



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

Twentieth Congress
First Regular Session



HOUSE BILL NO. 9847

**Introduced by Representatives Ferdinand Martin G. Romualdez,
Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A.
Acidre**

AN ACT

**ALLOWING, UNDER EXCEPTIONAL CONDITIONS, THE
APPOINTMENT AND GRANT OF ACADEMIC TENURE TO
QUALIFIED FOREIGN NATIONALS IN TEACHING AND RESEARCH
POSITIONS IN STATE UNIVERSITIES AND COLLEGES, AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

The proposed *Foreign Academic Faculty Tenure Act* affirms as a controlling constitutional principle that government service is primarily reserved to Filipino citizens, a rule rooted in national sovereignty, democratic accountability, and public trust. At the same time, it recognizes that public higher education plays a strategic role in scientific advancement, economic productivity, and national development. This measure therefore establishes a narrowly tailored and strictly exceptional framework under which foreign nationals may be appointed to tenured teaching or research positions in State Universities and Colleges (SUCs), only when their expertise is demonstrably unavailable or insufficient within the Filipino academic community. The bill underscores that SUCs exist principally to cultivate Filipino human capital and leadership, and that any engagement of foreign faculty must be instrumental, time-bound, and

capacity-building in nature—never a substitute for sustained investment in Filipino faculty development.

To safeguard constitutional fidelity, the Act limits its application exclusively to teaching and research roles within SUCs and expressly excludes all administrative, executive, managerial, governance, and policy-determining positions, which shall at all times remain reserved to Filipino citizens. It clarifies that such academic posts, by their professional and non-sovereign character, are not deemed public offices for purposes of the citizenship requirement, while preserving the public character of SUCs and compliance with all other laws. Foreign appointments are permitted only upon a rigorous showing of exceptional necessity and internationally distinguished merit, subject to approval, periodic renewal-of-necessity review, non-displacement safeguards, and strict prohibitions against administrative authority. The Commission on Higher Education (CHED) is vested with primary oversight, regulatory, and enforcement authority, in coordination with the Civil Service Commission, to ensure uniform standards, transparency, and constitutional compliance, including the imposition of graduated sanctions for violations.

Ultimately, this bill seeks to reconcile the constitutional primacy of Filipino citizenship in public service with the strategic need, in rare and clearly justified circumstances, to access globally distinguished expertise for the advancement of national academic standards and priority disciplines. It institutionalizes stringent tests of necessity, continuing qualification review, knowledge-transfer commitments, and a five-year sunset review to prevent dependency and ensure that any foreign engagement directly strengthens Filipino faculty capability and institutional self-sufficiency. By embedding strict safeguards, accountability mechanisms, and legislative oversight, the measure ensures that foreign academic tenure remains exceptional, limited, and aligned with the long-term objective of building a self-reliant, world-class Filipino higher education system. The passage of this Act is thus earnestly sought to uphold constitutional principles while prudently advancing national academic excellence.

In view of the foregoing, approval of this bill is earnestly requested.



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JUDE A. ACIDRE



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*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 “Foreign Academic Faculty
Tenure Act.”

SEC. 2. *Declaration of Policy* — It is hereby declared the policy of the State to:

- (a) Uphold, as a controlling constitutional principle, that government service is primarily reserved to Filipino citizens, such principle being essential to the preservation of national sovereignty, democratic accountability, and

public trust, and to permit any departure therefrom only upon a showing of compelling state interest, under circumstances that are exceptional, indispensable, and narrowly confined, and in a manner that does not dilute the general rule of Filipino primacy in public service;

- (b) Recognize education, particularly public higher education, as a vital instrument of national development, scientific and technological advancement, economic productivity, social mobility, and cultural enrichment, and as a strategic public function through which the State cultivates human capital, strengthens national competitiveness, and secures long-term societal resilience;
- (c) Affirm that State Universities and Colleges exist primarily to develop Filipino human capital, Filipino scholarship, and Filipino academic leadership, and that their foremost obligation is to educate Filipino students, build indigenous research capacity, and nurture Filipino faculty who will sustain and lead the nation's higher education system;
- (d) Allow the engagement of foreign nationals in public higher education solely in exceptional circumstances where their expertise is demonstrably unavailable, insufficient, or not yet developed within the Filipino academic community, and where such expertise is clearly necessary to attain academic standards, disciplinary competence, or national development objectives that cannot reasonably be achieved through Filipino resources alone;
- (e) Ensure that any foreign participation in State Universities and Colleges is strictly instrumental, time-bound in purpose, and capacity-building in effect, designed to facilitate knowledge transfer, faculty mentoring,

collaborative research, and curriculum enhancement, and is never construed or utilized as a substitute for sustained, deliberate, and systematic investment in Filipino faculty recruitment, training, advancement, and leadership development; and

- (f) Require that any exception to citizenship requirements in government service be narrowly tailored to achieve a compelling public purpose, employ the least restrictive means consistent with that purpose, be implemented with full transparency and accountability, and be subject to robust constitutional, statutory, and institutional safeguards, including oversight, periodic review, and legislative evaluation, to ensure continuing fidelity to both the letter and spirit of the Constitution.

SEC. 3. *Scope and Application* — This Act shall apply exclusively and strictly to the following:

- (a) State Universities and Colleges (SUCs) as defined under Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997,” including only those institutions that are created by law, funded wholly or substantially by the national government, and vested with the mandate to provide public higher education; and
- (b) Teaching and research faculty positions, limited to instructional, professorial, clinical teaching, laboratory-based, or research-oriented academic posts, whose primary functions consist of classroom instruction, scholarly research, curriculum development, academic mentoring, or knowledge production, and which do not entail, whether directly or indirectly, administrative authority, decision-making power, budgetary control, personnel supervision, or policy influence.

For the avoidance of doubt, administrative, executive, managerial, fiduciary, supervisory, governance, and policy-determining positions, including but not limited to offices involving institutional leadership, budgetary control, personnel management, regulatory authority, or strategic decision-making, are expressly and absolutely excluded from the coverage of this Act and shall, in all cases, remain reserved to Filipino citizens in accordance with the Constitution and existing laws.

SEC. 4. *Exceptional Nature of Foreign Faculty Appointments* — Appointments of foreign nationals under this Act shall be exceptional in character and shall not form part of the ordinary or regular staffing complement of any State University or College.

No SUC shall rely on foreign faculty as a routine, permanent, or substitute staffing solution. The burden of demonstrating exceptional necessity shall at all times rest with the appointing institution.

SEC. 5. *Authority to Appoint Foreign Nationals to Tenured Teaching Positions* — Notwithstanding existing laws, rules, or regulations, a State University or College may appoint a foreign national to a tenured teaching or research position only upon a clear showing of exceptional academic necessity, subject to the safeguards provided herein.

Provided, That such appointment is confined exclusively to teaching, research, mentoring, and scholarly functions; Provided, further, That no such appointment shall be construed as conferring eligibility for administrative, governance, or policy-making roles; Provided, finally, That such appointment shall be approved by the Commission on Higher Education (CHED).

SEC. 6. *Teaching Positions Not Deemed Public Office* — Teaching and research positions occupied by foreign nationals pursuant to this Act shall not be deemed public offices within the contemplation of the constitutional rule requiring citizenship for government service, as such positions are, by their nature and function, non-sovereign, non-political, and non-discretionary, and are characterized by the following:

- (a) The functions performed are confined to academic instruction, scholarly inquiry, research activity, curriculum development, and the dissemination of knowledge, and do not include the exercise of sovereign authority, coercive governmental power, or any function that binds the State or the public through command, regulation, or enforcement;
- (b) The duties attached to such positions are limited to academic and scholarly judgment and exclude the formulation of public policy, the implementation or enforcement of laws or regulations, or participation in governmental decision-making processes that determine public rights, obligations, or institutional direction beyond purely academic matters;
- (c) The positions are professional, technical, and academic in nature, requiring specialized expertise, scholarly competence, and disciplinary judgment, and are assessed primarily through academic standards, peer review, research output, teaching effectiveness, and scholarly contribution, rather than through political accountability or governmental authority; and
- (d) The authority exercised arises from academic freedom, collegial governance, peer evaluation, and institutional academic processes, and is subject to ethical norms and professional standards, rather than to political control, partisan influence, or the exercise of political power.

The classification of such teaching positions as non-public offices shall apply solely for purposes of constitutional interpretation under this Act, and shall not be construed to diminish the public character of State Universities and Colleges or to relax any other legal, immigration, labor, or regulatory requirements applicable to foreign nationals under existing laws.

Section 7. *Nature and Limits of Academic Tenure* —

- a. **Definition** — Academic tenure granted under this Act shall mean the conferment of security of academic employment based on merit, demonstrated competence, sustained performance, and the protection of academic freedom essential to teaching, research, and scholarly work. Such tenure is granted solely to preserve continuity of instruction, intellectual independence, and scholarly integrity within the academic community, and shall not be construed as a guarantee of employment beyond the legitimate scope of academic functions authorized under this Act. *Provided*, That academic tenure granted pursuant to this Act shall not be deemed civil service tenure nor constitute a permanent appointment within the meaning of civil service laws, rules, or regulations, *Provided*, further, That it shall not confer civil service eligibility, plantilla permanence, or any vested right to appointment, promotion, succession, or designation to any administrative or executive position within a State University or College.
- b. **Monitoring and Evaluation** — Such academic tenure shall at all times remain subject to periodic academic evaluation, compliance with institutional performance standards, adherence to ethical norms and professional conduct, and accountability mechanisms prescribed by the institution and the Commission on Higher Education, *Provided*, That nothing herein shall be construed to impair the authority of State

Universities and Colleges to enforce academic standards, impose disciplinary sanctions for cause, or terminate appointments in accordance with due process and applicable academic, institutional, and regulatory requirements.

SEC. 8. *Exceptional Qualifications Required of Foreign Tenured Faculty* — A foreign national may be appointed under this Act only upon a clear, convincing, and documented showing of exceptional merit, and only if he or she satisfies all of the following qualifications:

- (a) Possesses internationally distinguished academic credentials, including a terminal degree from a globally recognized institution of higher learning, or equivalent professional standing duly recognized in the relevant discipline, supported by evidence of international reputation, peer recognition, or leadership in the field, and demonstrating a level of expertise substantially exceeding ordinary academic or professional competence;
- (b) Demonstrates sustained and exceptional scholarly, scientific, or professional output of international caliber, as evidenced by high-impact peer-reviewed publications, patents, copyrighted works, significant technological or scientific innovations, or other achievements recognized by reputable international bodies, professional associations, or academic institutions, reflecting a continuing record of excellence rather than isolated accomplishment;
- (c) Be appointed to a discipline, specialization, or field of study where there exists a documented and persistent shortage of qualified Filipino faculty, or where the field is newly emerging, highly technical, interdisciplinary, or rapidly evolving in nature, such that local academic capacity is

demonstrably insufficient or not yet adequately developed within a reasonable period of time;

- (d) Brings expertise that is demonstrably and strategically aligned with national development priorities, workforce requirements, research and innovation agendas, or sectoral needs, as identified or endorsed by the Commission on Higher Education, including priorities related to science and technology, health, engineering, digital transformation, sustainability, or other areas of national significance; and
- (e) Commits contractually, as a condition of appointment and continued tenure, to faculty mentoring, joint research and publication, curriculum development, instructional capacity-building, or other structured knowledge-transfer activities designed to strengthen Filipino faculty competence, institutional capability, and long-term academic self-sufficiency.

SEC. 9. *Test of Exceptional Necessity* — No appointment under this Act shall be approved unless the appointing State University or College, with the prior concurrence of the Commission on Higher Education (CHED), establishes through clear, documented, and contemporaneous evidence that all of the following conditions are fully satisfied:

- (a) The academic, instructional, or research need sought to be addressed cannot be adequately met by existing Filipino faculty, despite demonstrable and good-faith efforts to recruit, retain, retrain, or develop qualified Filipino personnel within a reasonable period of time, including the utilization of faculty development programs, scholarships, fellowships, or other capacity-building measures;

- (b) The foreign national's expertise is clearly superior, unique, or indispensable to the academic program, research agenda, or scholarly activity concerned, as shown by credentials, experience, or scholarly output that substantially exceed those reasonably available within the local academic community, and which are essential to achieving clearly defined academic or institutional objectives;
- (c) The anticipated academic, research, and institutional benefits of the appointment substantially outweigh any risk of displacement of Filipino faculty, erosion of local academic opportunities, or long-term institutional dependency on foreign expertise, taking into account both immediate outcomes and long-term effects on Filipino faculty development and succession; and
- (d) The appointment is reasonably expected to result in measurable, verifiable, and time-bound improvements in academic quality, research productivity, instructional effectiveness, or Filipino faculty capability, including outcomes such as enhanced curricula, increased research output, strengthened mentoring systems, or demonstrable progress in developing Filipino expertise in the relevant field.

Failure to satisfy any of the foregoing conditions, whether at the time of initial appointment or upon subsequent review, shall bar the approval or continuation of the appointment under this Act, without prejudice to the application of other safeguards and oversight mechanisms provided herein.

SEC. 10. Renewal-of-Necessity and Continuing Qualification Review —

Appointments of foreign nationals under this Act shall be subject to a periodic renewal-of-necessity review, as a condition for the continuation of academic

tenure, to ensure that the exceptional circumstances justifying the appointment remain present and compelling.

Such renewal-of-necessity review shall be conducted at intervals to be determined by the Commission on Higher Education (CHED), but in no case less frequent than once every five (5) years, and shall require a clear, documented, and contemporaneous showing that the foreign national continues to satisfy the qualifications and conditions prescribed under this Act, including the exceptional-merit criteria enumerated herein.

The renewal-of-necessity review shall assess compliance with contractual commitments on faculty mentoring, joint research, curriculum development, and structured knowledge transfer, and shall evaluate whether measurable progress has been achieved in strengthening Filipino faculty competence, institutional capability, and long-term academic self-sufficiency.

Where the appointing institution or CHED determines that the exceptional necessity for the appointment no longer exists, that the qualifications required under this Act are no longer satisfied, or that adequate Filipino expertise has become reasonably available, the continuation of academic tenure shall be denied or withdrawn in accordance with due process, without prejudice to the authority of the institution to transition academic responsibilities to qualified Filipino faculty.

Provided, That the burden of demonstrating continuing necessity and compliance with the requirements of this Act shall at all times rest with the appointing institution and the foreign national concerned; Provided, finally, That any doubt arising from the renewal-of-necessity review shall be resolved in favor of Filipino faculty primacy and the strict, exceptional application of this Act.

SEC. 11. *Prohibition on Administrative, and Governance Functions* — Foreign nationals appointed under this Act are absolutely and unequivocally prohibited from engaging in, assuming, or exercising any administrative, executive, governance, or representative function within a State University or College, and shall, in all cases, be confined to academic teaching and research roles only. Accordingly, no foreign national appointed pursuant to this Act shall:

- (a) Hold, occupy, assume, or be designated to positions such as university president, vice-president, chancellor, dean, director, department chair, program head, or any equivalent or analogous post, whether permanent, acting, interim, concurrent, or in a holdover capacity, regardless of the manner of appointment or designation;
- (b) Exercise, directly or indirectly, any authority or influence over institutional budgets, financial planning, procurement processes, allocation or disbursement of public funds, personnel appointments, promotions, discipline, or other matters involving institutional governance, management, or administration;
- (c) Vote in, participate as a decision-maker in, or otherwise exercise determinative influence within governing boards, councils, committees, or similar bodies vested with policy-making, regulatory, approval, or decision-making authority, including bodies that determine academic policies beyond purely instructional or scholarly matters; or
- (d) Represent the State University or College in official dealings, communications, negotiations, or engagements with national government agencies, local government units, constitutional bodies, regulatory

authorities, foreign governments, international organizations, or inter-agency bodies, whether in an official, advisory, or spokesperson capacity.

Any act performed in violation of this section shall be void and of no legal effect, without prejudice to the immediate cessation of the prohibited activity and the imposition of appropriate administrative or legal sanctions as may be provided under existing laws and regulations.

SEC 12. *Priority for Filipino Faculty and Non-Displacement Safeguards* — Appointments under this Act shall be permitted only upon the issuance of a formal, written certification by the appointing State University or College, with the concurrence of the Commission on Higher Education (CHED), affirming that all of the following conditions have been fully satisfied:

- (a) No qualified Filipino faculty member is displaced, demoted, or removed from an existing position, nor unjustly bypassed, overlooked, or denied appointment, promotion, or assignment, as a result of the engagement of a foreign national, and that reasonable, good-faith efforts have been undertaken to recruit, retain, or develop Filipino faculty for the position concerned;
- (b) Parallel and proportionate investments in Filipino faculty development, including scholarships, fellowships, training programs, research funding, and other capacity-building initiatives, are maintained or strengthened, and that the engagement of a foreign national does not result in the reduction, diversion, or substitution of resources intended for the advancement of Filipino academic personnel; and

- (c) The engagement of foreign faculty is demonstrably designed to and does directly contribute to the long-term development of Filipino academic leadership, research capability, and institutional self-sufficiency, including through structured mentoring, collaborative research, curriculum enhancement, and the preparation of qualified Filipino successors in the relevant discipline or field.

Failure to secure or maintain the certification required under this section shall bar the approval, continuation, or renewal of the appointment under this Act, without prejudice to the exercise of oversight and corrective authority by the Commission on Higher Education.

SEC. 13. *CHED Oversight and Regulation* — The Commission on Higher Education (CHED) shall exercise primary regulatory, supervisory, and oversight authority over the implementation of this Act, and for this purpose shall:

- (a) Issue detailed, clear, and comprehensive guidelines governing eligibility, appointment, academic tenure standards, performance evaluation, renewal-of-necessity review, and termination of appointments of foreign nationals, including the establishment of uniform criteria, documentary requirements, timelines, and procedures to ensure consistent application across all State Universities and Colleges;
- (b) Approve or disapprove institutional justifications for the appointment and continued engagement of foreign faculty, based on a rigorous assessment of academic necessity, exceptional merit, alignment with national development priorities, and compliance with all substantive and procedural safeguards prescribed under this Act and its implementing rules and regulations;

- (c) Establish, maintain, and regularly update a centralized national registry of foreign nationals appointed to tenured teaching or research positions under this Act, containing relevant information on qualifications, fields of specialization, duration of appointment, renewal status, and compliance with knowledge-transfer and mentoring commitments, subject to applicable data privacy laws;
- (d) Monitor, audit, and evaluate compliance by State Universities and Colleges with all safeguards, limitations, prohibitions, and conditions imposed under this Act, including the authority to conduct inspections, require the submission of reports and supporting documents, issue corrective directives, disallow non-compliant appointments, and recommend appropriate administrative action against erring institutions or officials; and
- (e) Submit to Congress an annual report on the implementation of this Act, detailing the number and distribution of foreign faculty appointments, disciplines covered, outcomes achieved, impacts on academic quality and research productivity, progress in Filipino faculty development, identified challenges, and any legislative or policy recommendations necessary to ensure the continued exceptional, limited, and constitutionally compliant application of this measure.

SEC. 14. *CHED Enforcement Powers* — In order to ensure faithful, uniform, and constitutionally compliant implementation of this Act, the Commission on Higher Education (CHED) is hereby vested with enforcement and corrective authority, without prejudice to the powers of other oversight bodies under existing laws.

For this purpose, CHED is authorized to impose graduated sanctions, proportionate to the nature, gravity, frequency, and intent of the violation, including the following:

- (a) The issuance of written notices of non-compliance, directives for corrective action, or formal warnings, requiring the State University or College concerned to remedy identified deficiencies within a specified period;
- (b) The suspension, disallowance, or revocation of approval for a foreign faculty appointment or renewal thereof, where such appointment is found to be inconsistent with the requirements, safeguards, or limitations prescribed under this Act or its implementing rules and regulations;
- (c) The suspension of authority to make further appointments under this Act for a specified period, where an institution is found to have engaged in repeated, willful, or systemic violations, including circumvention of prohibitions or misrepresentation of academic necessity;
- (d) The recommendation to appropriate authorities of administrative sanctions against responsible officials, including but not limited to reprimand, suspension, or other disciplinary action, in accordance with civil service, anti-graft, and accountability laws; and
- (e) The referral of matters involving fraud, misrepresentation, bad faith, or other actionable conduct to the appropriate investigative, prosecutorial, or oversight bodies.

In the exercise of its enforcement powers, CHED shall observe due process, including notice and opportunity to be heard, and shall ensure that sanctions

imposed are graduated, proportionate, and corrective, rather than punitive, except where the circumstances warrant otherwise.

SEC. 15. *Coordination with the Civil Service Commission* — To ensure consistency with constitutional principles governing public employment and to prevent circumvention of citizenship and civil service rules, the Commission on Higher Education (CHED) shall coordinate closely with the Civil Service Commission (CSC) in the implementation of this Act.

Such coordination shall include, but not be limited to:

- (a) The joint development or harmonization of guidelines, advisories, or protocols to clearly delineate academic teaching and research positions covered by this Act from civil service positions requiring Filipino citizenship;
- (b) The exchange of information, records, and findings relevant to appointments, reclassifications, plantilla designations, or personnel actions involving foreign nationals in State Universities and Colleges;
- (c) The conduct of joint or coordinated reviews, audits, or compliance checks, particularly in cases involving alleged circumvention, misclassification of positions, or unauthorized exercise of administrative or governance functions; and
- (d) The formulation of coordinated recommendations for corrective action or sanctions, consistent with the respective mandates of CHED and the CSC.

Nothing in this Act shall be construed to diminish the constitutional authority of the Civil Service Commission over the civil service, nor to impair the regulatory

authority of CHED over higher education institutions. In case of ambiguity or conflict in classification, the presumption shall favor the applicability of civil service rules, unless the position clearly and unequivocally falls within the limited academic exception established under this Act.

SEC. 16. *Sunset Review* — Five (5) years after the effectivity of this Act, the Commission on Higher Education (CHED) shall conduct a comprehensive, evidence-based, and institution-wide review of the implementation of this Act, for the purpose of assessing the continuing necessity, effectiveness, and constitutional compliance of allowing the exceptional appointment of foreign nationals to tenured teaching and research positions in State Universities and Colleges.

Such review shall include, but shall not be limited to, an evaluation of the academic, institutional, and systemic impacts of the Act, including its effect on academic quality, research productivity, knowledge transfer, and the development, retention, and advancement of Filipino faculty and academic leadership, as well as an assessment of whether the exceptional circumstances justifying such appointments continue to exist.

The review shall further examine the adequacy and effectiveness of safeguards, limitations, enforcement mechanisms, and inter-agency coordination measures established under this Act, including compliance by State Universities and Colleges with non-displacement, non-circumvention, and renewal-of-necessity requirements.

Upon completion of the review, CHED shall submit to Congress a comprehensive report containing its findings, conclusions, and specific recommendations, including whether the authority granted under this Act should be continued,

modified, further restricted, or allowed to lapse, in whole or in part, in order to remain consistent with constitutional principles and the long-term objective of strengthening Filipino academic capacity.

SEC. 17. *Implementing Rules and Regulations* — Within ninety (90) days from the effectivity of this Act, the Commission on Higher Education (CHED), in consultation with the Civil Service Commission (CSC) and State Universities and Colleges, as well as other relevant government agencies as may be necessary, shall promulgate the implementing rules and regulations (IRR) necessary to carry out the provisions of this Act.

SEC. 18. *Separability Clause* — If any provision of this Act is declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 19. *Repealing Clause* — All laws, rules, regulations, and issuances inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 20. *Effectivity* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,