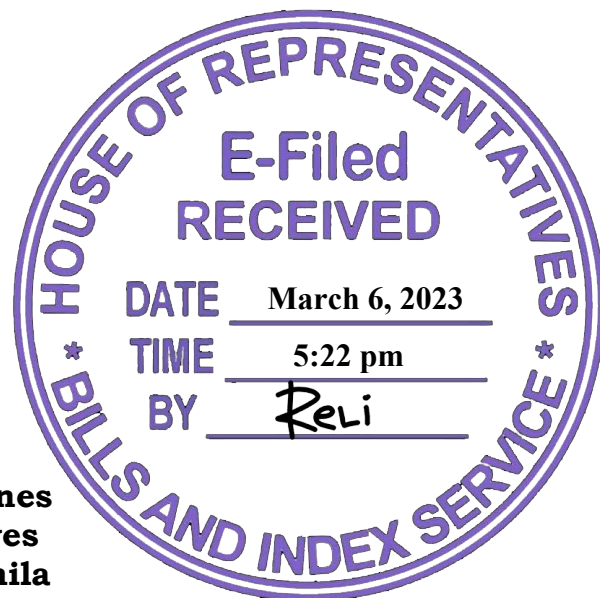




**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7455



Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

This bill seeks to protect, foster and promote the right of all citizens to quality education, protect academic freedom, design programs to support national, regional, or local development plans, and exemplify the dignity and beauty of intellectual and scholarly life.

To this end, this measure strengthens the Commission on Higher Education (CHED) attached to the Office of the President for administrative purposes and is independent and separate from the Department of Education. This measure mandates the CHED, among other salient provisions, to support, enhance and strengthen the Mindanao State University (MSU) System and all other state and local universities and colleges within the Bangsamoro Autonomous Region (BARMM). It is also mandated to formulate and implement policies governing the delivery of education services by public and private Higher Education Institutions (HEIs) except those under the jurisdiction of the BARMM, as provided for in Republic Act No. 11054.

Hence, this representation seeks the passage of this measure.


RUDYS CAESAR G. FARIÑAS I



**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7455

Introduced by Representative Rudys Caesar G. Fariñas I

**AN ACT
STRENGTHENING THE COMMISSION ON HIGHER EDUCATION AND
APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS THE “HIGHER
EDUCATION ACT OF 1994”**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Amended
2 Higher Education Act”.

3
4 **SEC. 2. Declaration of Policy.** – The State shall protect, foster and
5 promote the right of all citizens to quality education at all levels and take
6 appropriate steps to ensure that education is accessible to all. The State shall
7 likewise protect academic freedom and promote its exercise and observance for
8 the continuing intellectual growth, the advancement of learning and research,
9 the development of responsible and effective leadership, the education of high-
10 level professionals, and the enrichment of our historical and cultural heritage.

11
12 State-supported institutions of higher learning shall design their programs
13 to support national, regional or local development plans.

14
15 All institutions of higher learning shall exemplify through their physical
16 and natural surroundings the dignity and beauty of, as well as pride in, the
17 intellectual and scholarly life.

18
19 **SEC. 3. Definition of Terms.** – As used in this Act:
20

1 a) *Commission en banc* refers to the policy-making body of the
2 Commission on Higher Education (CHED) composed of the Chairperson and
3 Commissioners sitting as a group in order to exercise their powers and discharge
4 their functions under the mandates prescribed by this Act;

5
6 b) *Foreign higher education institutions* refer to foreign-owned and duly
7 recognized higher education institutions abiding by a prescribed system of
8 education duly registered in a country other than the Philippines;

9
10 c) *Higher education institution (HEI)* refers to either a college or university,
11 whether public or private, permitted to operate by offering degree programs and
12 regulated by the CHED;

13
14 d) *Local universities and colleges* refer to public HEIs established and
15 financially supported by their respective local government units;

16
17 e) *Private higher education institutions* refer to HEIs which are owned by
18 private individuals, groups or entities recognized by the CHED and registered
19 with the Securities and Exchange Commission; and

20
21 f) *State universities and colleges* refer to public HEIs created and
22 established by law with independent and separate governing boards.

23
24 **SEC. 4. Commission on Higher Education.** – The CHED created under
25 Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994”,
26 shall exercise the powers and functions vested upon it by this Act.

27
28 The CHED is independent and separate from the Department of Education
29 (DepEd) and is attached to the Office of the President for administrative purposes
30 only. Its coverage shall be both public and private HEIs offering degree programs,
31 except those explicitly removed by Congress from its jurisdiction. The CHED
32 shall continue to support, enhance and strengthen the Mindanao State
33 University (MSU) System, and all other state and local universities and colleges
34 within the Bangsamoro Autonomous Region: *Provided*, That the passage of this
35 Act shall not diminish, reduce nor prejudice the support and funding from the
36 national government enjoyed by the MSU System and all other state and local
37 universities and colleges in the Bangsamoro Autonomous Region in Muslim
38 Mindanao (BARMM) prior to the passage of this Act: *Provided, Further*, That all
39 state universities and colleges shall remain to be governed by their own charters
40 and existing laws.

41
42 The CHED is mandated to formulate and implement policies governing the
43 delivery of education services by public and private HEIs except those under the
44 jurisdiction of the BARMM, as provided for in Republic Act No. 11054, or the
45 “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”. As
46 such, it shall exercise oversight powers and reasonable supervision over HEIs,
47 including foreign HEIs which operate pursuant to Philippine laws.

1 **SEC. 5. Commissioners.** – The CHED shall be headed by five (5) full-
2 time members, a Chairperson and four (4) Commissioners, who shall be holders
3 of earned doctorate degrees, defined as Level 8 in the Philippine Qualifications
4 Framework (PQF), conferred by reputable HEIs recognized by the CHED and
5 have been actively engaged in higher education for at least ten (10) years, with
6 at least five (5) years of managerial experience, and must not have been
7 candidates to elective positions in the national or local election immediately
8 preceding their appointment.
9

10 The Chairperson and the Commissioners must be persons known to
11 possess the highest degree of professionalism and integrity, and who have
12 distinguished themselves as authorities and experts in their chosen fields of
13 learning as professors, researchers, managers, administrators, professional
14 practitioners and in other fields of endeavors that can contribute to efficient and
15 effective higher education governance.
16

17 The Commissioners shall possess different academic specializations.
18

19 The President of the Philippines shall appoint the Chairperson, four (4)
20 Commissioners and three (3) Deputy Commissioners. The Deputy
21 Commissioners shall each be responsible for (1) Standards and Quality
22 Assurance; (2) Administration and Finance; and (3) Planning and Grants
23 Administration.
24

25 In no case shall any or all of the Commissioners or Deputy Commissioners
26 appoint representatives to act on their behalf.
27

28 **SEC. 6. Term of Office.** – The President shall appoint the full-time
29 Chairperson, Commissioners and Deputy Commissioners for a term of four (4)
30 years, without prejudice to one (1) reappointment. They shall be appointed based
31 on merit and track record of performance.
32

33 The Chairperson, Commissioners, and Deputy Commissioners shall hold
34 office until their successors shall have been appointed and qualified. In case a
35 member fails to complete a term, the successor shall be appointed by the
36 President of the Philippines for a full four (4)-year term without prejudice to
37 reappointment to a second term. In case of a reappointment, the time served in
38 an acting or holdover capacity shall be counted as part of the new four (4)-year
39 term.
40

1 SEC. 7. *Rank and Emoluments.* – The Chairperson shall have the rank of
2 Department Secretary and shall be a regular member of the Cabinet. The
3 Commissioners shall have the rank of Department Undersecretary. The Deputy
4 Commissioners shall have the equivalent rank of an Assistant Secretary. They
5 shall be entitled to receive the corresponding compensation and other
6 emoluments, and shall be subject to the same conditions for disqualifications.
7 Consistent with the provisions of Executive Order No. 292, otherwise known as
8 the “Administrative Code of 1987”, they are allowed to receive benefits, subject
9 to existing rules and regulations.

10
11 **SEC. 8. *Duties and Responsibilities of the Chairperson.*** – Subject to
12 pertinent laws and the policies and rules adopted by the CHED, the Chairperson
13 shall:

- 14
15 a) Act as the Chief Executive Officer of the CHED;
16 b) Act as the Presiding Officer of the Commission *en banc*;
17 c) Submit to the Office of the President, rules and regulations adopted
18 by the CHED which require Presidential attention or action, including
19 annual and other periodic reports;
20 d) Direct the Executive Director, the Secretariat, and the Regional
21 Directors in the performance or execution of the decisions and policies of
22 the Commission *en banc*;
23 e) Appoint focal persons and representatives of the CHED to advisory
24 boards, councils and similar bodies where the CHED is identified by law
25 as an *ex-officio* member; and
26 f) Appoint advisers and create advisory bodies to advise and provide
27 support to the office of the Chairperson.

28
29 **SEC. 9. *Powers and Functions of the CHED.*** – The CHED shall exercise
30 the following powers and functions:

31
32 a) Formulate a roadmap for Philippine higher education that sets the
33 general directions for its development, including the formulation of educational
34 policies and standards that ensure the accessibility and continuing
35 improvement of tertiary education services, thereby ensuring the creation and
36 development of human resources that are responsive, innovative, and globally
37 competitive;

38
39 b) Prepare and implement development plans, policies, priorities, and
40 programs on higher education and research consistent with national and
41 regional development goals, international human resource requirements, and
42 address job mismatch between education and industry requirements;

43
44 c) Broaden access to quality higher education through programs and
45 services, particularly for the disadvantaged students, such as indigenous
46 peoples, poor and deserving students, and students from depressed areas
47 pursuant to Republic Act No. 10931 or the “Universal Access to Quality Tertiary
48 Education Act” and other related laws on student financial assistance;

1 d) Direct the development and reform of higher education towards
2 world class standards, and harmonization with the Association of Southeast
3 Asian Nations (ASEAN) education plan, and international conventions and
4 agreements;

5
6 e) Enable the development of non-traditional higher education
7 programs and delivery modes, including flexible learning modalities such as
8 blended learning, online and distance education pursuant to Republic Act No.
9 10650 or the “Open Distance Learning Act”, ladderized education pursuant to
10 Republic Act No. 10647 or the “Ladderized Education Act”, the Expanded
11 Tertiary Education Equivalency and Accreditation Program or ETEEAP, and
12 applicable executive orders and issuances;

13
14 f) Facilitate the development of sports and wellness programs in HEIs
15 to produce globally competitive student-athletes in coordination with the
16 Philippine Sports Commission;

17 g) Set minimum quality assurance standards and guidelines for
18 programs and institutions for all HEIs, as well as a governance framework for all
19 state universities and colleges (SUCs) and local universities and colleges (LUCs),
20 and accrediting agencies, as recommended by panels of experts in the field,
21 subject to public hearing and publication, and enforce the same;

22
23 h) Review, monitor and evaluate the curricula and other academic
24 programs of HEIs *vis-a-vis* their performances in various government licensure
25 examinations and certifications;

26
27 i) Identify, support and develop centers of excellence in program areas
28 needed for the development of world-class scholarships, including provision for
29 faculty academic development in HEIs, nation building and national
30 development;

31
32 j) Accelerate the establishment of transnational higher education
33 programs, the internationalization of higher education in the country and the
34 development of transnational higher education sector consistent with Republic
35 Act No. 11448, otherwise known as the “Transnational Higher Education Act”;

36
37 k) Exercise quasi-judicial powers in the pursuit of the mandate of the
38 CHED;

39
40 l) Develop and enforce a system of program compliance and impose
41 necessary sanctions for causes provided by law and only after due process, such
42 as the imposition of fines or penalties, downgrading to permit status,
43 nonrecognition of accreditation, termination by closure or phase-out of higher
44 education programs, or cessation of operations of public and private HEIs,
45 including LUCs which are not in compliance with the prescribed minimum
46 policies, standards and guidelines (PSGs) set by the CHED or international
47 conventions: *Provided, That* in the case of LUCs, the action or decision of the

1 CHED shall be in conjunction with, and not in conflict with the provisions of
2 Republic Act No. 7160, otherwise known as the “Local Government Code of
3 1991”: *Provided, Further*, That no restraining orders or injunctions shall be
4 issued upon the actions of the CHED in the exercise of its quasi-judicial
5 functions, except by the appellate courts after proper proceedings: *Provided*,
6 *Further*, That the welfare of students, faculty, and employees shall be given due
7 consideration: *Provided, Finally*, That the exercise of quasi-judicial power shall
8 include such actions as the issuance of subpoena, summons, and initiation of
9 contempt proceedings against recalcitrant parties under its jurisdiction;

10 m) Set PSGs for the creation of new HEIs, as well as the conversion or
11 elevation of schools to institutions of higher learning;
12

13 n) Develop and implement standards and systems on reclassification,
14 promotion and professional development of personnel in SUCs and LUCs in
15 coordination with the Department of Budget and Management (DBM) and the
16 Civil Service Commission (CSC), and in consultation with the Philippine
17 Association of State Universities and Colleges, the Association of Local Colleges
18 and Universities and the Coordinating Council of Private Educational
19 Associations;
20

21 o) Support HEIs in the implementation of the Philippine National
22 Qualifications Framework for higher education in coordination with the DepEd,
23 Technical Education and Skills Development Authority and other appropriate
24 government agencies consistent with Republic Act No. 10968, otherwise known
25 as the “PQF Act”;
26

27 p) Set guidelines for reasonable increases in tuition and other fees in private
28 HEIs: *Provided*, That the CHED shall, through its regional offices, strictly monitor
29 their compliance with the guidelines set for this purpose;
30

31 q) Provide directions and common standards for accrediting agencies;
32

33 r) Administer the Higher Education Development Fund, as provided for in
34 Section 15 of this Act, and based on the guidelines set by the CHED, approve
35 projects that shall promote the development of public and private HEIs;
36

37 s) Conduct mediation, conciliation, settlement meeting or conferences
38 between HEIs and students, teachers and staff involving academic issues, in
39 conjunction and in harmony with existing civil service rules and regulations;
40

41 t) Chair the governing boards of SUCs and provide direction to these
42 institutions and ensure that the PSGs of the CHED are complied with and fully
43 implemented by them;
44

45 u) Establish a national registry for academic information and mobility and
46 other relevant mechanisms for information sharing and dissemination locally or
47 internationally, in coordination with other concerned government agencies;

1
2 v) Develop criteria for allocating additional resources such as research and
3 program development grants, scholarships, and other similar programs sourced
4 from the Higher Education Development Fund of the CHED and other fund
5 sources outside of the budget and income of the HEIs: *Provided*, That these shall
6 not detract from the fiscal autonomy already enjoyed by colleges and
7 universities;

8
9 w) Authorize the periodic review of the organization, functions, mission and
10 structure of the entire CHED in the light of social, economic, and technological
11 changes, and propose the necessary interventions, including appropriate
12 legislations;

13
14 x) Fix and adjust the salaries of officials and personnel and administer the
15 hiring of employees, promotion and other staffing concerns in accordance with
16 the Revised Compensation and Position Classification System subject to the
17 evaluation and approval of the DBM; and

18 y) Promulgate such rules and regulations and exercise such other powers
19 and functions as may be necessary to carry out effectively the purposes and
20 objectives of this Act.

21
22 **SEC. 10. Quasi-Judicial Powers of the CHED.** – The CHED shall
23 exercise exclusive original jurisdiction over the following violations:

24
25 a) Fraud or deceit committed in connection with the application for and
26 grant by the CHED of government permits or recognition and other incentives
27 and qualifying procedures;

28
29 b) Failure to comply with conditions or obligations prescribed by the
30 CHED as minimum standards in operating academic courses and programs;

31
32 c) Unauthorized operation of a school or course, or any component
33 thereof, or any violation of the requirement governing advertisements or
34 announcements of educational institutions; and

35
36 d) Other cases and complaints related to its powers and functions.

37
38 Except for cases involving the failure to comply with the minimum
39 standards in operating academic courses and programs prescribed by the CHED,
40 complaints and cases shall first be filed with the concerned regional office which
41 has jurisdiction over the area. The Regional Director shall resolve the case within
42 a reasonable period from the time of submission of the case for resolution, but
43 in no case shall the entire resolution of the case exceed sixty (60) days from filing.

44
45 An appeal from the decision of the Regional Director may be filed with the
46 Office of the Executive Director of the CHED within ten (10) days from receipt of

1 the decision. The Office of the Executive Director shall rule on the appeal within
2 sixty (60) days from the filing of the appeal.

3
4 An appeal from the decision of the Office of the Executive Director may be
5 filed with the Commission *en banc* within ten (10) days from receipt of the
6 decision and the latter shall resolve the appeal within sixty (60) days from the
7 filing of the appeal.

8
9 The decision of the Commission *en banc* shall be executory. An appeal from
10 the decision of the Commission *en banc* may be filed with the Court of Appeals,
11 subject to the period for appeals from the decisions of administrative quasi-
12 judicial bodies as provided in the Rules of Court.

13
14 The Regional Trial Courts (RTCs) are prohibited from issuing any
15 injunction against decisions of the CHED in the exercise of its quasi-judicial
16 functions. In all other matters which does not contravene the intent and spirit
17 of this section, the CHED may coordinate with the RTCs.

18
19 The finding of a violation committed by an HEI shall not be taken against
20 its students, teachers and employees who believed in good faith that the school
21 acted in conformity with the standards and guidance of the CHED: *Provided,*
22 *However,* That upon issuance of the CHED of a notice to the public declaring the
23 non-compliance of the HEI and the sanctions imposed therefor, the general
24 public shall be assumed to be fully informed of such violation and thus no
25 presumption of good faith can be enjoyed thereafter by students, faculty and
26 employees.

27
28 **SEC. 11. Secretariat and the Executive Director.** – The CHED shall
29 organize a secretariat which shall be headed by an Executive Director, subject
30 to the national compensation and position classification plan. It shall fix the
31 secretariat's staffing pattern, determine the duties, qualifications,
32 responsibilities and functions, as well as the compensation scheme for the
33 positions to be created upon the recommendation of the Executive Director. It
34 shall also prepare and approve its budget.

35
36 The Executive Director must have at least five (5) years administrative or
37 technical experience in the areas of policies and standards development,
38 management, public or private administration and policy, as well as human
39 resource development, among others, with the rank and emoluments of an
40 assistant secretary to be appointed by the President of the Philippines upon the
41 recommendation of the Commission *en banc*.

42
43 The CHED shall take steps to attract the most qualified and competent
44 staff in all grades and levels and shall institute necessary and flexible internal
45 rules and procedures towards hiring and removal of personnel in the interest of
46 efficiency, economy, discipline and better performance standards.

1 **SEC. 12. Central Office Operation.** – The CHED shall establish a Central
2 Office in accordance with the Revised Administrative Code of 1987 and other
3 pertinent laws and issuances to support the fulfillment of the powers and
4 functions of the CHED at the national level. The offices under the Central Office
5 shall be headed by a qualified Director and Assistant Director.
6

7 The Chairperson of the CHED shall appoint such personnel necessary to
8 carry out the objectives, policies, and functions of the CHED, subject to existing
9 laws and the rules and regulations of the CSC.
10

11 **SEC. 13. Regional Operations.** – The Regional Offices of the CHED shall
12 be headed by Regional Directors with the rank and emoluments of Director IV to
13 be appointed by the President of the Philippines.
14

15 The Regional Offices shall be under the direct control and supervision of
16 the CHED Chairperson and shall have the following functions:
17

18 a) Implement the programs of the CHED in the regional level, as well
19 as in highly urbanized cities, which are under their jurisdiction;
20

21 b) Develop and recommend programs for regional and local-level
22 implementation within the policies set by the CHED;
23

24 c) Facilitate the implementation of Republic Act No. 10931, including
25 disbursement of checks; and
26

27 d) Perform such other duties and functions as may be deemed
28 necessary.
29

30 In order to be attuned and updated on the official activities and needs of
31 the concerned SUCs, the Regional Director shall sit as a resource person in all
32 board meetings of SUCs which the regional office has jurisdiction over.
33

34 **SEC. 14. Provincial Offices.** – The CHED shall establish provincial offices
35 to ensure the implementation of policies and programs across island groups and
36 remote areas. The provincial offices shall be headed by provincial directors, who
37 shall have the rank and emoluments of a Director III. The provincial offices shall
38 be under the direct control and supervision of their respective regional directors
39 and shall have the following functions:
40

41 a) Implement the policies and programs of the CHED in the province
42 under its jurisdiction;
43

44 b) Review and recommend programs for implementation within their
45 localities;

1 c) Provide technical assistance to local government units in the
2 governance of LUCs and the implementation of local government-initiated
3 programs within their localities;

4
5 d) Facilitate the implementation of Republic Act No. 10931, including
6 the disbursement of checks for HEIs which are under their jurisdiction; and
7

8 e) Perform such other duties and functions as may be authorized.
9

10 **SEC. 15. *Higher Education Development Fund.*** – The Higher Education
11 Development Fund established under Republic Act No. 7722, hereinafter referred
12 to as the Fund, shall be used exclusively for the strengthening of higher
13 education in all regions of the country.
14

15 The Fund shall consist of:
16

17 a) The equivalent of forty percent (40%) annual share on the total gross
18 collections of the travel tax;
19

20 b) The equivalent of thirty percent (30%) share of the annual collections
21 from the Professional Registration Fee; and
22

23 c) The equivalent of one percent (1%) of the gross sales of the lotto
24 operation of the Philippine Charity Sweepstakes Office.
25

26 Government financing institutions identified and requested by the CHED
27 may contribute to the Fund an amount equivalent to not less than three percent
28 (3%) but not more than five percent (5%) of their unimpaired surplus realized
29 during the immediately preceding year.
30

31 The Fund shall likewise consist of donations and grants privately raised
32 by the CHED. These and other conveyances including equipment, properties,
33 materials and services by gratuitous title shall be exempt from the donor's tax
34 and shall constitute as allowable deduction from the gross income tax of the
35 donor. The Fund shall fall under the Tax Exemption provision in Section 21.

36 **SEC. 16. *Management and Administration of the Fund.*** – The Fund
37 shall be administered by the CHED. For sound and judicious management, the
38 Bureau of Treasury under the Department of Finance shall be the portfolio
39 manager of the Fund.
40

41 As administrator of the Fund, the CHED shall prepare the necessary
42 guidelines for its use, subject to the following conditions:
43

44 a) No part of the seed capital of the Fund, including earnings thereof,
45 shall be used to underwrite overhead expenses for administration;
46

1 b) Unless otherwise stipulated by the private donor, only earnings of
2 private contributions shall be used for administrative expenses;
3

4 c) The CHED shall appoint and organize a separate Fund Office to be
5 headed by a director and to be composed of units responsible for resource
6 mobilization, planning and programs, monitoring and evaluation, and finance
7 and administration, among others. Since the Fund comes from contributions
8 from the government and private sector, the Fund Office shall be administratively
9 independent and budgetarily separate from the CHED Secretariat; and
10

11 d) The Fund shall be utilized equitably according to regions to strengthen
12 HEIs and support priority programs. In no case shall the Fund be utilized for
13 purposes benefiting individuals other than those earmarked for developmental
14 purposes under the guidelines set by the CHED.
15

16 **SEC. 17. Technical Panels.** – The CHED shall reconstitute or organize
17 technical panels for different disciplines and academic program areas. They shall
18 assist the CHED in setting standards and evaluating academic programs for
19 regulatory and development purposes. The technical panels shall be composed
20 of individuals highly recognized in their fields of expertise and who shall be
21 tasked to formulate a roadmap for the development of disciplinal and degree
22 programs; review, revise, and update policies, standards, and guidelines based
23 on the policy direction set by the CHED; and serve as resource persons in its
24 various activities.
25

26 The technical panels shall serve as advisory or recommendatory bodies for
27 a specific discipline or related program, and their recommendations shall be
28 subject to the approval of the Commission *en banc*.
29

30 **SEC. 18. Guarantee of Academic Freedom.** – Nothing in this Act shall
31 be construed as limiting the academic freedom of universities and colleges. In
32 particular, no abridgment of curricular freedom of the individual educational
33 institutions by the CHED shall be made except for: (a) minimum unit
34 requirements for specific academic programs; (b) general education distribution
35 requirements as may be determined by the CHED; and (c) specific professional
36 subjects as may be stipulated by the various licensing entities. Academic or
37 curricular restrictions which are not required from chartered SUCs shall likewise
38 not be made upon private educational institutions.
39

40 Both public and private HEIs, including those established by local
41 governments must comply with the mandatory minimum institutional and
42 program standards set by the Commission *en banc*.

43 **SEC. 19. Guarantee of Religious Freedom.** – No higher education
44 student, faculty, or other members of the academic community shall be
45 prohibited from exercising their right to religious freedom in the HEI or any of its
46 campuses.
47

1 **SEC. 20. Incentives For Accreditation.** – The CHED shall provide
2 incentives to institutions of higher learning, public and private, whose proposed
3 programs are approved and accredited or whose needs are for accreditation
4 purposes.
5

6 **SEC. 21. Tax Exemptions.** – All grants, bequests, endowments,
7 donations and contributions made to the CHED, to be used actually, directly and
8 exclusively by it, shall be exempt from donor's tax and the same shall be
9 considered as allowable deduction from the gross income of the donor for
10 purposes of computing the taxable income of the donor in accordance with the
11 provisions of the National Internal Revenue Code of 1997, as amended.
12

13 **SEC. 22. Scope of Authority.** – The CHED shall exercise such authority
14 as may be deemed necessary within its premises or areas of operation to
15 effectively carry out its powers and functions and to attain its
16 objectives: *Provided*, That the CHED may seek the assistance of other
17 government agencies for the proper implementation of this Act.
18

19 **SEC. 23. Periodic Review.** – The CHED shall undertake a periodic
20 assessment of its accomplishments, and review and update the roadmap of
21 Philippine higher education every ten (10) years. The updated roadmap shall be
22 submitted to Congress and the Office of the President for the formulation of new
23 policies necessary for the continuous and sustained modernization of higher
24 education in the country.
25

26 **SEC. 24. Appropriations.** – The initial amount for the implementation of
27 this Act shall be charged against the current year's appropriations of the CHED.
28

29 Thereafter, such amount necessary shall be included in the annual General
30 Appropriations Act.
31

32 **SEC. 25. Transitory Provisions.** – Upon the effectivity of this Act, the
33 incumbent Chairperson and Commissioners of the CHED shall serve as the
34 Chairperson and Commissioners, respectively, without need of new
35 appointments subject to the following conditions: (1) the incumbent Chairperson
36 and Commissioners serving their first terms upon the passage of this Act shall
37 be deemed reappointed to serve a full term as provided under this Act but shall
38 not be qualified for reappointment, and (2) the incumbent Chairperson and
39 Commissioners serving their second terms upon the passage of this Act shall
40 continue to serve only the remaining duration of the term they are currently
41 serving and shall not be eligible for reappointment. The incumbent Executive
42 Director shall likewise serve as Executive Director without need of a new
43 appointment.
44

45 All officers and personnel of the CHED shall continue to perform their
46 duties and responsibilities and receive their corresponding salaries and benefits.
47 The approval of this Act shall not cause any demotion in rank or diminution of
48 salary, benefits and other privileges of the incumbent personnel of the CHED.

1 **SEC. 26. *Implementing Rules and Regulations.*** – The CHED shall,
2 within ninety (90) days after the effectivity of this Act, formulate the necessary
3 rules and regulations for its effective implementation.
4

5 **SEC. 27. *Separability Clause.*** – If any provision or part of this Act is held
6 unconstitutional or invalid, the other provisions or parts hereof which are not
7 affected shall continue to be in full force and effect.
8

9 **SEC. 28. *Repealing Clause.*** – All laws, presidential decrees, executive
10 orders, rules and regulations, or parts thereof which are inconsistent with the
11 provisions of this Act are hereby repealed, amended or modified accordingly.
12

13 **SEC. 29. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
14 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,