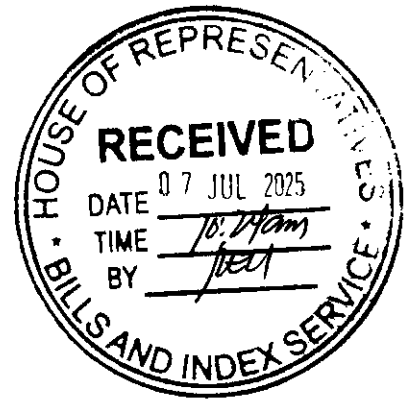




**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

**TWENTIETH CONGRESS
FIRST REGULAR SESSION**

HOUSE BILL NO. 1379



**Introduced by Representative
ZIAUR-RAHMAN "ZIA" ALONTO ADIONG**

EXPLANATORY NOTE

This bill seeks to institutionalize a stronger, more coherent policy framework for higher education institutions (HEIs) by balancing the constitutional guarantee of academic freedom with the duty of the State to regulate higher education in the interest of public welfare, quality assurance, and national development.

The 1987 Philippine Constitution recognizes the vital role of education in nation-building and mandates the State to protect academic freedom and promote quality education that is accessible to all. While institutional academic freedom is guaranteed, the Constitution also allows reasonable supervision and regulation by the State, particularly in ensuring that all higher education institutions, both public and private, meet minimum standards that promote relevance, quality, and equity.

The proposed "Strengthened Higher Education Institutions Act" seeks to codify and clarify the scope of institutional academic freedom while at the same time reinforcing the oversight and regulatory functions of the Commission on Higher Education (CHED). It affirms the four essential freedoms of HEIs, namely, to determine who may teach, what may be taught, how it shall be taught, and who may be admitted to study. It further recognizes the expanded discretion of HEIs over internal matters such as curriculum design, personnel appointments, student retention, and allocation of financial resources.

This bill also introduces mechanisms for a more rational establishment and conversion of HEIs, streamlined and outcomes-based course recognition processes, and competitive neutrality in granting program recognition to ensure that government funds are used efficiently and that public HEIs do not unduly crowd out private institutions.

In line with the need to elevate Philippine higher education to international standards, this measure promotes the internationalization of academic programs and encourages global engagement while ensuring that the 30 percent constitutional cap on foreign student enrollment is upheld. It also strengthens incentive mechanisms for HEIs that demonstrate excellence in instruction, research, and innovation, particularly through the recognition of Centers of Excellence, Centers of Development, and autonomous or deregulated status.

Moreover, the bill provides tax exemptions on government subsidies received by private HEIs to further encourage public-private collaboration and support faculty development, student assistance, and institutional improvements.

The proposed measure likewise includes a comprehensive transitory provision to allow Local Universities and Colleges (LUCs) time to comply with CHED standards and mandates a systematic review and updating of existing CHED issuances to ensure alignment with the policies of this Act.

It is worth noting that a version of this measure was passed on Third Reading by the House of Representatives during the 19th Congress, reflecting strong legislative support for a more modern, responsive, and accountable higher education sector.

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



REP. ZIAUR-RAHMAN ALONTO ADIONG
1st District, Lanao del Sur



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

**TWENTIETH CONGRESS
FIRST REGULAR SESSION**

HOUSE BILL NO. 1379

**Introduced by Representative
ZIAUR-RAHMAN "ZIA" ALONTO ADIONG**

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

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

"SECTION 1. Short Title. – This Act shall be known as the "Strengthened Higher Education Institutions Act".

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote and protect the academic freedom of all institutions of higher learning, thereby allowing them to set aims and objectives and decide on how best to attain them. Such decision shall be free from outside coercion or interference, save possibly when the overriding public welfare calls for some restraint. The State shall, in recognition of the complementary roles of public and private sectors in higher education, exercise reasonable supervision and regulation of all higher education institutions, both public and private, and guarantee their institutional academic freedom.

SEC. 3. Mandate of Reasonable Supervision and Regulation of Higher Education Institutions. – In conjunction with academic freedom, the Commission on Higher Education (CHED) and other relevant government regulatory agencies shall exercise reasonable supervision and regulation of all higher education institutions (HEIs). This includes imposing reasonable requirements, setting conditions, prescribing restrictions, and ensuring compliance. In this regard, the CHED shall be vested with ample authority to set the mandatory minimum institutional and course requirements for all HEIs.

SEC. 4. External Governance of HEIs. – The external governance of HEIs and programs in both public and private sectors, except for the University of the

Philippines System and the Mindanao State University System, shall be under the oversight function of the CHED: Provided, That the internal governance of all HEIs shall be left to their respective governing boards and administrative officers.

SEC. 5. 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 HEIs 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, HEIs 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. 6. Establishment and Conversion of HEIs. – All HEIs shall be established and converted in accordance with law.

All state colleges shall be established, including their conversion into state universities, in accordance with their respective charters and other pertinent laws passed by Congress.

All local colleges shall be established, including their conversion into local universities, through the issuance of a local ordinance in accordance with Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", and other pertinent laws.

All private HEIs shall be established in accordance with the provisions of Republic Act No. 11232, otherwise known as the "Revised Corporation Code of the Philippines".

SEC. 7. Recognition and Offering of Programs of HEIs. – The offering of undergraduate, graduate, and post-graduate degree programs of all public and private HEIs shall be subject to mandatory prior authorization of the government, which consists of two phases: permit and recognition.

SEC. 8. Requirements for Course Offerings. – Consistent with the academic freedom of HEIs, the minimum requirements set by the CHED for the grant of permit and recognition shall be consistent with the outcomes-based approach in designing the appropriate curriculum of courses and programs to fit their desired outcomes 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 CHED with significant participation from industry associations, chambers of commerce, professional organizations, and experts from the academe. For public HEIs, representatives from the National Economic and Development Authority and the Department of Budget and Management shall be included.

SEC. 9. Recognition of Courses in State Universities and Colleges and Local Universities and Colleges. – In the grant of recognition of programs of public HEIs such as state universities and colleges (SUCs), local universities and colleges (LUCs) and other CHED-supervised public HEIs, the State shall adhere to the principle of competitive neutrality to avoid dominance or monopoly of the State in higher education.

Thus, in recognition of the complementary roles of the 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 public HEIs:

- (a) Number and proximity of existing public and private HEIs in the locality and the region;
- (b) Course and programs currently being offered by HEIs; and
- (c) The need to promote undersubscribed courses in existing HEIs necessary for national, local or regional economic development.

SEC. 10. Closure of Program. – The closure of any course or degree program offered by HEIs shall be in compliance with the procedures prescribed by the CHED. The closure may be voluntary, involuntary, outright, or done through a phase-out process effected at the end of an academic year: Provided, That the CHED shall be informed of the planned closure: Provided, further, That no first-year student shall be accepted to the program to be closed: Provided, further, That second year to fourth year students shall be allowed to shift to another course or program within the HEI: Provided, finally, That the CHED shall assist the affected students who wish to transfer to another HEI yet enroll in and complete the requirements of the same course or program.

SEC. 11. Internationalization of Standards. – The CHED shall ensure that no unnecessary administrative barriers shall hinder the internationalization of programs in Philippine higher education through the admission of qualified foreign students, subject to the Constitutional limitation of not more than 30 percent of the total student population in an institution. The CHED may adjust, streamline, and enhance course standards and requirements for recognition of certain academic programs to ensure alignment with international standards and in accordance with Republic Act No. 11448, otherwise known as the "Transnational Higher Education Act". Higher education and training institutions are likewise encouraged to offer courses and degrees globally.

SEC. 12. Incentives for High Standards of Quality. – To encourage all HEIs 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 HEIs that consistently demonstrate and adhere to standards of excellence duly affirmed and validated by voluntary accrediting bodies and organizations.

SEC. 13. Centers of Excellence and Centers of Development, and Autonomous and Deregulated HEIs. – The incentive system of the CHED shall include recognition of Centers of Excellence and Centers of Development, and autonomous and deregulated HEIs, focusing on highly innovative academic courses and programs through high standards of instruction and research, and based on respective types of HEIs. The CHED 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 HEIs.

SEC. 14. Exemption of Government Subsidies from Taxes on Income. – Government funding assistance or support received by private HEIs for institutional and educational programs, student subsidies and faculty development shall be exempt from national and local income taxes and other similar impositions on income.

SEC. 15. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the CHED shall, in coordination with the Philippine Association

of State Universities and Colleges, Coordinating Council of Private Educational Associations, Association of Local Colleges and Universities, and other relevant higher education stakeholders, promulgate the necessary rules and regulations for the full and effective implementation of this Act.

SEC. 16. Transitory Provision. – All duly-established LUCs offering degree programs not otherwise permitted or recognized by the CHED shall be given five (5) years from the effectivity of this Act to secure proper permit and recognition from the CHED to offer said programs: Provided, That any accreditation or certificate issued by the CHED prior to this Act for purposes of participating in the programs under Republic Act No. 10931, otherwise known as the “Universal Access to Quality Tertiary Education Act”, shall not be considered as permit or recognition for purposes of this Act: Provided, further, That the CHED shall update its existing policies relative to the grant of autonomous and deregulated status to HEIs to expand its coverage to public colleges and universities and ensure 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 these are aligned with the principles introduced in this Act within a period of six (6) months from the effectivity of this Act and submit a report to Congress on the first year of its implementation.

SEC. 17. 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. 18. 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. 19. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,