



HOUSE OF REPRESENTATIVES

H. No. 5337

BY REPRESENTATIVES ABAYON, VILLAR, ROMAN, ERMITA-BUHAIN,
MAGSAYSAY (E.), NOEL, UY (R.), CODILLA, SUSANO AND DEL MAR,
PER COMMITTEE REPORT NO. 1601

AN ACT AMENDING REPUBLIC ACT NO. 8292, OTHERWISE KNOWN
AS THE "HIGHER EDUCATION MODERNIZATION ACT OF
1997", AND FOR OTHER PURPOSES

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

1 SECTION 1. Sections 3, 4, 6 and 7 of Republic Act No. 8292 are
2 hereby amended to read as follows:

3 "SEC. 3. *The Governing Boards, Manner of*
4 *Appointment.* –

5 a) *Composition* – The governing body of State
6 universities and colleges is hereby vested in the Board of
7 Regents for universities and in the Board of Trustees for colleges
8 which shall be composed of the following:

9 i. ChairPERSON[man] of the Commission on Higher
10 Education (CHED) OR THE DULY DESIGNATED
11 REPRESENTATIVE OF THE CHED CHAIR[,] AS

1 ChairPERSON[man]; IN THE CASE OF AUTONOMOUS REGION
2 OF MUSLIM MINDANAO, THE SECRETARY OF THE
3 DEPARTMENT OF HIGHER EDUCATION AS CO-CHAIRPERSON;

4 ii. President of the university or college[,] AS Vice
5 ChairPERSON[man];

6 iii. ChairPERSONS[men] OF THE SENATE COMMITTEE
7 ON EDUCATION, ARTS AND CULTURE AND THE HOUSE OF
8 REPRESENTATIVES COMMITTEE ON HIGHER AND TECHNICAL
9 EDUCATION, OR THEIR DULY DESIGNATED REPRESENTATIVES
10 [of the Congressional Committees on Education and Culture];

11 iv. Regional Director of the National Economic and
12 Development Authority (NEDA) where the main campus of the
13 university or college is located, EXCEPT IN THE NATIONAL
14 CAPITAL REGION WHERE THE DIRECTOR GENERAL SHALL
15 DESIGNATE A PERSON WHO SHALL IN NO CASE BE LOWER IN
16 RANK THAN A REGIONAL DIRECTOR;

17 v. Regional Director of the Department of Science and
18 Technology (DOST) in case of science and technological
19 UNIVERSITIES OR colleges; or the Regional Director of the
20 Department of Agriculture (DA) FOR [in case of] agricultural
21 UNIVERSITIES OR colleges[; or the Secretary of Education for an
22 Autonomous Region]. In lieu of such representation, the
23 commanding generals of the Philippine Air Force and the
24 Philippine Navy OR THEIR DULY DESIGNATED
25 REPRESENTATIVES shall sit as members of the Boards of the
26 Philippine State College of Aeronautics and the Philippine
27 Merchant Marine Academy, respectively;

1 vi. President of the **DULY RECOGNIZED** faculty
2 association;

3 vii. President of the supreme student council or the
4 student representative elected by the student council: *Provided,*
5 That in the absence of a student council president or student
6 representative elected by the student council, the university or
7 college **PRESIDENT** shall schedule one (1) week for the campaign
8 and election of **THE [a]** student representative;

9 viii. President of the **DULY RECOGNIZED** alumni
10 association of the institution concerned; [and]

11 ix. Two (2) **REPRESENTATIVES FROM THE PRIVATE**
12 **SECTOR** [prominent citizens] who have distinguished themselves
13 in their professions or fields of specialization chosen from
14 among a list of at least five (5) persons qualified in the city or the
15 province where the school is located, as recommended by the
16 search committee constituted by the **GOVERNING BOARD (GB)**
17 [President in consultation with the Chairman of the CHED]
18 based on the normal standards and qualifications for the
19 position[.]; **AND**

20 **X. PRESIDENT OF THE DULY RECOGNIZED**
21 **ASSOCIATION OF NONACADEMIC AND ADMINISTRATIVE STAFF**
22 **OF THE UNIVERSITY OR COLLEGE.**

23 **IN MULTI-CAMPUS UNIVERSITIES AND COLLEGES, [T]**The
24 faculty, **ALUMNI, NONACADEMIC AND ADMINISTRATIVE STAFF,**
25 and the student council shall be represented by the presidents of
26 their respective federations **OR BY THE REPRESENTATIVES**
27 **VOTED UPON IN ACCORDANCE WITH THEIR RESPECTIVE**

1 CONSTITUTION AND BYLAWS [in multi-campus universities and
2 colleges].

3 The private sector representatives shall be appointed by
4 the Board of Regents[/] OR BOARD OF Trustees upon
5 recommendation of a duly constituted search committee. THE
6 GB SHALL CONSTITUTE THE SEARCH COMMITTEE AT LEAST
7 NINETY (90) DAYS PRIOR TO THE END OF THE TERM OF THE
8 INCUMBENT REPRESENTATIVES FROM THE PRIVATE SECTOR
9 OR WITHIN NINETY (90) DAYS FROM THE CREATION OF A NEW
10 STATE COLLEGE OR UNIVERSITY. THE SEARCH COMMITTEE
11 SHALL COMPLETE THE SEARCH PROCESS WITHIN SIXTY (60)
12 DAYS FROM ITS CONSTITUTION BY THE GB.

13 THE GB OF THE CONCERNED CHARTERED STATE
14 UNIVERSITY OR COLLEGE SHALL SELECT THE TWO (2)
15 REPRESENTATIVES FROM THE PRIVATE SECTOR TAKING INTO
16 CONSIDERATION THEIR RESPECTIVE QUALIFICATIONS,
17 EXPERTISE AND POTENTIAL CONTRIBUTION TO THE
18 REALIZATION OF THE MISSION OR VISION OF THE UNIVERSITY
19 OR COLLEGE ITSELF. THE TWO (2) REPRESENTATIVES FROM
20 THE PRIVATE SECTOR SHALL BE SELECTED BY THE GB
21 THROUGH A RESOLUTION DULY ADOPTED BY THE GB AND
22 THEIR APPOINTMENT SHALL BE SIGNED BY THE CHAIRPERSON
23 OF THE BOARD OF REGENTS OR BOARD OF TRUSTEES OR BY
24 THE PRESIDING OFFICER IN CASE THE CHAIRPERSON OF THE
25 BOARD IS ABSENT DURING THE MEETING WHEN THEIR
26 SELECTION IS COMPLETED.

27 b) *Term of Office* – The presidents of the faculty,
28 NONACADEMIC AND ADMINISTRATIVE STAFF and alumni

1 associations and the student regent[s] or trustee[s] OR THE
2 REPRESENTATIVE CHOSEN BY THE STUDENT COUNCIL shall sit
3 in the Board until the expiration of their RESPECTIVE terms of
4 office in such capacities.

5 The [prominent citizens] REPRESENTATIVES FROM THE
6 PRIVATE SECTOR shall serve for a term of two (2) years[.],
7 SUBJECT TO REAPPOINTMENT FOR A SECOND TERM ONLY IN
8 NO INSTANCE WILL THE PRIVATE SECTOR REPRESENTATIVES
9 OCCUPY THE POSITION IN A HOLDOVER CAPACITY.

10 c) *Meetings; Quorum* – The Board of Regents[/] OR
11 BOARD OF Trustees shall regularly convene at least once every
12 quarter. The ChairPERSON[man] of the Board [of
13 Regents/Trustees] may call a special meeting *MOTU PROPRIO*
14 OR UPON REQUEST OF THE MAJORITY OF THE MEMBERS OF
15 THE GB [whenever necessary]: *Provided*, That THE members
16 are notified in writing at least three (3) days prior to said
17 meeting.

18 NO ACTION BY THE BOARD SHALL BE MADE UNLESS IN A
19 MEETING DULY CALLED FOR ESPECIALLY, BUT NOT LIMITED
20 TO, ACTIONS ON APPOINTMENT OF SUCH PRESIDENT;
21 APPOINTMENT TO PERMANENT POSITIONS; DESIGNATION OF
22 VICE PRESIDENTS, ADMINISTRATORS AND OTHER OFFICIALS;
23 DISMISSAL OF OFFICIALS AND EMPLOYEES; SETTING OF
24 POLICIES ON STUDENT ADMISSION AND RETENTION; AND
25 APPROVAL OF GRADUATION OF STUDENTS OR GRANT OF
26 HONORS.

1 [A majority of all members holding office shall constitute
2 a quorum for board meetings: *Provided*, That the Chairman of
3 the CHED who is the chairman of the Board or the president of
4 the university or college is among those present in the meeting.
5 In the absence of the Chairman of the CHED, a commissioner of
6 the CHED, duly designated by him, shall represent him in the
7 meeting with all the rights and responsibilities of a regular
8 member: *Provided, however*, That in the said meeting, the
9 president of the university or college as vice chairman shall be
10 the presiding officer: *Provided, further*, That this proviso
11 notwithstanding, the Chairman of the CHED is hereby authorized
12 to designate a CHED Commissioner the regular Chair to the
13 Board of a particular university or college, in which case said
14 CHED Commissioner shall act as the presiding officer.]

15 **A MAJORITY OF ALL MEMBERS HOLDING OFFICE SHALL**
16 **CONSTITUTE A QUORUM FOR BOARD MEETINGS: *PROVIDED*,**
17 **THAT IN THE ABSENCE OF THE CHAIRPERSON, THE PRESIDENT**
18 **OF THE UNIVERSITY OR COLLEGE AS VICE CHAIRPERSON**
19 **SHALL BE THE PRESIDING OFFICER: *PROVIDED, FURTHER*,**
20 **THAT IN THE ABSENCE OF BOTH THE CHAIRPERSON AND THE**
21 **PRESIDENT OF THE UNIVERSITY OR COLLEGE, THE PRESIDING**
22 **OFFICER SHALL BE CHOSEN BY A MAJORITY VOTE FROM**
23 **AMONG THE OTHER MEMBERS OF THE BOARD, A QUORUM**
24 **BEING PRESENT.**

25 The members shall serve without compensation, but they
26 shall be reimbursed for necessary expenses incurred in their
27 attendance of meetings of the Board or in connection with their
28 official business authorized by resolution of the Board.

1 IN CONSONANCE WITH SECTION 4, PARAGRAPH -B
2 HEREOF, THE MEMBERS, HOWEVER, ARE ENTITLED TO
3 RECEIVE REASONABLE HONORARIA DURING THEIR
4 ATTENDANCE TO MEETINGS OF THE BOARD OR ACTIVITIES OF
5 THE UNIVERSITY OR COLLEGE WHERE THEIR ATTENDANCE IS
6 NECESSARY AND IS AUTHORIZED BY A RESOLUTION OF THE
7 BOARD, TOGETHER WITH OTHER BENEFITS THAT MAY BE
8 ALLOWED BY THE BOARD.”

9 “SEC. 4. *Powers and Duties of Governing Boards* – The
10 governing board shall have the following specific powers and
11 duties in addition to its general powers of administration and the
12 exercise of all the powers granted to the board of directors of a
13 corporation under Section 36 of Batas Pambansa Blg. 68,
14 otherwise known as the Corporation Code of the Philippines:

15 a) to enact rules and regulations not contrary to law as
16 may be necessary to carry out the purposes and functions of the
17 university or college;

18 b) to receive and appropriate all sums as may be
19 provided, for the support of the university or college in the
20 manner it may determine, in its discretion **WITH ALL**
21 **ACCOMPANYING FULL CUSTODIAL RESPONSIBILITIES**, to carry
22 out the purposes and functions of the university or college;

23 c) to receive in trust legacies, gifts and donations of real
24 and personal properties of all kinds[,] **AND** to administer and
25 dispose **OF** the same when necessary for the benefit of the
26 university or college, subject to **THE** limitations, directions and
27 instructions of the donors, if any. Such donations shall be
28 exempt from [all taxes and] **THE DONOR’S TAX AND THE SAME**

1 shall be considered as [deductible items from] ALLOWABLE
2 DEDUCTIONS FROM THE GROSS INCOME IN THE COMPUTATION
3 OF the income tax of the donor[: *Provided, however,* That the
4 rights, privileges and exemptions extended by this Act shall
5 likewise be extended to non-stock, non-profit private universities
6 and colleges: *Provided, finally,* That the same privileges shall
7 also be extended to city colleges and universities with the
8 approval of the local government unit concerned and in
9 coordination with the CHED], IN ACCORDANCE WITH THE
10 PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE
11 (NIRC) OF 1997, AS AMENDED: *PROVIDED, THAT SUCH*
12 *DONATIONS SHALL NOT BE DISPOSED OF, TRANSFERRED OR*
13 *SOLD;*

14 d) to fix the tuition fees and other necessary school
15 charges, such as but not limited to matriculation fees, graduation
16 fees and laboratory fees, as their respective boards may deem
17 proper to impose after due consultations with the involved
18 sectors.

19 Such fees and charges, including government subsidies
20 and other income generated by the university or college, shall
21 constitute special trust funds and shall be deposited in any
22 authorized government depository bank, and all interests that
23 shall accrue therefrom shall form part of the same fund for the
24 use of the university or college: *Provided, That income derived*
25 *from university hospitals shall be exclusively earmarked for the*
26 *operating expenses of the hospitals.*

27 Any provision of existing laws, rules and regulations to
28 the contrary notwithstanding, any income generated by the

1 university or college from tuition fees and other charges, as well
2 as from the operation of auxiliary services and land grants, shall
3 be retained by the university or college, and may be disbursed by
4 the Board of Regents[/] **OR BOARD OF** Trustees for instruction,
5 research, extension, or other programs[/] **OR** projects of the
6 university or college: *Provided*, That all fiduciary fees shall be
7 disbursed for the specific purposes for which they are collected.

8 If, for reasons beyond its control, the university or
9 college, shall not be able to pursue any project for which funds
10 have been appropriated and, allocated under its approved
11 program of expenditures, the Board of Regents[/] **OR BOARD OF**
12 Trustees may authorize the use of said funds for any reasonable
13 purpose which, in its discretion, may be necessary and urgent for
14 the attainment of the objectives and goals of the university or
15 college;

16 e) to adopt and implement a socialized scheme of tuition
17 and school fees for greater access to poor but deserving students;

18 f) to authorize the construction or repair of its buildings,
19 machineries, equipment and other facilities and the purchase and
20 acquisition of real [and personal] properties including necessary
21 supplies, materials and equipment[. Purchases and other
22 transactions entered into by the university or college through the
23 Board of Regents/Trustees shall be exempt from all taxes and
24 duties];

25 g) to appoint, **TERMINATE AND DISMISS**, upon the
26 recommendation of the president of the university or college,
27 vice presidents, deans, directors, heads of departments, faculty

1 members and other officials and employees[;], IN WHICH CASE
2 SAID APPOINTMENT, TERMINATION OR DISMISSAL, AFTER DUE
3 PROCESS, OF OFFICIALS OR EMPLOYEES SHALL BE
4 IMMEDIATELY IMPLEMENTED BY THE PRESIDENT OF THE
5 UNIVERSITY OR COLLEGE.

6 NO POLITICAL BELIEFS, GENDER PREFERENCE,
7 CULTURAL OR COMMUNITY AFFILIATION OR ETHNIC ORIGIN,
8 AND RELIGIOUS OPINION OR AFFILIATION SHALL BE A MATTER
9 OF INQUIRY IN THE APPOINTMENT OF FACULTY MEMBERS OF
10 THE UNIVERSITY OR COLLEGE: *PROVIDED, HOWEVER, THAT*
11 *NO MEMBER OF THE FACULTY SHALL TEACH FOR OR AGAINST*
12 *ANY PARTICULAR CHURCH OR RELIGIOUS SECT;*

13 h) to fix and adjust salaries of faculty members and
14 administrative officials and employees subject to the provisions
15 of the [r]Revised [c]Compensation and POSITION
16 [c]Classification [s]System and other pertinent budget and
17 compensation laws governing hours of service, and such other
18 duties and conditions as it may deem proper; to grant them, at its
19 discretion, leaves of absence under such regulations as it may
20 promulgate, any provisions of existing laws to the contrary
21 notwithstanding; and to remove them for cause in accordance
22 with the requirements of due process of law;

23 i) to approve the curricula, institutional programs and
24 rules of discipline drawn by the administrative and academic
25 councils as herein provided, INCLUDING THE ADOPTION OF
26 NECESSARY MEASURES ENABLING STUDENTS TO EXERCISE
27 THEIR RELIGIOUS BELIEFS CONSISTENT WITH THE ACCEPTED
28 NORMS AND MORALS OF SOCIETY, WHEREIN STUDENTS ARE
29 GIVEN OPTIONS TO FULFILL THEIR ACADEMIC

1 **RESPONSIBILITIES SUCH AS MAKE-UP CLASSES AND**
2 **EXAMINATIONS ON MISSED SCHOOL DAYS AND EXAMINATIONS**
3 **WHICH COINCIDED WITH THE EXERCISE OF THEIR RELIGIOUS**
4 **BELIEFS;**

5 j) to set polices on admission, **RETENTION, [and]**
6 **graduation AND GRANT OF HONORS** of students, **WITHOUT**
7 **PREJUDICE TO STUDENTS' POLITICAL BELIEFS, GENDER**
8 **PREFERENCE, CULTURAL OR COMMUNITY AFFILIATION OR**
9 **ETHNIC ORIGIN, AND RELIGIOUS OPINION OR AFFILIATION;**

10 k) to award honorary degrees upon persons in
11 recognition of outstanding contribution in the field of education,
12 public service, arts, science and technology or in any field of
13 specialization within the academic competence of the university
14 or college and to authorize the award of certificates of
15 completion of non-degree and non-traditional courses;

16 l) to absorb non-chartered tertiary institutions within
17 their respective provinces in coordination with the CHED and in
18 consultation with the Department of Budget and Management,
19 and to offer therein needed programs or courses, to promote and
20 *carry out equal access to educational opportunities mandated by*
21 the Constitution;

22 m) to establish research and extension centers of the
23 State universities and colleges where such will promote the
24 development of the latter;

25 n) to establish chairs in the university or college and to
26 provide fellowships for qualified faculty members and
27 scholarships to deserving students;

1 o) to delegate, **EXCEPT THE APPOINTMENT AND**
2 **TERMINATION OF PERSONNEL HOLDING REGULAR POSITIONS**
3 **WITH SALARY GRADE 24 OR HIGHER**, any of its powers and
4 duties provided for hereinabove to the president [and/or] OR
5 other officials of the university or college as it may deem
6 appropriate so as to expedite the administration of the affairs of
7 the university or college **SUBJECT TO THE CONFIRMATION OF**
8 **THE BOARD OF REGENTS OR BOARD OF TRUSTEES;**

9 p) to authorize an external management audit of the
10 institution, to be financed by the CHED, **SUBJECT TO**
11 **COMMISSION ON AUDIT (COA) RULES AND REGULATIONS**, and
12 to institute reforms, including academic and structural changes,
13 on the basis of the audit results and recommendations;

14 q) to collaborate with other governing boards of State
15 universities and colleges within the province or the region, under
16 the supervision of the CHED and in consultation with the
17 Department of Budget and Management, the restructuring of said
18 colleges and universities to become more efficient, relevant,
19 productive, and competitive;

20 r) to enter into joint ventures with business and industry
21 for the profitable development and management of the economic
22 assets of the college or institution, the proceeds from which to be
23 used for the development and strengthening of the [college or
24 university] **UNIVERSITY OR COLLEGE;**

25 s) to develop consortia and other forms of linkages with
26 local government units, institutions and agencies, both public and
27 private, local and foreign, in furtherance of the purposes and
28 objectives of the institution;

1 t) to develop academic arrangements for institution
2 capability building with appropriate institutions and agencies,
3 public or private, local or foreign, and to appoint experts[/] OR
4 specialists as consultants, or visiting or exchange professors,
5 scholars, researchers, as the case may be;

6 u) to set up the adoption of modern and innovative
7 modes of transmitting knowledge such as the use of information
8 technology, the dual system, open learning OR DISTANCE
9 EDUCATION, community laboratory, etc., for the promotion of
10 greater access to higher education;

11 v) to establish policy guidelines and procedures for
12 participative decision-making and transparency within the
13 institution;

14 w) to privatize, where most advantageous to the
15 institution, management [and] OF non-academic services such as
16 health, food, building or grounds or property maintenance and
17 similar such other ANCILLARY activities and SERVICES; [and]

18 x) to [extend the term of the president of the college or
19 university beyond the age of retirement but not later than the age
20 of seventy (70), whose performance has been unanimously rated
21 as outstanding and upon unanimous recommendation by the
22 search committee for the president of the institution concerned.]
23 ALLOW THE PRESIDENT OF THE UNIVERSITY OR COLLEGE
24 WHOSE PERFORMANCE HAS BEEN UNANIMOUSLY RATED BY
25 THE GOVERNING BOARD AS OUTSTANDING IN GOVERNANCE
26 AND MANAGEMENT, ACADEMIC LINKAGES, RESOURCE
27 GENERATION, COMMITMENT TO THE OBSERVANCE OF THE

1 **NORMS LAID DOWN IN THE CODE OF CONDUCT AND ETHICAL**
2 **STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES UNDER**
3 **REPUBLIC ACT NO. 6713, TO COMPLETE HIS OR HER TERM OF**
4 **OFFICE BEYOND THE AGE OF RETIREMENT BUT NOT LATER**
5 **THAN THE AGE OF SEVENTY (70), UPON THE**
6 **RECOMMENDATION OF THE SEARCH COMMITTEE FOR THE**
7 **PRESIDENT CREATED BY THE BOARD; AND**

8 Y) **TO IMPORT DUTY-FREE ECONOMIC, TECHNICAL**
9 **AND CULTURAL BOOKS OR PUBLICATIONS, UPON**
10 **CERTIFICATION BY THE CHED THAT SUCH IMPORTED BOOKS**
11 **OR PUBLICATIONS ARE FOR ECONOMIC, TECHNICAL,**
12 **VOCATIONAL, SCIENTIFIC, PHILOSOPHICAL, HISTORICAL OR**
13 **CULTURAL PURPOSES, IN ACCORDANCE WITH THE PROVISIONS**
14 **OF THE TARIFF AND CUSTOMS CODE, AS AMENDED.”**

15 “SEC. 5. *Promulgation and Implementation of Policies.*
16 – The governing boards shall promulgate and implement policies
17 in accordance with the declared State policies on education and
18 other pertinent provisions of the Philippine Constitution on
19 education, science and technology, arts, culture and sports; as
20 well as the policies, standards and thrusts of the CHED under
21 Republic Act No. 7722.”

22 “SEC. 6. *The Administration.* – The administration of the
23 university or college shall be vested in the president of the
24 university or college who shall render full-time service. He OR
25 SHE shall be appointed by the Board of Regents[/] OR BOARD
26 OF Trustees, upon the recommendation of a duly constituted
27 search committee. **HE OR SHE SHALL LIKEWISE BE REMOVED**
28 **BY THE BOARD FOR CAUSE IN ACCORDANCE WITH THE**

1 REQUIREMENTS OF DUE PROCESS OF LAW UPON TWO-THIRDS
2 (2/3) VOTE OF THE MEMBERS OF THE BOARD. THE CHED
3 SHALL FIX THE MINIMUM QUALIFICATIONS FOR APPLICANTS
4 FOR THE PRESIDENCY. THE GB, HOWEVER, MAY SET
5 ADDITIONAL QUALIFICATIONS FOR THE POSITION.

6 [He] THE PRESIDENT shall have a term of four (4) years
7 and shall be eligible for reappointment for another term ONLY.
8 THE GB SHALL CONSTITUTE THE SEARCH COMMITTEE AT
9 LEAST SEVEN (7) MONTHS PRIOR TO THE END OF THE TERM OF
10 THE INCUMBENT PRESIDENT. THE SEARCH COMMITTEE
11 SHALL COMPLETE THE PROCESS OF SCREENING QUALIFIED
12 APPLICANTS NOT LATER THAN SIX (6) MONTHS AFTER ITS
13 CONSTITUTION BY THE GB. THEREAFTER, THE
14 RECOMMENDATION OF THE SEARCH COMMITTEE SHALL HAVE
15 TO BE ACTED UPON IMMEDIATELY BY THE GB: *PROVIDED,*
16 THAT THE TERM OF THE NEW PRESIDENT SHALL OFFICIALLY
17 START A DAY IMMEDIATELY AFTER THE LAST DAY OF THE
18 PRESIDENT'S PREDECESSOR: *PROVIDED, FURTHER,* THAT IF
19 THE NEW PRESIDENT FAILS TO ASSUME OFFICE FOR
20 WHATEVER REASON, THE GB SHALL IMMEDIATELY CONVENE
21 TO APPOINT A PRESIDENT WHOSE TERM OF OFFICE SHALL
22 START IMMEDIATELY: *PROVIDED, FURTHERMORE,* THAT
23 FOLLOWING THE DECISION OF THE GB, THE PRESIDING
24 OFFICER SHALL IMMEDIATELY EXECUTE THE OATH OF OFFICE
25 TO THE PRESIDENT AND FURNISH THE CIVIL SERVICE
26 COMMISSION THE APPOINTMENT PAPERS OF THE PRESIDENT
27 AND: *Provided, FINALLY,* That [this] THESE provisions shall not
28 adversely affect the terms of the incumbents.

1 The president shall be assisted by a vice president for
2 academic affairs who shall be [appointed] DESIGNATED by the
3 Board upon the [former's] PRESIDENT'S recommendation
4 without prejudice to the [appointment] DESIGNATION of more
5 than one vice president [when so warranted]. WHEN SO
6 WARRANTED, OTHER VICE PRESIDENTS MAY BE
7 RECOMMENDED BY THE PRESIDENT SUBJECT TO THE
8 CONFIRMATION OF THE DESIGNATION BY THE GB AND THE
9 GUIDELINES FORMULATED AND ISSUED JOINTLY BY THE
10 CHED AND THE DBM. THE TERM OF OFFICE OF THE VICE
11 PRESIDENT SHALL BE COTERMINOUS WITH THAT OF THE
12 PRESIDENT.

13 In case of vacancy by reason of death, resignation,
14 removal for cause or incapacity of the president to perform the
15 functions of [his] THE office, the Board shall have the authority
16 to designate an officer-in-charge pending the appointment of a
17 new president.

18 In case of vacancy [in the office of the president] as
19 mentioned in the immediately preceding paragraph, [his
20 successor] THE SUCCEEDING PRESIDENT shall hold office for
21 the unexpired term WHICH SHALL NOT BE CONSIDERED AS HIS
22 OR HER FIRST TERM.”

23 “SEC. 7. *The Secretary of the University or College.* –
24 The Board shall appoint a secretary who shall serve as such for
25 both the Board and the university or college and shall keep all
26 records and proceedings of the Board. He OR SHE shall
27 [communicate] SEND to each member of the Board THE notice

1 of meetings AT LEAST THREE (3) DAYS PRIOR TO THE
2 MEETING.”

3 SEC. 2. Section 10 of the same Act is hereby amended to read as
4 follows:

5 “SEC. 10. *Academic Council* – There shall be an
6 academic council with the president of the university or college
7 as chairPERSON[man] and all members of the instructional staff
8 with the rank of not lower than assistant professor as members.

9 The academic council shall have the COLLEGIAL power to
10 review and recommend the curricular offerings INCLUSIVE OF
11 THEIR REVISIONS OR ENRICHMENT and rules of STUDENT
12 discipline of the university or college subject for appropriate
13 action of the Board of Regents[/] OR BOARD OF Trustees,
14 WITHOUT PREJUDICE TO EVERY STUDENT’S POLITICAL BELIEF,
15 GENDER PREFERENCE, CULTURAL OR COMMUNITY
16 AFFILIATION OR ETHNIC ORIGIN, AND RELIGIOUS OPINION OR
17 AFFILIATION. THE COUNCIL SHALL LIKEWISE ADOPT THE
18 NECESSARY MEASURES ENABLING STUDENTS TO EXERCISE
19 THEIR RELIGIOUS BELIEFS CONSISTENT WITH THE ACCEPTED
20 NORMS AND MORALS OF SOCIETY WHERE STUDENTS ARE
21 GIVEN OPTIONS TO FULFILL THEIR ACADEMIC
22 RESPONSIBILITIES SUCH AS MAKE-UP CLASSES OR
23 EXAMINATIONS ON MISSED SCHOOL DAYS AND EXAMINATIONS
24 WHICH COINCIDED WITH THE EXERCISE OF THEIR RELIGIOUS
25 BELIEFS. It shall fix the requirements for the admission AND
26 RETENTION of students as well as for graduation OR GRANT OF
27 HONORS and the conferment of degrees subject to review
28 [and/or] OR approval by the Board of Regents[/] OR BOARD OF
29 Trustees through the president of the university or college.”

1 SEC. 3. The same Act is hereby amended by inserting a new section
2 between Sections 11 and 12 to be denominated as Section 11-A to read as
3 follows:

4 **“SEC. 11-A. RESEARCH COUNCIL – THERE SHALL BE A**
5 **RESEARCH COUNCIL WITH THE PRESIDENT OF THE UNIVERSITY**
6 **OR COLLEGE AS CHAIRPERSON WHO SHALL DESIGNATE**
7 **SENIOR MEMBERS OF THE FACULTY AND RESEARCH STAFF TO**
8 **CONSTITUTE THE COUNCIL.**

9 **THE RESEARCH COUNCIL SHALL HAVE THE POWER TO**
10 **INITIATE AND REVIEW RESEARCH POLICIES AND PRIORITIES,**
11 **APPROVE RESEARCH PROPOSALS FOR IMPLEMENTATION,**
12 **DRAW UP INTELLECTUAL PROPERTY GUIDELINES FOR**
13 **PATENTABLE IDEAS AND RESEARCH RESULTS GENERATED BY**
14 **THE INSTITUTION SUBJECT TO THE CONFIRMATION OF THE**
15 **GB.”**

16 SEC. 4. Section 15 of the same Act is hereby amended to read as
17 follows:

18 **“SEC. 15. *Implementation.* – The ChairPERSON[man]**
19 **of the CHED is hereby directed to take such steps as are**
20 **necessary for the immediate implementation of this Act**
21 **BEGINNING WITH THE PREPARATION, COMPLETION AND**
22 **FINALIZATION OF THE IMPLEMENTING RULES AND**
23 **REGULATIONS WITHIN NINETY (90) DAYS FROM THE**
24 **PROMULGATION OF THIS ACT. THE RESPONSIBLE OFFICERS**
25 **WHO FAIL TO CAUSE THE CONSTITUTION OF THE COMMITTEES**
26 **OR IMPLEMENTATION OF THE PROCEDURES REQUIRED UNDER**
27 **THIS ACT SHALL BE CHARGED WITH DERELICTION OR**
28 **NEGLECT OF DUTY.”**

1 SEC. 5. Section 17 of the same Act is hereby amended to read as
2 follows:

3 “SEC. 17. *Repealing Clause.* – All laws, presidential
4 decrees, executive orders, letters of instruction, [and] state
5 universities and colleges charters, **RULES AND REGULATIONS**
6 **AND OTHER ISSUANCES OR PARTS THEREOF WHICH ARE**
7 contrary to or inconsistent with **THE PROVISIONS OF** this Act are
8 hereby repealed or amended accordingly.”

9 SEC. 6. This Act shall take effect fifteen (15) days from its publication
10 in a newspaper of general circulation.

Approved,

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