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**Introduced by Senator Ralph G. Recto**

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**Explanatory Note**

The University of the Philippines was established in 1908 by Act No. 1870, otherwise known as the University Charter, of the First Philippine Legislature.

Presently, the U.P. System is composed of seven autonomous universities located in over twelve campuses around the country providing tertiary-level education in almost every field from agriculture, medicine, and law, to the natural and social sciences, engineering, and fine arts.

Over the years, U.P. has earned its mark as a highly reputable school of tertiary learning, where more high school students apply than in any other college or university in the country. It has been noted for producing some of the country's best and brightest politicians, economists, lawyers, scientists, engineers, medical doctors, artists, musicians, and entrepreneurs, strengthening its mark as the country's premiere state university.

Ninety-six years after its establishment however, the university is facing tougher challenges caused by problems of inadequate budget, the inability to retain its respected faculty due to uncompetitive salaries and the deterioration of its facilities, among others.

In order to address these issues and create a more responsive environment that will meet the emerging needs and realities of our times, there is a pressing need to act upon this bill seeking to amend the UP Charter.


This measure proposes to: 1.) seek formal recognition by the government of UP as the national university of the Philippines, to set it apart from the hundred or so other state universities and colleges in the country; 2.) free UP from the coverage of the Salary Standardization Law, which has kept UP faculty salaries miserably low; 3.) democratize the composition of the Board of Regents with the inclusion of a Staff Regent to represent non-teaching staff; 4.) grant UP the authority to develop and use some of its own resources to augment what it gets from the national government.

This bill already passed the House of Representatives in the last Congress. It is therefore incumbent upon us to act immediately on this measure, which hopefully would pave the way for UP to compete successfully with the best universities in the world and regain its hold as the country's bastion of academic freedom and excellence.

  
RALPH G. RECTO

SENATE

S. B. No. 1334

APPROVED BY: 

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Introduced by Senator Ralph G. Recto

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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 Philippines  
2 Charter of 2003."

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

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

11           (1) Set standards and initiate innovations in teaching, research and faculty  
12 development in philosophy, the arts and humanities, the social sciences, the  
13 professions and engineering, natural sciences, mathematics, and technology; and  
14 maintain centers of excellence in such disciplines and professions;

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

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

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

8 (5) Provide opportunities for training and learning in progressive leadership,  
9 responsible citizenship, and the development of democratic values, institutions and  
10 practice; and

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

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

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

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

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

26 **SEC. 8. Democratic Access.** No student shall be denied admission to the  
27 University by reason of age, gender, nationality, religious belief, or political opinion or

1 affiliation. The University shall take affirmative steps to enhance the access of  
2 disadvantaged students to its programs and services.

3       **SEC. 9. The Board of Regents.** The government of the University is vested in a  
4 board of regents known as the “Board of Regents of the University of the Philippines  
5 System,” composed of:

6       (a)     The Chairperson of the Commission on Higher Education as Chairperson;

7       (b)     The President of the University of the Philippines System as Vice-  
8 Chairperson;

9       (c)     The Chairperson of the Senate Committee on Education, Arts and Culture;

10       (d)    The Chairperson of the House Committee on Higher and Technical  
11 Education;

12       (e)    The President of the U.P. Alumni Association, to serve as Alumni Regent  
13 during his or her incumbency in that position;

14       (f)    One Faculty Regent chosen by the full-time tenured faculty members of  
15 the University from their ranks, to serve for a term of two (2) years;

16       (g)    One Student Regent, to serve for a term of one (1) year, chosen by the  
17 students from their ranks;

18       (h)    One Staff Regent representing the full-time permanent research,  
19 extension, and professional staff (REPS) and administrative personnel and  
20 chosen by them from their ranks, to serve for a term of two (2) years; and

21       (i)    Five (5) other Regents who have distinguished themselves in their  
22 professions or field of specialization chosen from a list of five (5) persons  
23 for every vacancy as recommended by a search committee constituted by  
24 the President of the University based on standards and guidelines  
25 approved by the Board of Regents. At least three (3) of these Regents  
26 should be alumni. All these Regents shall be appointed by the President  
27 of the Philippines and shall each serve for a term of two (2) years:

28       *Provided,* That the Regents holding office as members of the Board of

1 Regents at the time of the effectivity of this Act shall continue to serve  
2 until the expiration of their appointments as provided in Executive Order  
3 No. 204-A issued by the President of the Philippines on July 15, 1987.

4 In case of vacancy in the Board of Regents of any appointive position, such  
5 vacancy shall be filled by appointment by the President of the Philippines, and such  
6 appointee shall hold office for the unexpired term. In case of vacancy in the position of  
7 sectoral Regents, the successor, who shall serve for the unexpired term, shall be chosen in  
8 the same manner as provided for the predecessor: *Provided*, That in the case of a sectoral  
9 Regent, membership in the Board ceases upon suspension or separation from the  
10 University.

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

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

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

- 17 (a) To define the thrusts of the University and adopt broad policy guidelines to  
18 ensure their implementation;
- 19 (b) To preserve the integrity of the University of the Philippines System;
- 20 (c) To approve the institution, merger or abolition of academic programs upon  
21 recommendation of the University Council of the Constituent University  
22 concerned through the President of the University;
- 23 (d) To approve the graduation of students and grant of honors, as  
24 recommended by their respective University Councils through the  
25 President of the University;
- 26 (e) To confer honorary degrees upon persons in recognition of learning,  
27 statesmanship, or eminence in literature, science, or art, upon  
28 recommendation of a committee created by the President of the University:

1           *Provided*, That such degrees shall not be conferred in consideration of any  
2           payment, gift or other valuable consideration;

3           (f)     To approve the rules on student discipline upon recommendation of the  
4           University Councils through the President of the University;

5           (g)     To create, organize, reorganize, merge or abolish constituent universities,  
6           colleges, institutes, and other academic and administrative units of the  
7           University;

8           (h)     To establish professorial chair awards;

9           (i)     To provide fellowships, scholarships and grants, and to award the same to  
10          faculty, staff and students giving special evidence of merit;

11          (j)     To elect the President of the University for a term of six (6) years  
12          following a process of democratic consultation with the University  
13          community based on standards and guidelines set by the Board of Regents.  
14          In the event of a vacancy, the Board of Regents shall elect a president who  
15          shall serve a full term within six (6) months from the occurrence of the  
16          vacancy;

17          (k)     To appoint faculty members and other officials and employees, to draw up  
18          a position classification and compensation plan for its faculty and staff, and  
19          to fix and adjust salaries and benefits of the faculty members and other  
20          employees; to determine their hours or service, and such other terms and  
21          conditions as it may deem proper; to grant to them, at its discretion, leave  
22          of absence under such regulations as it may promulgate, any other  
23          provisions of law to the contrary notwithstanding; and to remove them for  
24          cause as provided by law after due investigation and proper hearing;

25          (l)     To extend, with their consent, the tenure of faculty members of the  
26          University beyond the compulsory retirement age, any other provision of  
27          law to the contrary notwithstanding, on recommendation of the units upon

1 endorsement of the President of the University, whenever their services are  
2 specially needed;

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

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

- 18 (n) To receive and appropriate all sums as may be provided by law for the  
19 support of the University to the ends specified by law, and all other sums in  
20 the manner it may, in its discretion, determine to carry out the purposes and  
21 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 real and  
24 personal properties, including the necessary supplies, materials and  
25 equipment;

- 26 (p) To receive in trust legacies, gifts and donations of real and personal  
27 property of all kinds and to administer and dispose the same when

1 necessary for the benefit of the University and subject to the instructions of  
2 the donor, if any;

3 (q) The provisions of law to the contrary notwithstanding, to authorize its  
4 faculty and staff to travel abroad in order to study, deliver papers, attend  
5 conferences and disseminate research: *Provided*, That the fellowship,  
6 scholarship or grant is authorized by the Board of Regents;

7 (r) To exercise the general powers set out in the Corporation Code;

8 (s) To delegate any of its powers to the President of the University or any  
9 other officials or officers as it may deem necessary;

10 (t) To prescribe rules for its own government and the discipline of the faculty  
11 and other personnel and to enact for the government of the University such  
12 general policies, rules and regulations, not contrary to law, as are consistent  
13 with the purposes of the University; and

14 (u) To exercise such powers as may be proper and necessary to carry out the  
15 objectives of this Act.

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

19 **SEC. 12. The President of the University.** The President of the University is the  
20 chief academic officer, head of the University Faculty and the chief executive officer of the  
21 University. The President of the University shall exercise the powers specifically provided  
22 for in this Act, those determined by the Board of Regents, those which usually pertain to  
23 the office of the president of a university, and those which are related or necessary to its  
24 functions. The Board of Regents shall determine the compensation of the President of the  
25 University.

26 **SEC. 13. The Secretary of the University and of the Board of Regents.** There  
27 shall be a Secretary of the University appointed by the Board of Regents, who shall also be



1 the Secretary of the Board, and who shall keep such records of the University as may be  
2 designated by the Board.

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

6 **SEC. 15. Powers of the University Council.** The University Council shall be the  
7 highest academic body of each Constituent University and shall exercise the following  
8 powers:

- 9 (a) Fix the requirements for admission to any college or unit, graduation, and  
10 the grant of honors subject to the minimum system-wide requirements;
- 11 (b) Prescribe the academic programs including their institution, revision,  
12 abolition and merger, subject to the approval of the Board of Regents;
- 13 (c) Recommend to the Board of Regents the graduation of students and the  
14 grant of honors;
- 15 (d) Exercise disciplinary power over the students, through the Chancellors or  
16 their appropriate committees, subject to review by the President of the  
17 University according to the limits prescribed by system-wide rules on  
18 student discipline;
- 19 (e) Undertake the periodic review of academic courses, programs, standards,  
20 thrusts and policies; and
- 21 (f) Adopt internal rules of procedure consistent with the provisions of this  
22 Act.

23 **SEC. 16. The Chancellor of the Constituent University.** The administration of  
24 each Constituent University is vested in the Chancellor insofar as authorized by the Board  
25 of Regents and the President of the University. The Chancellor of the Constituent  
26 University shall be elected by the Board of Regents upon nomination of the President of  
27 the University, following a process of democratic consultation with the constituents of the  
28 Constituent University based on standards and guidelines set by the Board of Regents. The

1 Chancellor shall report to the President of the University, and shall perform the duties and  
2 functions elsewhere stated in this Act, and all the usual, necessary and related functions of  
3 the office of the chancellor, subject to the policies and rules prescribed by the Board of  
4 Regents. The Board of Regents shall determine the term and compensation of the  
5 Chancellor.

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

12       **SEC. 18. Appointment Requisites and Practice of Profession.** Faculty members,  
13 as well as research, extension and professional staff (REPS) of the University shall be  
14 exempt as such from any civil service examination or regulation as a requisite to  
15 appointment. The provisions of existing law to the contrary notwithstanding, licensing  
16 requirements for professional regulatory boards shall not affect appointments to faculty  
17 positions. In the appointment of faculty members, no religious test shall be applied, nor  
18 shall the religious or political opinions or affiliations of the faculty members of the  
19 University be made a matter of examination or inquiry.

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

21       (a)       The State shall provide subsidy to the University of the Philippines  
22               System as the national university in the form of lump sum amount,  
23               through general appropriations and other financial benefits, and in kind,  
24               through land grants and donations and use of other real properties. To  
25               carry out the intent of these grants, income derived from the  
26               development of all land grants and real properties shall be used to further  
27               the ends of the University, as may be decided by the Board of Regents.

1 (b) Such parcels of land ceded by law, decree or presidential issuance to the  
2 University of the Philippines, are hereby declared to be reserved for the  
3 purposes intended. The absolute ownership of the University over these  
4 landholdings including those covered by original and transfer certificates  
5 of title in the name of the University of the Philippines and their future  
6 derivatives is hereby confirmed. Where the issuance of proper  
7 certificates of title is yet pending for these landholdings, the appropriate  
8 government office shall expedite the issuance thereof within six (6)  
9 months from the date of effectivity of this Act provided that all  
10 registration requirements necessary for the issuance of the said titles  
11 have been submitted and complied with.

12 (c) The Board of Regents may plan, design, approve and/or cause the  
13 implementation of contracts, mechanisms, and financial instruments,  
14 such as joint ventures, long-term leases, fully-owned subsidiaries,  
15 securitization and outright sale, to give the University the flexibility to  
16 generate revenues and other resources from land grants and other  
17 properties: *Provided*, That such mechanisms and arrangements shall  
18 sustain and protect the environment in accordance with law, and be  
19 exclusive of the academic core zone of the campuses of the University of  
20 the Philippines.

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

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

27 **SEC. 22. Rules of Construction.** No statutory or other issuances shall diminish the  
28 powers, rights, privileges, and benefits accorded to the University under this Act or

1 enjoyed at present by the University under other issuances not otherwise modified or  
2 repealed under this Act, unless subsequent legislation expressly provides for their repeal,  
3 amendment or modification. Any case of doubt in the interpretation of any of the  
4 provisions of this Charter shall be resolved in favor of the academic freedom and fiscal  
5 autonomy of the University of the Philippines.

6       **SEC. 23. Appropriations.** The amount needed to carry out the implementation of  
7 this Act shall be charged against the current fiscal year's lump sum appropriation and other  
8 internal funds of the University. Thereafter, such lump sum representing the national  
9 government's assistance for the continued implementation of this Act shall be included in  
10 the Annual General Appropriations Act.

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

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

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

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

*Approved,*