

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress

First Regular Session



HOUSE BILL NO. 7990

Introduced by Honorable Mark O. Go

EXPLANATORY NOTE

Higher education institutions (HEIs) in the country are composed of the public and private institutions. As per data of the Commission on Higher Education (CHED) for AY 2020-2021, the total number of HEIs is recorded at 1,997, with 114 state universities and colleges (SUCs), 135 local universities and colleges (LCUs), and 1,734 private HEIs.

The Constitution provides, “The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions”.

This bill seeks to strengthen the supervisory and regulatory role of the government in all public and private higher education institutions (HEIs) taking into consideration the complementarity of the public and private sectors in education. Under the proposed measure, the CHED, together with other relevant government regulatory agencies, shall exercise reasonable supervision and regulation over all HEIs that will include the imposition of reasonable requirements, setting conditions, prescribing restrictions, and ensuring compliance. The CHED shall be vested with the authority to set mandatory minimum institutional and course requirements for all HEIs.

The measure likewise seeks to revitalize academic freedom as guaranteed by the Constitution, which states that it shall be enjoyed in all institutions of higher learning. The bill defines academic freedom as, “in the concept of freedom of intellectual inquiry, is basic to intellectual growth and development. It provides a conducive atmosphere for speculation, experimentation, and creation where the four essential freedoms of the higher education institutions prevail: the right to determine for itself on academic grounds (a) who may teach; (b) what may be taught; (c) how it shall be taught; and (d) who may be admitted to study.”

The bill also fixes the criteria for the establishment of HEIs and sets the minimum requirements for their courses offering. It mandates that the offering of degree programs shall be subject to the mandatory prior authorization of the government. Also included in the bill is a provision on the grant of incentives for high standards of quality for all HEIs that consistently demonstrate and adhere to standards of excellence.

In view of the foregoing, consideration and approval of this proposed measure is earnestly sought.



MARKIO. GO

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AN ACT
STRENGTHENING THE ESTABLISHMENT AND OPERATION OF ALL
PUBLIC AND PRIVATE HIGHER EDUCATION INSTITUTIONS

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

Section 1. Declaration of Policy. - In recognition of the complementary roles of public and private sectors in higher education, the State shall exercise reasonable supervision and regulation of all higher education institutions, both public and private, and shall guarantee their institutional academic freedom.

With academic freedom, the State promotes and protects the freedom of all institutions of higher learning to decide for itself, its aims and objectives and how best to attain them. It is free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint.

Sec. 2. Mandate of Reasonable Supervision and Regulation of all Institutions of Higher Learning. -- In conjunction with academic freedom, the Commission on Higher Education and other relevant government regulatory agencies shall exercise reasonable supervision and regulation of all higher education institutions. This includes imposing reasonable requirements, setting conditions, prescribing restrictions, and ensuring compliance. In this regard, the Commission on Higher Education shall be vested with ample authority to set mandatory minimum institutional and course requirements for all higher education institutions.

Sec. 3. External Governance of Higher Education. - The external governance of higher education institutions and programs, both in the public and private sectors, except for the University of the Philippines system, shall be under the oversight function of the Commission on Higher Education.

The internal governance of all higher education institutions, however, shall be left to their respective governing boards and administrative officers.

Sec. 4. *Institutional Academic Freedom; Extent.* -- Academic freedom, in the concept of freedom of intellectual inquiry, is basic to intellectual growth and development. It provides a conducive atmosphere for speculation, experimentation, and creation where the four essential freedoms of the higher education institutions prevail: the right to determine for itself on academic grounds (a) who may teach; (b) what may be taught; (c) how it shall be taught; and (d) who may be admitted to study.

In pursuit of academic excellence, institutions of higher learning are clothed with a wider sphere of discretion and de facto control over the following:

- (a) Admission, retention and examination of students;
- (b) Curricula for courses of study;
- (c) Appointment and tenure of school personnel; and
- (d) Allocation of income among the different categories of expenditure.

Sec. 5. *Establishment of Higher Education Institutions.* -- All higher education institutions in the Philippines shall be established in accordance with law.

1. All State Universities and Colleges (SUCs) and all Local Colleges and Universities (LCUs) shall be established, including conversions to universities, by their own charter through a law passed in Congress and local ordinance respectively.

2. All private higher education institutions shall be established in accordance with the provisions of the Revised Corporation Code of the Philippines.

Sec. 6. *Recognition of higher education institutions.* -- The offering of undergraduate and post-graduate degree programs of all public and private higher education institutions shall be subject to mandatory prior authorization of the government, which consist of two phases: permit and recognition.

Sec. 7. *Minimum requirements for course offerings.* -- Consistent with academic freedom of institutions, the minimum requirements set by the Commission on Higher Education for grant of permit and recognition shall ensure that institutions have the wide latitude in designing the appropriate curriculum of courses and programs to fit their desired outcome for graduates with due regard to high quality standards in higher education.

Minimum curricular and institutional requirements for courses and programs shall be developed by the Commission on Higher Education with significant participation from industry associations, chambers of commerce, professional organizations, and experts from the academe. For government higher education institutions, representatives from the National Economic Development Authority (NEDA) and Department of Budget Management (DBM) shall be included.

Sec. 8. *Recognition of Courses in State Universities and Colleges and Local Colleges and Universities.* -- In the granting of recognition of programs in government institutions of higher learning by the Commission on Higher Education, the State shall

adhere to the principle of competitive neutrality to avoid State-dominated or State-monopolized higher education.

Thus, in recognition of the complementary roles of public and private sectors under an integrated Philippine higher education system, and to ensure efficient and optimum use of government funds, the following shall be taken into account in the grant of recognition of academic courses and programs in government higher education institutions:

1. Number and proximity of existing public and private educational institutions in the locality and the region;
2. Course and programs currently being offered in these institutions; and
3. the need to promote undersubscribed courses in existing higher education institutions necessary for national, local or regional economic development.

The appropriate rules and regulations governing permit and recognition shall be prescribed and enforced by the Commission on Higher Education defining therein who are qualified to apply, providing for a permit and recognition system, stating the conditions for the grant of permit and recognition and for its revocation, cancellation and withdrawal.

Sec. 9. *Internationalization of Standards.* -- The Commission on Higher Education shall ensure that no unnecessary administrative barriers shall hinder the internationalization of programs in Philippine Higher Education through admission of qualified foreign students subject to the Constitutional limitation of not more than thirty percent of the total student population in an institution. Consequently, the Commission on Higher Education may adjust, streamline, and enhance course standards and requirements for recognition of certain academic programs, to ensure alignment with international standards and transnationalization of Philippine higher education.

Sec. 10. *Incentives for High Standards of Quality.* -- To encourage all higher education institutions to pursue high standards of quality over and above the government mandatory requirements for recognition, the CHED shall develop a system for incentives and wider autonomy for higher education institutions that consistently demonstrate and adhere to standards of excellence duly affirmed and validated by voluntary accrediting bodies and organizations.

Sec. 11. *Centers of Excellence and Centers of Development, and Autonomous and Deregulated Higher Education Institutions.* -- The incentive system of the Commission on Higher Education shall include recognition of Centers of Excellence and Centers of Development, and Autonomous and Deregulated higher education institutions, focusing on highly innovative academic courses and programs through high standards of instruction and research, and based on respective types of higher education institutions.

The Commission on Higher Education shall provide the appropriate issuances for the selection criteria, benefits and responsibilities, and conditions for grant of centers of excellence and development; and autonomous and deregulated status of all institutions of higher learning.

Sec. 12. *Government Subsidies Exempt from Taxes on Income.* -- Government funding assistance or support received by private higher education institutions for institutional and educational programs; and student subsidies and faculty development, shall be exempt from national and local income taxes and similar impositions on income.

Section 13. *Implementing Rules and Regulations.* -- Within ninety (90) days from the effective date of this Act, the Commission on Higher Education shall promulgate the implementing rules and regulations necessary for the full and effective implementation of this Act.

Sec. 14. *Transitory Provision.* — All duly-established local colleges and universities offering degree programs not otherwise permitted or recognized by CHED shall be given by the latter not more than (5) years from the effectivity of this Act to secure proper permit and recognition to offer programs with CHED. Provided that, any accreditation or certificate issued by CHED prior to this Act for purposes of participating in the programs under RA 10931 shall not be considered as permit or recognition for purposes of this Act.

Provided further, that the CHED shall update its existing policies related to the grant of autonomous and deregulated status to higher education institutions to expand its coverage to public colleges and universities and ensure its alignment with the principles of this Act; Provided finally, that the CHED shall conduct a thorough review and recalibration of all its existing and relevant administrative issuances to ensure that they are aligned with the principles introduced in this Act within a period of six (6) months from the effectivity of this Act and report the same to Congress on the first year of its implementation.

Sec. 15. *Separability Clause.* — If any provision or part of this Act is held unconstitutional or invalid, the other provisions or parts hereof which are not affected shall continue to be in full force and effect.

Sec. 16. *Repealing Clause.* -- All laws, decrees, letters of instruction, resolutions, orders, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

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

Approved,