

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11187



Introduced by Representative ANTOLIN “LENLEN” A. ORETA III

AN ACT
AUTHORIZING STATE UNIVERSITIES AND COLLEGES TO APPOINT DISTINGUISHED FOREIGN NATIONALS TO TEACHING AND RESEARCH POSITIONS AND GRANT THEM ACADEMIC TENURE UNDER EXCEPTIONAL CONDITIONS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The proposed bill seeks to strengthen the quality and global competitiveness of Philippine public higher education while preserving the State’s fundamental commitment to the development of Filipino scholars, researchers, and academic leaders.

State Universities and Colleges (SUCs) play a vital role in advancing national development through education, research, innovation, and the formation of highly skilled professionals. As the demands of science, technology, and emerging academic disciplines continue to evolve, there may be instances when institutions require expertise that is highly specialized, newly developing, or not yet sufficiently available within the country. In such circumstances, carefully structured engagement with distinguished foreign academics may provide opportunities for collaboration, knowledge exchange, research advancement, and exposure to international standards and practices.

The measure is therefore anchored on the principle that the participation of foreign academic experts should be exceptional, complementary, and directed toward strengthening Philippine academic capacity. It does not seek to diminish the role of Filipino faculty. Rather, it recognizes that international academic collaboration can serve as a strategic means of accelerating the development of Filipino scholars and researchers, particularly in fields where expertise is rapidly advancing or where domestic capacity remains in the process of being established.

At the same time, the proposed legislation recognizes the constitutional and institutional importance of Filipino participation in government service and public higher education. The engagement of foreign nationals in the academic sector must consequently remain consistent with national sovereignty, public accountability, and the primacy of Filipino academic development. The measure adopts this approach by treating foreign academic expertise not as a substitute for Filipino talent, but as a potential catalyst for building stronger and more sustainable domestic capabilities.

The proposed framework is also intended to promote a culture of academic excellence and internationalization within SUCs. Greater interaction with internationally recognized scholars can facilitate meaningful research partnerships, strengthen academic programs, expand opportunities for Filipino faculty and students, and contribute to the development of globally competitive institutions. Such engagement may likewise help Philippine public universities participate more effectively in international research networks and respond to emerging areas of knowledge that are increasingly important to national development.

Ultimately, the measure seeks to establish a balanced policy: one that welcomes exceptional international academic expertise when genuinely beneficial to the country, while ensuring that the long-term objective remains the cultivation of world-class Filipino faculty, researchers, and

academic leaders. The State's investment in Filipino higher education must remain central, and any international engagement should contribute to, rather than compete with, that national priority.

The proposed Act thus represents an effort to reconcile the constitutional character of public service with the realities of an increasingly interconnected global academic community. By creating a principled framework for exceptional international academic participation, the measure aims to enhance the capacity of Philippine public higher education to generate knowledge, foster innovation, develop Filipino talent, and ultimately contribute to the country's social, scientific, and economic progress.

In view of the foregoing, the immediate approval of this measure is earnestly sought.



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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 "*Foreign Academic Faculty Tenure Act.*"

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

- (a) Uphold the constitutional principle that government service is primarily reserved for Filipino citizens and governed by merit and fitness, as essential to national sovereignty and democratic accountability, and to permit exceptions thereto only upon a showing of compelling State interest and under exceptional and confined circumstances;
- (b) Promote the highest standards of academic excellence in public higher education as an engine of national development, scientific progress, and social advancement, and to support State Universities and Colleges (SUCs) in attaining and sustaining world-class research and teaching quality;
- (c) Affirm that Filipino scholars, researchers, and academics are the foundation and future of Philippine higher education, and that the foremost obligation of SUCs is to educate Filipino students, strengthen nationally-rooted research capacity, and invest in the growth and development of Filipino faculty and academic leadership;
- (d) Authorize the engagement of distinguished foreign nationals in SUCs, in a structured and accountable manner, where their expertise in frontier, emerging, or highly specialized fields would materially advance the institution's academic mission, accelerate the development of Filipino scholars and researchers, and contribute to national development goals that the institution is actively and ambitiously pursuing; and
- (e) Ensure that all engagement of foreign nationals in SUCs is genuinely complementary to, and actively reinforces, the State's sustained commitment to Filipino faculty development, research investment, and the cultivation of world-class Filipino academic leadership.

SEC. 3. *Authority to Appoint Foreign Nationals to Tenured Positions.* – An SUC is hereby authorized to appoint a qualified foreign national to a tenured teaching or research position. Such authority is exceptional in character and may be exercised only upon satisfaction of the qualifications under Section 6, the necessity test under Section 7, the non-displacement safeguards under Section 8, and all other conditions prescribed in this Act. The authority to appoint shall be subject to prior approval by the Commission on Higher Education (CHED) as a condition to the effectivity of any such appointment.

Such appointment shall be confined exclusively to teaching, research, mentoring, and scholarly functions and shall not confer eligibility for administrative, governance, or policy-making roles, nor shall it constitute civil service tenure or a permanent appointment within the meaning of local civil service laws. Foreign faculty appointments under this Act are intended to complement and strengthen the SUC's Filipino academic workforce. The appointing institution shall bear the responsibility of establishing, at each stage of the process, that the conditions prescribed in this Act are met.

SEC. 4. *Scope and Application.* – This Act shall apply exclusively to:

- (a) SUCs as defined under Republic Act No. 8292, otherwise known as the Higher Education Modernization Act of 1997, meaning institutions 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 whose primary functions consist of classroom instruction, scholarly research, curriculum development, or academic mentoring, and which involve no administrative authority, budgetary control, personnel supervision, or policy-making power.

All administrative, executive, managerial, governance, and policy-determining positions are expressly excluded from coverage and shall remain reserved exclusively to Filipino citizens.

SEC. 5. *Nature and Limits of Academic Tenure.* – Teaching and research positions covered by this Act are academic and professional in character, confined to instruction, scholarly inquiry, research, curriculum development, and the dissemination of knowledge. They do not involve the exercise of governmental authority, the formulation of public policy, or the control and administration of the institution, which remain vested in Filipino citizens at all times. This characterization applies solely for purposes of this Act and does not relax any other legal, immigration, labor, or regulatory requirement applicable to foreign nationals under existing laws.

Academic tenure 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 and research. Such tenure shall not confer civil service eligibility, plantilla permanence, or any vested right to appointment, promotion, or designation to any administrative or executive position. Academic tenure granted hereunder shall remain subject to periodic evaluation, compliance with institutional and CHED performance standards, and adherence to professional and ethical norms.

SEC. 6. *Qualifications for Appointment.* – A foreign national may be appointed under this Act only upon a clear, convincing, and documented showing of exceptional merit and only if all of the following qualifications are satisfied:

- (a) The applicant holds a terminal degree from a globally recognized institution of higher learning, or an equivalent professional standing duly recognized in the relevant discipline, supported by evidence of international distinction, peer recognition, or acknowledged leadership in the field;
- (b) The applicant demonstrates a sustained record of exceptional scholarly, scientific, or professional achievement of international caliber, including high-impact peer-reviewed publications, patents, significant innovations, or other contributions recognized by reputable international academic or professional bodies;
- (c) The appointment is in a discipline, specialization, or field of study where domestic academic expertise is not yet fully established, is rapidly expanding beyond current institutional capacity, or where the field is newly emerging, highly technical, or evolving at a pace that creates a genuine opportunity for international collaboration to accelerate Philippine academic development in that area; and
- (d) The applicant makes a contractual commitment, as a condition of appointment and continued tenure, to meaningful and structured academic collaboration, including mentoring of Filipino faculty and graduate students, joint research, curriculum development, and the active nurturing of the next generation of Filipino scholars in the relevant field.

SEC. 7. *Test of Exceptional Necessity.* – No appointment under this Act shall be approved unless the appointing SUC establishes, through clear and contemporaneous documentation, all of the following:

- (a) The specific academic or research need sought to be addressed cannot be fully met through currently available domestic expertise, notwithstanding the institution's genuine and continuing efforts to develop, recruit, and retain Filipino faculty through available faculty development programs, scholarships, and fellowships;

(b) The foreign national's expertise, credentials, or scholarly record is of a caliber that would materially advance the institution's academic or research mission in ways that would significantly accelerate the institution's development in the relevant field; and

(c) The appointment is reasonably expected to produce measurable, verifiable, and time-bound advances in academic quality, research productivity, or the development of Filipino faculty and scholars, including enhanced curricula, increased research output, or demonstrable acceleration of institutional capacity in the relevant area.

SEC. 8. *Non-Displacement of Filipino Faculty.* – No appointment under this Act shall be approved without a formal written certification by the appointing SUC, concurred in by CHED, affirming that:

(a) No qualified Filipino faculty member is or will be displaced, demoted, or denied appointment, promotion, or assignment as a result of the engagement of a foreign national, and that the institution has made and continues to make good-faith efforts to recruit, develop, and retain Filipino faculty for positions within its academic programs;

(b) The institution's investments in Filipino faculty development, including scholarships, fellowships, training programs, research funding, and career advancement pathways, are maintained or expanded, and that the engagement of a foreign national does not redirect resources that would otherwise support the professional growth of Filipino academic personnel; and

(c) The engagement is structured and expected to make a genuine contribution to the development of Filipino academic leaders and researchers, including through collaborative research, mentoring, curriculum development, and the active growth of Filipino scholarly capacity in the relevant field.

SEC. 9. *Prohibition on Administrative and Governance Functions.* – Foreign nationals appointed under this Act are prohibited from engaging in, assuming, or exercising any administrative, executive, or governance function in a SUC. No such foreign national shall:

(a) Hold or be designated to any position of institutional leadership or management, including university president, vice-president, chancellor, dean, director, department chair, program head, or any equivalent post, whether permanent, acting, interim, or concurrent;

(b) Exercise authority over institutional budgets, financial planning, procurement, personnel appointments, promotions, discipline, or other matters of institutional governance or administration;

(c) Vote or participate as a decision-maker in governing boards, councils, or committees vested with policy-making or institutional decision-making authority; or

(d) Represent the SUC in official dealings with government agencies, constitutional bodies, foreign governments, or international organizations.

Any act in violation of this section shall be void. Officials responsible for acts of designation or appointment in contravention of this section shall be subject to administrative and disciplinary sanctions in accordance with applicable laws.

SEC. 10. *Periodic Review of Continued Necessity.* – Academic tenure granted under this Act shall be subject to a periodic review of continued necessity as a condition for its continuation. CHED shall prescribe the intervals for such review by regulation, but in no case less frequently than once every five (5) years. Each review shall require documented evidence that:

(a) The foreign national continues to satisfy the qualifications and conditions prescribed under this Act and has fulfilled the commitments undertaken upon appointment, including collaborative and mentoring obligations;

(b) The academic or research circumstances that warranted the original appointment remain present, and the appointment continues to serve the institution's academic mission and national development objectives; and

(c) Measurable progress has been achieved in advancing Filipino scholarly capacity, faculty development, and institutional academic strength in the relevant field as a result of the engagement.

Where CHED or the appointing institution determines that the circumstances that warranted the original appointment no longer apply, or that the institution's academic needs in the relevant area can now be fully served by Filipino faculty, the continuation of academic tenure shall be denied or withdrawn in accordance with due process. The appointing institution and the foreign national shall bear the responsibility of demonstrating the continuing basis for the appointment.

SEC. 11. Oversight, Regulation, and Enforcement. – CHED shall exercise primary regulatory and oversight authority over the implementation of this Act. CHED shall:

- (a) Issue comprehensive guidelines governing eligibility, appointment, tenure standards, performance evaluation, periodic review, and termination, including uniform criteria, documentary requirements, and timelines applicable across all SUCs;
- (b) Evaluate and act on institutional applications for the appointment of foreign faculty, based on a rigorous and consistent assessment of academic necessity, distinguished merit, and compliance with all requirements under this Act;
- (c) Establish and maintain a centralized national registry of foreign nationals appointed under this Act, containing information on qualifications, fields of specialization, appointment duration, renewal status, and compliance with collaborative and knowledge-transfer commitments, subject to applicable data privacy laws;
- (d) Monitor and evaluate compliance by SUCs with all requirements and conditions imposed under this Act, including authority to conduct reviews, require documentary submissions, issue corrective guidance, withdraw approval for non-compliant appointments, and recommend administrative action against erring officials; and
- (e) Submit to Congress an annual report on the implementation of this Act, including the number and distribution of foreign faculty appointments, disciplines and institutions covered, academic outcomes achieved, and contributions to Filipino faculty development and institutional research capacity.

In the exercise of its oversight functions, CHED may impose graduated sanctions proportionate to the nature and gravity of any violation, including: issuance of notices of non-compliance and directives for corrective action; suspension or revocation of appointment approvals; suspension of authority to seek further appointments for a specified period; recommendation of administrative sanctions against responsible officials; and referral of matters involving fraud or misrepresentation to the appropriate authorities. Due process, including notice and a reasonable opportunity to be heard, shall be observed in all enforcement proceedings.

SEC. 12. Coordination with the Civil Service Commission. – CHED shall coordinate with the Civil Service Commission (CSC) in implementing this Act, including: the joint development of guidelines to clearly distinguish academic teaching and research positions covered by this Act from civil service positions that require Filipino citizenship; the exchange of relevant information on appointments and personnel actions involving foreign nationals in SUCs; and the conduct of coordinated reviews where questions of position classification arise. In case of ambiguity or conflict in the classification of a position, the applicable rules shall be determined in accordance with the constitutional mandate, with the civil service framework governing unless the position clearly and unequivocally falls within the academic exception established under this Act. Nothing herein shall diminish the constitutional authority of the CSC over the civil service.

SEC. 14. Sunset Review. – Five (5) years after effectivity, CHED shall conduct a comprehensive evidence-based review of the implementation and impact of this Act. The review shall assess academic and institutional outcomes, including contributions to Filipino faculty development, research capacity, and the overall advancement of Philippine public higher education. The review shall also examine the effectiveness of safeguards, oversight mechanisms, and agency coordination established under this Act. CHED shall thereafter submit to Congress a report containing its findings and specific recommendations on whether the authority granted under this Act should be continued, modified, or allowed to expire.

SEC. 14. Implementing Rules and Regulations. – Within ninety (90) days from effectivity, CHED, in consultation with SUCs, the CSC, the Department of Labor and Employment (DOLE), the Bureau of Immigration (BI), and such other agencies as may be relevant, shall promulgate the implementing rules and regulations necessary to carry out the provisions of this Act.

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

SEC. 16. *Repealing Clause.* – All other laws, decrees, ordinances, administrative order, rules and regulations, or any part thereof, which are inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 17. *Construction.* - In the interpretation of this law, the best interest of the child shall prevail.

SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,