public Higher Education

Clearly, there is a need for a paradigm shift in higher education, a shift that should reverse the reigning system that turned college education into an expensive private pursuit. This bill thus seeks to introduce a system of free public higher education, with particular emphasis on promulgating new state policy that translates to a repudiation of the neoliberal education framework. This bill has the following features:

- **Abolition of the Tuition System** – The proposed bill does not espouse the concept of “subsidizing” tuition and other school fees. Rather, it rethinks the manner in which public financing of state-run higher education institutions is done. Instead of creating a separate fund to pay for the equivalent tuition and other school fee rates of students, this bill seeks to finance the actual “cost of attendance” of students, the total amount a particular state-run university or college needs to provide education for a student per year, including proportional cost per student for personnel services, maintenance and other operating expenses, and capital outlay. The total projected cost of attendance will become the primary determinant of a state-run university or college’s annual funding from the government and shall also serve as guide for the Executive Department in preparing the annual national expenditure program.
- **Readmission of drop-outs** – Due to the high cost of education and related expenses, millions of students are not able to finish their studies. The bill seeks to give these out-of-school youth an opportunity to continue studies by including a provision for their readmission.
- **Special Grant for Financially-Disadvantaged Students** – The bill also creates a special grant that will offer additional support for financially-disadvantaged students, outside of tuition and other school fees. This Special Grant covers:
 - Allowance for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer or laptop
 - An allowance for room and board costs incurred by the student
 - For a student with a disability, an allowance determined by the public higher education institution he/she is enrolled in for expenses related to the student’s disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred

- For a student in a program requiring professional licensure or certification, the one-time cost of obtaining the first professional credentials
- **Introduction of a nationalist, scientific, and mass-oriented higher education curriculum** – This bill also establishes a new higher education curriculum responsive to the needs and the goals of the nation. The curriculum shall:
 - Foster patriotism and nationalism by instilling in every student the firm resolve never to allow our people to be dominated and controlled by foreign powers or domestic tyrants, and focusing on developing a self-reliant and independent national economy, with particular emphasis on agrarian reform, and the development of the nation's agriculture and national industries;
 - Inculcate a scientific worldview that heightens the social consciousness of all Filipino students towards total human liberation, as well as foster a culture of learning that nurtures learning directed towards understanding and solving the basic problems of Philippine society
 - Serve to equip students with the knowledge and skills needed to serve the Filipino nation. The new curriculum shall also encourage study programs that respond to community needs. Students should not only learn through formal learning instruction and textbooks, but also through immersion into the larger society that exists beyond their classrooms

If passed, this bill stands to benefit not only the 1.6 million students currently enrolled in SUCs, but also millions others who will be able to enter college without fearing the heavy costs. At a more fundamental level, the passage of this bill will also result in the reversal of decades of attacks on the right of every Filipino to education.

Believing that fundamental changes in education should address the basic ills that hound the system, we need to collectively strive for a type of education that is not only free, but also empowering and liberating.

In this light, the passage of this bill is earnestly sought.



Hon. Sarah Jane I. Elago
Representative, Kabataan Party-list

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SEVENTEENTH CONGRESS
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House Bill No. **4800**

Introduced by **Kabataan Party-list Representative Sarah Jane I. Elago**

AN ACT
PROVIDING FOR FREE PUBLIC HIGHER EDUCATION, AND APPROPRIATING FUNDS
THEREFOR

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

SECTION 1. Title. – This Act shall be known as the "Comprehensive Free Public Higher Education Act of 2017."

SECTION 2. Declaration of Policy. — It is hereby the declared policy of the State that education at all levels is a fundamental right of every Filipino. In order to achieve this, the State shall:

- (1) Make public education up to the tertiary level free and equally accessible to all;
- (2) Uphold and preserve the public character of state-run universities and colleges by ensuring sufficient annual funding for their administration, maintenance, and operation, and promulgating laws, policies, rules, and guidelines that break free from the framework that treats education as a commodity, including commercialization schemes and privatization efforts;
- (3) Introduce a new higher education curriculum that serves to foster patriotism and nationalism, strengthen respect for human rights and fundamental freedoms, accelerate social progress, and promote total human liberation and development.

SECTION 3. Definitions. — For purposes of this Act, the following terms shall mean:

- (1) **Free Public Higher Education.** — All Filipinos have the right to enroll and finish their studies free of charge in all state universities and colleges (SUCs), and local universities and colleges (LUCs) established, administered, maintained and funded by local government units, and those public universities and colleges which may be established by law;
- (2) **Tuition Fee.** — Refers to the fee representing the direct costs of instruction, training and other related activities, the students' use of the instruction and training facilities, and fees that cover

costs supportive of instruction, including but not limited to medical and dental, athletic, development and construction, library, and laboratory fees;

(3) Other School Fees. — Refer to fees illegally, redundantly, and/or exorbitantly collected from students, as such fees should already constitute part of the tuition fee, with the exception of fees related to student activities, including student organizations, student governments and councils, and student publications;

(4) Cost of Attendance. — Refers to the total amount a particular state-run university or college needs to provide education for a student per year, including the proportional cost per student for personnel services, maintenance and other operating expenses, and capital outlay. The total projected cost of attendance shall be the primary determinant of a state-run university or college's annual funding from the government.

SECTION 4. *Implementation of Free Public Higher Education.* — The system of free public higher education as provided in this Act shall commence in Academic Year 2017-2018, and that the students enrolled in tertiary course offerings in all SUCs including the University of the Philippines System, and LUCs established, administered, maintained and funded by local government units, and those public universities and colleges which may be established by law, shall be free from payment of tuition and other school fees, except fees related to student activities, including student organizations, student governments and councils, and student publications: Provided, that nothing in this Act shall cause or authorize the reduction or removal of any benefit which the national or local government may have granted to the students, teachers and other school personnel of these public tertiary schools prior to the enactment of this Act.

SECTION 5. *No Collection Policy.* — All public higher education institutions are hereby prohibited to collect tuition and other school fees and to introduce new fees.

SECTION 6. *Readmission.* — All students who have discontinued their tertiary education prior to the enactment of this Act who wish to continue their studies shall be readmitted free of charge and shall be covered by all provisions of this Act.

SECTION 7. *Determination of Annual Funding for Free Public Higher Education.* — As the establishment of the Free Public Higher Education prohibits the collection of tuition and other school fees, the very concept of tuition fees shall also hereby be eliminated and shall no longer be used as determinant/benchmark for the funding requirements of this Act.

In lieu of tuition and other school fees, the amount required to implement free public higher education shall be determined by the respective governing boards of SUCs based on the expected total cost of attendance, in relation to the projected number of enrollees for each academic year. The cost of attendance in public higher education institutions shall become the primary factor in computing for the annual proposed budget of SUCs and shall in turn serve as the baseline during the Department of Budget and Management's preparation of the annual National Expenditure Program.

In the case of LUCs, a similar system of budgeting shall be adopted to ensure that students in said universities and colleges shall also be covered by this Act. In the case when a local

government unit cannot fully sustain the funding requirements for LUCs under their supervision, a special allotment shall be provided under the Local Government Support Fund in the General Appropriations Act.

SECTION 8. *Special Grant for Financially-Disadvantaged Students.* – A Special Grant for Financially-Disadvantaged Students, hereinafter referred to as the Grant, is hereby established and shall be administered by the CHED. This Grant shall be used to support qualified financially-disadvantaged students, as determined by their respective educational institutions, in shouldering other personal costs related to pursuing higher education. The Grant shall cover:

(1) Allowance for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer or laptop, as determined by the public higher education institution he/she is enrolled in;

(2) An allowance for room and board costs incurred by the student, as determined by the public higher education institution he/she is enrolled in;

(3) For a student with a disability, an allowance determined by the public higher education institution he/she is enrolled in for expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred;

(4) For a student in a program requiring professional licensure or certification, the one-time cost of obtaining the first professional credentials.

SECTION 9. *Formulation of a Nationalist, Scientific, and Mass-Oriented Higher Education Curriculum.* — Along with the introduction of the system of free public higher education, the CHED shall formulate a new higher education curriculum that is:

(1) Nationalist – The new higher education curriculum shall be crafted based on the needs and the goals of the nation. The curriculum shall foster patriotism and nationalism, and shall instill in every student the firm resolve never to allow our people to be dominated and controlled by foreign powers or domestic tyrants. Tertiary-level research and development shall also focus on developing a self-reliant and independent national economy, with particular emphasis on agrarian reform, and the development of the nation's agriculture and national industries;

(2) Scientific – The new higher education curriculum shall inculcate a scientific worldview that heightens the social consciousness of all Filipino students towards total human liberation. Public higher education shall serve to foster a culture of learning directed towards understanding and solving the basic problems of Philippine society;

(3) Mass-oriented – The new higher education curriculum shall inculcate the value of free education and the importance of providing access to education at all levels. It shall serve to equip students with the knowledge and skills needed to serve the Filipino nation. The new curriculum shall also encourage study programs that respond to community needs. Students should not only learn through formal learning instruction and textbooks, but also through immersion into the larger society that exists beyond their classrooms.

SECTION 10. *Transitory Provisions.* — The CHED shall formulate the appropriate strategies and mechanisms needed to ensure smooth and swift implementation of free public higher education. Taking into consideration the influx of students who will enter public tertiary schools and/or continue college studies, CHED – in partnership with other government agencies including the Department of Budget and Management – shall craft strategies that may cover changes in physical infrastructure, manpower, organizational and structural concerns.

To manage the initial implementation of free public higher education system, the CHED, and the public higher education institutions shall coordinate closely with one another to implement strategies that ensure the academic, physical, financial, and human resource capabilities of state-run universities and colleges. For this purpose, a transition period shall be provided for in the implementing rules and regulations of this Act, which shall cover capacity-building, infrastructure development, and the hiring and proper compensation of new teaching and non-teaching personnel.

SECTION 11. *Joint Congressional Oversight Committee on the Free Higher Education System.* — There is hereby created a Joint Oversight Committee to oversee, monitor and evaluate the implementation of this Act.

The Oversight Committee shall be composed of five (5) members each from the Senate and from the House of Representatives, including Chairs of the Committees on Education, Arts and Culture, and Finance of both Houses. The membership of the Committee for every House shall have at least two (2) opposition or minority members.

SECTION 12. *Mandatory Evaluation and Review.* — Starting the first academic year upon the effectivity of this Act, the CHED shall conduct a mandatory review and submit a midterm report to Congress as to the status of implementation of this Act.

The Midterm Report shall include the following key metrics of access to and quality of public tertiary education:

- (1) Enrollment rate;
- (2) Retention rate;
- (3) Student demographics;
- (4) Graduation rate;
- (5) Budget utilization;
- (6) Number of students covered by the Special Grant for Financially-Disadvantaged Students;
- (7) Teachers' welfare and training profiles;
- (8) Adequacy of funding requirements;
- (9) Other educational quality indicators, including but not limited to physical learning infrastructure, teacher-to-student ratio, and student housing.

SECTION 13. *Implementing Rules and Regulations.* — Upon enactment of this Act, the CHED shall hereby establish a multi-sectoral committee that will craft the Implementing Rules and Regulations (IRR) needed for the implementation of this Act. This Committee shall be led by the CHED Chairperson with the following members: (1) the Department of Budget and

1 Management; (2) the Department of Social Welfare and Development; (3) the National Youth
2 Commission; (4) a representative from the Philippine Association of State Universities and
3 Colleges; (5) a representative from the Association of Local Colleges and Universities; (6)
4 Faculty Representative; (7) National Youth and Student Organizations and Formations:
5 Provided: That the committee shall finish and promulgate the IRR within ninety (90) days after
6 the effectivity of this Act.

7 **SECTION 14. Appropriations.** — The President is hereby authorized to realign or
8 transfer any item of appropriation within the CHED and/or utilize any savings therein to carry out
9 the purposes of this Act during its first year of implementation. Whatever additional amount as
10 may be needed for its implementation shall be included in the General Appropriations Acts for
11 the ensuing fiscal years, subject to the provisions stated in Section 7 of this Act.

12 **SECTION 15. Separability Clause.** — If any provision or part thereof is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
14 valid or subsisting.

15 **SECTION 16. Repealing Clause.** — Pertinent provisions of Batas Pambansa Blg. 232 or
16 the "Education Act of 1982", Republic Act No. 8292 or the "Higher Education Modernization Act
17 of 1997," and all other laws, decrees, executive orders and rules and regulations contrary to or
18 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

19 **SECTION 17. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its
20 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,

A handwritten signature in black ink, appearing to be a stylized 'J' or 'G' followed by a horizontal stroke and a dot.