

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

JUN 30 10:16

SENATE

S. No. 1066

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

The University of the Philippines was established in 1908 by an act of the First Philippines Legislature. Act No. 1870, otherwise known as the University Charter, specified the function of the University which is to provide advanced instruction in literature, philosophy, the sciences, and arts and to give professional and technical training.

In 1973, the University was reorganized into a university system which is now composed of six constituent universities and one autonomous college, to wit: UP Diliman, UP Los Baños, UP Manila, UP Visayas, UP Mindanao, UP Open University and and UP Baguio. The reorganization of the UP into a system allowed itself to be true to its principles of democratization and equity while upholding and continuing its tradition of quality and excellence in all fields of academic endeavor. Over several decades the University of the Philippines has indeed become the bastion of academic freedom and academic excellence.

To further the gains it has made in democratic participation and to underscore the principles which enable it to function effectively as the national university, this bill aims to strengthen the role of an institutionally autonomous University of the Philippines in providing distinctive leadership in higher education and national educational development. It seeks to do so by: 1) creating a University System Council to serve as the inter-university academic body to set system-wide academic rules and standards and to reconcile differences among the autonomous university councils; 2) distributing functions of university governance to the Board of Regents, the University President and other administrators, and the University Councils, 3) allowing the faculty, students, alumni and non-teaching staff representation in the board; and 4) establishing the relationship between the University and other bodies of the State, including Congress, constitutional commissions and other government agencies.

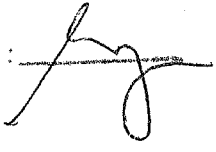
Pursuant to the Constitutional mandate for the State to constantly improve the standards of higher education in the Philippines, the passage of this bill is earnestly sought.


EDGARDO J. ANGARA

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RECEIVED BY: 

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AN ACT
TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE
NATIONAL UNIVERSITY

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

1 SECTION 1. Title. This Act shall be known as "The University of the
2 Philippines Charter of 2004."

3 SEC. 2. Declaration of Policy. The State shall promote, foster, nurture and
4 protect the right of all citizens to qualify education. Toward this end, it is the
5 policy of the State to strengthen the University of the Philippines as the National
6 University.

7 SEC. 3. Purpose of the University. As the National University, a public
8 and secular institution of higher learning and a community of scholars dedicated
9 to the search for truth and knowledge, the University of the Philippines shall
10 perform its unique and distinctive leadership in higher education and national
11 education development through its combined functions, as follows:

12 (1) Set standards and initiate innovations in teaching, research and faculty
13 development in philosophy, the arts and humanities, the social sciences,

1 the professions and engineering, natural sciences, mathematics, and
2 technology; and maintain centers of excellence in such disciplines and
3 professions;

4 (2) Serve as a graduate university providing advanced studies and
5 specialization for scholars, scientists, writers, artists and professionals,
6 especially those who serve on the faculties of state and private colleges and
7 universities;

8 (3) Serve as a research university in the various fields of its expertise and
9 specialization by conducting basic and applied research and development,
10 promoting research in the various colleges and universities;

11 (4) Lead as a public service university by providing various forms of
12 community, and public and volunteer service, and scholarly and technical
13 assistance to the government, the private sector, and civil society while
14 maintaining its standards of excellence;

15 (5) Provide opportunities for training and learning in progressive leadership,
16 responsible citizenship, and the development of democratic values,
17 institutions and practice; and

18 (6) Serve as a regional and global university in cooperation with
19 international and scientific unions with networks of universities and
20 scholarly and professional associations in the Asia-Pacific region and around
21 the world.

22 **SEC. 4. The University System.** The University of the Philippines is a
23 university system and shall be composed of constituent universities established
24 solely by its Board of Regents upon the recommendation of the President of the
25 University.

1 **SEC. 5. Academic Freedom.** The University has the right and the
2 responsibility to exercise academic freedom.

3 **SEC. 6. Academic Excellence.** The University has the responsibility to
4 maintain and enhance its high academic standards in the performance of the
5 functions of instruction, research, and extension and public service.

6 **SEC. 7. Social Responsibility.** The University is committed to serve the
7 Filipino nation and humanity. While it carries out the obligation to pursue universal
8 principles, it must relate its activities to the needs of the Filipino people and their
9 aspirations for social progress and transformation.

10 **SEC. 8. Democratic Access.** No student shall be denied admission to the
11 University by reason of age, gender, nationality, religious belief, or political opinion
12 or affiliation. The University shall take affirmative steps to enhance the access of
13 disadvantaged students to its programs and services.

14 **SEC. 9. The Board of Regents.** The government of the University is
15 vested in a board of regents known as the "Board of Regents of the University of
16 the Philippines System," composed of:

- 17 (a) The Chairperson of the Commission on Higher Education as
18 Chairperson;
- 19 (b) The President of the University of the Philippines System as Vice-
20 Chairperson;
- 21 (c) The Chairperson of the Senate Committee on Education, Arts and
22 Culture;
- 23 (d) The Chairperson of the House Committee on Higher and Technical
24 Education;
- 25 (e) The President of the U.P. Alumni Association, to serve as Alumni
26 Regent during his or her incumbency in that position;

- 1 (f) One Faculty Regent chosen by the full-time tenured faculty
2 members of the University from their ranks, to serve for a term of
3 two (2) years;
- 4 (g) One Student Regent, to serve for a term of one (1) year, chosen
5 by the students from their ranks;
- 6 (h) One Staff Regent representing the full-time permanent research,
7 extension, and professional staff (REPS) and administrative
8 personnel and chosen by them from their ranks, to serve for a
9 term of two (2) years; and
- 10 (i) Five (5) other Regents who have distinguished themselves in their
11 professions or field of specialization chosen from a list of five (5)
12 persons for every vacancy as recommended by a search committee
13 constituted by the President of the University based on standards
14 and guidelines approved by the Board of Regents. At least three
15 (3) of these Regents should be alumni. All these Regents shall be
16 appointed by the President of the Philippines and shall each serve
17 for a term of two (2) years: *Provided*, That the Regents holding
18 office as members of the Board of Regents at the time of the
19 effectivity of this Act shall continue to serve until the expiration of
20 their appointments as provided in Executive Order No. 204-A
21 issued by the President of the Philippines on July 15, 1987.

22 In case of vacancy in the Board of Regents of any appointive position, such
23 vacancy shall be filled by appointment by the President of the Philippines, and
24 such appointee shall hold office for the unexpired term. In case of vacancy in the
25 position of sectoral Regents, the successor, who shall serve for the unexpired
26 term, shall be chosen in the same manner as provided for the predecessor:

1 *Provided*, That in the case of a sectoral Regent, membership in the Board ceases
2 upon suspension or separation from the University.

3 Members of the Board shall serve without compensation other than actual
4 and necessary expenses incurred in attendance of meetings of the Board or other
5 official business authorized by the Board.

6 **SEC. 10. Powers of the Board of Regents.** The administration of the
7 University and the exercise of its corporate powers are vested in the Board of
8 Regents.

9 The Board shall exercise the following specific powers and duties:

- 10 (a) To define the thrusts of the University and adopt broad policy
11 guidelines to ensure their implementation;
- 12 (b) To preserve the integrity of the University of the Philippines System;
- 13 (c) To approve the institution, merger or abolition of academic
14 programs upon recommendation of the University Council of the
15 Constituent University concerned through the President of the
16 University;
- 17 (d) To approve the graduation of students and grant of honors, as
18 recommended by their respective University Councils through the
19 President of the University;
- 20 (e) To confer honorary degrees upon persons in recognition of learning,
21 statesmanship, or eminence in literature, science, or art, upon
22 recommendation of a committee created by the President of the
23 University: *Provided*, That such degrees shall not be conferred in
24 consideration of any payment, gift or other valuable consideration;
- 25 (f) To approve the rules on student discipline upon recommendation of
26 the University Councils through the President of the University;

- 1 (g) To create, organize, reorganize, merge or abolish constituent
2 universities, colleges, institutes, and other academic and
3 administrative units of the University;
- 4 (h) To establish professorial chair awards;
- 5 (i) To provide fellowships, scholarships and grants, and to award the
6 same to faculty, staff and students giving special evidence of merit;
- 7 (j) To elect the President of the University for a term of six (6) years
8 following a process of democratic consultation with the University
9 community based on standards and guidelines set by the Board of
10 Regents. In the event of a vacancy, the Board of Regents shall elect
11 a president who shall serve a full term within six (6) months from
12 the occurrence of the vacancy;
- 13 (k) To appoint faculty members and other officials and employees, to
14 draw up a position classification and compensation plan for its
15 faculty and staff, and to fix and adjust salaries and benefits of the
16 faculty members and other employees; to determine their hours or
17 service, and such other terms and conditions as it may deem
18 proper; to grant to them, at its discretion, leave of absence under
19 such regulations as it may promulgate, any other provisions of law
20 to the contrary notwithstanding; and to remove them for cause as
21 provided by law after due investigation and proper hearing;
- 22 (l) To extend, with their consent, the tenure of faculty members of the
23 University beyond the compulsory retirement age, any other
24 provision of law to the contrary notwithstanding, on
25 recommendation of the units upon endorsement of the President of
26 the University, whenever their services are specially needed;

1 (m) To fix the tuition fees and other necessary school charges, as the
2 Board may deem proper to impose. Such fees and charges,
3 including government subsidies and other income generated by the
4 University, shall constitute special trust funds and shall be deposited
5 in any authorized government depository bank. Any and all interests
6 that shall accrue therefrom shall form part of the same funds for the
7 use of the University.

8 Any provision of existing law to the contrary notwithstanding,
9 all incomes generated by the University or by its subsidiaries shall,
10 upon their collection, be retained by the University and disbursed at
11 the discretion of the Board for the professional growth and
12 development, health, welfare, and other benefits of the faculty
13 members and other personnel; for the acquisition, construction,
14 maintenance and repair of urgently needed instructional and
15 auxiliary facilities, equipment, buildings and other infrastructure;
16 and for expenses necessary for the attainment of its purposes under
17 its approved program of expenditures;

18 (n) To receive and appropriate all sums as may be provided by law for
19 the support of the University to the ends specified by law, and all
20 other sums in the manner it may, in its discretion, determine to
21 carry out the purposes and functions of the University;

22 (o) To authorize the construction or repair of its buildings, machinery,
23 equipment and other facilities, and the purchase and acquisition of
24 real and personal properties, including the necessary supplies,
25 materials and equipment;

- 1 (p) To receive in trust legacies, gifts and donations of real and personal
2 property of all kinds and to administer and dispose the same when
3 necessary for the benefit of the University and subject to the
4 instructions of the donor, if any;
- 5 (q) The provisions of law to the contrary notwithstanding, to authorize
6 its faculty and staff to travel abroad in order to study, deliver
7 papers, attend conferences and disseminate research: *Provided,*
8 That the fellowship, scholarship or grant is authorized by the Board
9 of Regents;
- 10 (r) To exercise the general powers set out in the Corporation Code;
- 11 (s) To delegate any of its powers to the President of the University or
12 any other officials or officers as it may deem necessary;
- 13 (t) To prescribe rules for its own government and the discipline of the
14 faculty and other personnel and to enact for the government of the
15 University such general policies, rules and regulations, not contrary
16 to law, as are consistent with the purposes of the University; and
- 17 (u) To exercise such powers as may be proper and necessary to carry
18 out the objectives of this Act.

19 **SEC. 11. Quorum of the Board of Regents.** A simple majority of all
20 members of the Board of Regents holding office at the time the meeting is called
21 shall constitute a quorum.

22 **SEC. 12. The President of the University.** The President of the
23 University is the chief academic officer, head of the University Faculty and the
24 chief executive officer of the University. The President of the University shall
25 exercise the powers specifically provided for in this Act, those determined by the
26 Board of Regents, those which usually pertain to the office of the president of a

1 university, and those which are related or necessary to its functions. The Board of
2 Regents shall determine the compensation of the President of the University.

3 **SEC. 13. The Secretary of the University and of the Board of**
4 **Regents.** There shall be a Secretary of the University appointed by the Board of
5 Regents, who shall also be the Secretary of the Board, and who shall keep such
6 records of the University as may be designated by the Board.

7 **SEC. 14. The University Council.** There shall be in each Constituent
8 University a University Council consisting of the Chancellor as Chairperson, and of
9 all the faculty members in the University holding the rank of assistant professor
10 and higher.

11 **SEC. 15. Powers of the University Council.** The University Council shall
12 be the highest academic body of each Constituent University and shall exercise
13 the following powers:

- 14 (a) Fix the requirements for admission to any college or unit,
15 graduation, and the grant of honors subject to the minimum
16 system-wide requirements;
- 17 (b) Prescribe the academic programs including their institution,
18 revision, abolition and merger, subject to the approval of the Board
19 of Regents;
- 20 (c) Recommend to the Board of Regents the graduation of students
21 and the grant of honors;
- 22 (d) Exercise disciplinary power over the students, through the
23 Chancellors or their appropriate committees, subject to review by
24 the President of the University according to the limits prescribed by
25 system-wide rules on student discipline;

1 (e) Undertake the periodic review of academic courses, programs,
2 standards, thrusts and policies; and

3 (f) Adopt internal rules of procedure consistent with the provisions of
4 this Act.

5 **SEC. 16. The Chancellor of the Constituent University.** The
6 administration of each Constituent University is vested in the Chancellor insofar as
7 authorized by the Board of Regents and the President of the University. The
8 Chancellor of the Constituent University shall be elected by the Board of Regents
9 upon nomination of the President of the University, following a process of
10 democratic consultation with the constituents of the Constituent University based
11 on standards and guidelines set by the Board of Regents. The Chancellor shall
12 report to the President of the University, and shall perform the duties and
13 functions elsewhere stated in this Act, and all the usual, necessary and related
14 functions of the office of the chancellor, subject to the policies and rules
15 prescribed by the Board of Regents. The Board of Regents shall determine the
16 term and compensation of the Chancellor.

17 **SEC. 17. The Faculty.** The teaching staff of each college shall constitute
18 its faculty. The College Faculty shall be presided over by a Dean. The Dean shall
19 be elected by the Board of Regents on nomination by the President of the
20 University and upon recommendation of the Chancellor of the Constituent
21 University, following a process of democratic consultation with the constituents of
22 the college based on standards and guidelines set by the Board of Regents.

23 **SEC. 18. Appointment Requisites and Practice of Profession.** Faculty
24 members, as well as research, extension and professional staff (REPS) of the
25 University shall be exempt as such from any civil service examination or regulation
26 as a requisite to appointment. The provisions of existing law to the contrary

1 notwithstanding, licensing requirements for professional regulatory boards shall
2 not affect appointments to faculty positions. In the appointment of faculty
3 members, no religious test shall be applied, nor shall the religious or political
4 opinions or affiliations of the faculty members of the University be made a matter
5 of examination or inquiry.

6 **SEC. 19. Land Grants and Other Real Properties of the University.**

7 (a) The State shall provide subsidy to the University of the Philippines
8 System as the national university in the form of lump sum
9 amount, through general appropriations and other financial
10 benefits, and in kind, through land grants and donations and use
11 of other real properties. To carry out the intent of these grants,
12 income derived from the development of all land grants and real
13 properties shall be used to further the ends of the University, as
14 may be decided by the Board of Regents.

15 (b) Such parcels of land ceded by law, decree or presidential issuance
16 to the University of the Philippines, are hereby declared to be
17 reserved for the purposes intended. The absolute ownership of
18 the University over these landholdings including those covered by
19 original and transfer certificates of title in the name of the
20 University of the Philippines and their future derivatives is hereby
21 confirmed. Where the issuance of proper certificates of title is yet
22 pending for these landholdings, the appropriate government office
23 shall expedite the issuance thereof within six (6) months from the
24 date of effectivity of this Act provided that all registration
25 requirements necessary for the issuance of the said titles have
26 been submitted and complied with.

1 (c) The Board of Regents may plan, design, approve and/or cause
2 the implementation of contracts, mechanisms, and financial
3 instruments, such as joint ventures, long-term leases, fully-owned
4 subsidiaries, securitization and outright sale, to give the University
5 the flexibility to generate revenues and other resources from land
6 grants and other properties: *Provided*, That such mechanisms and
7 arrangements shall sustain and protect the environment in
8 accordance with law, and be exclusive of the academic core zone
9 of the campuses of the University of the Philippines.

10 **SEC. 20. Auditing of Accounts.** All accounts and disbursements of the
11 University shall be audited by the Commission on Audit.

12 **SEC.21. Institutional Autonomy as the National University.** To
13 provide greater flexibility to the University, it shall be treated in a manner
14 consistent with its institutional requirements as the national university by the
15 service-wide agencies in the exercise of their respective jurisdiction.

16 **SEC. 22. Rules of Construction.** No statutory or other issuances shall
17 diminish the powers, rights, privileges, and benefits accorded to the University
18 under this Act or enjoyed at present by the University under other issuances not
19 otherwise modified or repealed under this Act, unless subsequent legislation
20 expressly provides for their repeal, amendment or modification. Any case of doubt
21 in the interpretation of any of the provisions of this Charter shall be resolved in
22 favor of the academic freedom and fiscal autonomy of the University of the
23 Philippines.

24 **SEC. 23. Appropriations.** The amount needed to carry out the
25 implementation of this Act shall be charged against the current fiscal year's lump
26 sum appropriation and other internal funds of the University. Thereafter, such

1 lump sum representing the national government's assistance for the continued
2 implementation of this Act shall be included in the Annual General Appropriations
3 Act.

4 The University may use unexpended balances in any appropriation for
5 purposes that the Board of Regents determines.

6 **SEC. 24. Separability Clause.** Should any provision herein be declared
7 unconstitutional, the same shall not affect the validity of the other provisions of
8 this Act.

9 **SEC. 25. Repealing Clause.** Act No. 1870, as amended, and all laws,
10 decrees, orders, rules, and regulations or other issuances or parts thereof
11 inconsistent with the provisions of this Act are hereby repealed or modified
12 accordingly.

13 **SEC. 26. Effectivity.** This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in any newspaper of general circulation in the
15 Philippines.

16 *Approved,*