

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **8374**



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

Only four (4) Philippine universities figured in the Top 1000 universities in the 2020 Quacquarelli Symonds (QS) World University Rankings. The University of the Philippines - our sole national university - occupied the 356th spot, ranking 72nd in Asia.¹ No other State Universities and College (SUC) has entered the list.

The pursuit of quality and globally-competitive higher education for Filipinos calls for swift legislative intervention. Greater expertise and competence of Governing Board (GB) members in areas that are critical to Higher Education Institution (HEI) governance such as strategic management, planning, financial sustainability, governance structures, and overall education vision setting, to name a few. While the enactment of Republic Act No. 8292 or the "Higher Education Modernization Act of 1997" ushered the era of a uniform management structure in SUCs, the country needs to take another step further.

Through the amendment of key provisions of R.A. 8292, this bill aims to upgrade the composition of the board membership by putting the right mix of people who have the skills, perspectives, experiences, and networks that a GB needs to achieve its goals.² It likewise proposes a certification and training program for GB members to further equip them with expertise and knowledge of current and emerging trends in higher education as well as best practices in governance. A league of SUC governing boards shall also be created to serve as an advisory and guidance council for all SUC governing boards.

¹ 2020 QS University Rankings of Philippine HEIs (2020). Retrieved 22 October 2020, from <https://www.topuniversities.com/university-rankings/world-university-rankings/2020>.

² Charter School Governing Board Composition: A Toolkit for Board Members. Retrieved 22 October 2020, from https://charterschoolcenter.ed.gov/sites/default/files/files/field_publication_attachment/NCSRC%20Board%20Governance%20Toolkit%20-%20Board%20Composition.pdf.

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

A handwritten signature in black ink, appearing to be 'P. Garcia', written in a cursive style.

Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

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**AN ACT AMENDING REPUBLIC ACT NO. 8292, OTHERWISE KNOWN
AS THE “HIGHER EDUCATION MODERNIZATION ACT OF 1997”,
TO UPGRADE THE SELECTION PROCESS FOR MEMBERS OF THE GOVERNING
BOARDS OF HIGHER EDUCATIONAL INSTITUTIONS, AND OTHER PURPOSES.**

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

Section 1. Section 3 of Republic Act (R. A.) No. 8292 is hereby amended to read
as follows:

“Section 3. The Governing Boards; manner of appointment. —

(a) Composition — The governing body of state universities and
colleges is hereby in the Board of Regents for universities and in the Board
of Trustees for colleges which shall be composed of the following:

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(ix) Three (3) prominent citizens who have distinguished themselves
in their professions or fields of specialization, INCLUDING BUT NOT
LIMITED TO THE FIELDS OF SCIENCE, LAW, FINANCE, BUSINESS, OR
PUBLIC ADMINISTRATION, chosen from among lists of at least five (5)
QUALIFIED persons CERTIFIED BY THE COMMISSION IN THE
PROGRAM DESCRIBED IN SECTION 3 (D) [qualified] in the city or the
province where the school is located, as recommended by the search
committee constituted by the UNIVERSITY President IN consultation with
the Chairman of the CHED based on the MERIT AND TRACK RECORD
OF THE CANDIDATES [normal standards and qualifications for the

position.]; PROVIDED, THAT AT LEAST TWO (2) OF THESE PROMINENT CITIZENS SHOULD BE ALUMNI OF THE SUC.

The faculty and the student council shall be represented BY [of] their respective federations in multi-campus universities and colleges. The private sector representatives shall be appointed by the Board of Regents/Trustees upon recommendation of a duly constituted search committee.

(b) Term of office — The presidentS 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 AND SHALL BE ELIGIBLE FOR ONE (1) REAPPOINTMENT. PROVIDED, THAT IN NO CASE SHALL THEY SIT IN THE BOARD IN A HOLDOVER CAPACITY.

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(D) CERTIFICATION AND TRAINING. – THE COMMISSION SHALL ESTABLISH A CERTIFICATION PROGRAM FOR HIGHER EDUCATION GOVERNANCE TO ENSURE QUALITY OF MANAGEMENT IN STATE UNIVERSITIES AND COLLEGES. THE PROGRAM SHALL INCLUDE COURSES ON FIELDS SUCH AS, BUT NOT LIMITED TO, STRATEGIC MANAGEMENT, PLANNING, FINANCIAL SUSTAINABILITY, GOVERNANCE STRUCTURES, AND OVERALL EDUCATION VISION SETTING. THE COMMISSION SHALL RELEASE A LIST OF ALL CERTIFIED PERSONS PER PROVINCE EVERY YEAR.

ALL SUC GOVERNING BOARD MEMBERS MUST HAVE A CERTIFICATION FROM CHED PRIOR TO SERVICE TO THE BOARD. THIS REQUIREMENT SHALL ALSO EXTEND TO THEIR AUTHORIZED REPRESENTATIVES. THE CERTIFICATION SHALL BE VALID AND RENEWABLE EVERY FOUR (4) YEARS.

THE COMMISSION SHALL ALSO ESTABLISH OTHER TRAINING PROGRAMS RELATED TO HIGHER EDUCATION GOVERNANCE. THE COMMISSION MAY ACCREDIT INDEPENDENT INSTITUTIONS TO CONDUCT THESE PROGRAMS.

THE DETAILS AND MECHANICS OF THE CERTIFICATION AND TRAINING PROGRAMS SHALL BE PROVIDED IN THE REVISED IMPLEMENTING RULES AND REGULATIONS OF THIS ACT.”

(E) CONSOLIDATION - A LEAGUE OF GOVERNING BOARDS OF STATE COLLEGES AND UNIVERSITIES IS HEREBY CREATED TO SUPPORT, SUPERVISE AND MONITOR THE MEMBER BOARDS BY PROVIDING EXPERT SERVICES AND RESOURCES IN HEI GOVERNANCE. THE CHED SHALL FORM OR DESIGNATE AN OFFICE THAT SHALL ACT AS THE SECRETARIAT OF THE LEAGUE.

Section 2. Section 4 paragraph g of the same Act is hereby amended to be read as follows:

“(g) to appoint, upon the recommendation of the president of the university or college, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees UPON THE CREATION AND DELIBERATION OF A SEARCH COMMITTEE CONSTITUTED FOR THE PURPOSE;”

Section 3. Section 6 of the same Act is hereby amended to be read as follows:

“Section 6. The Administration. — The administration of the university or college shall be vested in the president of the university or college who shall render full-time service. He shall be appointed by the Board of Regents/Trustees, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term : Provided, That this provision shall not adversely affect the terms of the incumbents. THE TERM OF THE OUTGOING PRESIDENT SHALL NOT BE EXTENDED. IN CASE A VACANCY OCCURS IN THE OFFICE OF THE UNIVERSITY PRESIDENT, AN OFFICER-IN-CHARGE OTHER THAN THE OUTGOING PRESIDENT SHALL BE APPOINTED BY THE BOARD WHEN THE SEARCH IS IN PROGRESS. IN NO CASE SHALL THE SEARCH AND ELECTION OF THE NEXT PRESIDENT BE LONGER THAN NINETY (90) CALENDAR DAYS FROM THE DATE WHEN THE VACANCY OCCURRED.

The president shall be assisted by a vice president for academic affairs, A VICE PRESIDENT FOR ADMINISTRATION, AND A VICE PRESIDENT FOR PLANNING AND FINANCE, who shall be appointed by the Board upon the PRESIDENT’S [former’s] recommendation without prejudice to the appointment of OTHER vice presidentS when so warranted.

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

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

Section 4. *Implementation.* – The Chairman of the CHED is hereby directed to take necessary measures to ensure the immediate implementation of this Act.

Section 5. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

Section 6. *Repealing Clause.* – All laws, presidential decrees, executive orders, letters of instructions and SUC charters contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,