


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

RECEIVED BY: 

S.B. NO. 1739

Introduced by Senator Jinggoy Ejercito Estrada


EXPLANATORY NOTE

In line with the constitutional mandate to promote quality education at all levels of society, the state not only has the obligation but it has the avowed duty to translate such constitutional policy into reality.

Deemed as one of the premier institutions of learning in the Philippine educational firmament, the University of the Philippines, particularly its charter and its vision and mission need to be re-examined in order for it to address the modern day challenges of the new millenium.

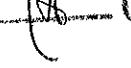
As an alumnus of this respected institution, I now take on the duty and the privilege of proposing the UP Charter of 2004 which seeks to transform the same into a national university, a public and secular institution of higher learning and an abode for scholars dedicated to the search of truth and knowledge.

Through this proposed measure, this humble representation hopes to make the University of the Philippines, the leader in education.


JINGGOY EJERCITO ESTRADA
Senator

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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:

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

SEC. 2. Declaration of Policy. The State shall promote, foster, nurture and protect the rights of all citizens to quality education. Towards this end, it is the policy of the State to strengthen the University of the Philippines as the National University.

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

- (1) Set standards and initiate innovations in teaching, research and faculty development in philosophy, the arts and humanities, the social sciences, the professions and engineering, natural sciences, mathematics, and technology; and maintain centers of excellence in such disciplines and professions;
- (2) Serve as a graduate university providing advanced studies and specialization for scholars, scientists, writers, artists and professionals, especially those who serve on the faculties of state and private colleges and universities;

- (3) Serve as a research university in the various fields of expertise and specialization by conducting basic and applied research and development, promoting research in the various colleges and universities;
- (4) Lead as a public service university by providing various forms of community, and public and volunteer service, and scholarly and technical assistance to the government, the private sector, and civil society while maintaining its standards of excellence;
- (5) Provide opportunities for training and learning in progressive leadership, responsible citizenship, and development of democratic values, institutions and practice; and
- (6) Serve as a regional and global university in connection with international and scientific unions with networks of universities and scholarly and professional associations in the Asia-Pacific region and around the world.

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

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

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

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

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

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

- (a) The Chairperson of the Commission on Higher Education as Chairperson;
- (b) The President of the University of the Philippines System as Vice-Chairperson;
- (c) The Chairperson of the Senate Committee on Education, Arts and Culture;
- (d) The Chairperson of the House Committee on Higher and Technical Education;
- (e) The President of the U.P. Alumni Association, to serve as Alumni Regent during his or her incumbency in that position;
- (f) One Faculty Regent chosen by the full-time tenured faculty members of the University from their ranks, to serve for a term of two (2) years;
- (g) One Student Regent, to serve for a term of one (1) year, chosen by the students from their ranks;
- (h) One Staff Regent representing the full-time permanent research, extension and professional staff (REPS) and administrative personnel and chosen by them from their ranks, to serve for a term of two (2) years; and
- (i) Five (5) other Regents who have distinguished themselves in their professions or field of specialization chosen from a list of five (5) persons for every vacancy as recommended by a search committee constituted by the President of the University based on standards and guidelines approved by the Board of Regents. At least three (3) of these Regents should be alumni. All these Regents shall be appointed by the President of the Philippines and each serve for a term of two (2) years: *Provided*, That the Regents holding office as members of the Board of Regents at the time of the effectivity of this Act shall continue to serve until the expiration of their appointments as provided in Executive Order No. 204-A issued by the President of the Philippines on July 15, 1987.

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

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

SEC. 10. Powers of the Board of Regents. The administration of the University and the exercise of its corporate powers are vested in the Board of Regents. The Board shall exercise the following specific powers and duties:

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

- (g) To create, organize, reorganize, merge or abolish constituent universities, colleges, institutes, and other academic and administrative units of the University;
- (h) To establish professional chair awards;
- (i) To provide fellowships, scholarships and grants, and to award the same to faculty, staff and students giving special evidence of merit;
- (j) To elect the President of the University for a term of six (6) years following a process of democratic consultation with the University community based on standards and guidelines set by the Board of Regents. In the event of a vacancy, the Board of Regents shall elect a president who shall serve a full term within six (6) months from the occurrence of the vacancy;
- (k) To appoint faculty members and other officials and employees, to draw up a position classification and compensation plan for its faculty and staff, and to fix and adjust salaries and benefits of the faculty members and other employees; to determine their hours or service, and such other terms and conditions as it may deem proper; to grant to them, at its discretion, leave of absence under such regulations as it may promulgate, any other provisions of law to the contrary notwithstanding; and to remove them for cause as provided by law after due investigation and proper hearing;
- (l) To extend, with their consent, the tenure of faculty members of the University beyond the compulsory retirement age, any other provision of law to the contrary notwithstanding, on recommendation of the units upon endorsement of the President of the University, whenever their services are especially needed;
- (m) To fix the tuition fees and other necessary school charges, as the Board may deem proper to impose. Such fees and charges, including government subsidies and other income generated by the University,

shall constitute special trust funds and shall be deposited in any authorized government depository bank. Any and all interests that shall accrue therefrom shall form part of the same funds for the use of the University.

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

- (n) To receive and appropriate all sums as may be provided by law for the support of the University to the ends specified by law, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the University;
- (o) To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real and personal properties, including the necessary supplies, materials and equipment;
- (p) To receive in trust legacies, gifts and donations of real and personal property of all kinds and to administer and dispose the same when necessary for the benefit of the University and subject to the instructions of the donor, if any;
- (q) The provisions of law to the contrary notwithstanding, to authorize its faculty and staff to travel abroad in order to study, deliver papers,

attend conferences and disseminate research: *Provided*, That the fellowship, scholarship or grant is authorized by the Board of Regents;

- (r) To exercise the general powers set out in the Corporation Code;
- (s) To delegate any of its powers to the President of the University or any other officials or officers as it may deem necessary;
- (t) To prescribe rules for its own government and the discipline of the faculty and other personnel and to enact for the government of the University such general policies, rules and regulations, not contrary to law, as are consistent with the purposes of the University; and
- (u) To exercise such powers as may be proper and necessary to carry out the objectives of this Act.

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

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

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

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

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

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

SEC. 16. The Chancellor of the Constituent University. The administration of each Constituent University is vested in the Chancellor insofar as authorized by the Board of Regents and the President of the University. The Chancellor of the Constituent University shall be elected by the Board of Regents upon nomination of the President of the University, following a process of democratic consultation with the constituents of the Constituent University based on standards and guidelines set by the Board of Regents. The Chancellor shall report to the President of the University, and shall perform the duties and functions of the office of the chancellor, subject to the policies and rules prescribed by the Board of Regents. The Board of Regents shall determine the term and compensation of the Chancellor.

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

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

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

- (a) The State shall provide subsidy to the University of the Philippines System as the national university in the form of lump sum amount, through general appropriations and other financial benefits, and in kind, through land grants and donations and use of real properties. To carry out the intent of these grants, income derived from the development of all land grants and real properties shall be used to further the ends of the University, as may be decided by the Board of Regents.
- (b) Such parcels of land ceded by law, decree or presidential issuance to the University of the Philippines, are hereby declared to be reserved for the purposes intended. The absolute ownership of the University over these landholdings including those covered by original and transfer certificates of title in the name of the University of the Philippines and their future derivatives is hereby confirmed. Where

the issuance of proper certificates of title is yet pending for these landholdings, the appropriate government office shall expedite the issuance thereof within six (6) months from the date of effectivity of this Act provided that all registration requirements necessary for the issuance of the said titles have been submitted and complied with.

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

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

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

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

SEC. 23. Appropriations. The amount needed to carry out the implementation of this Act shall be charged against the current fiscal year's lump sum appropriation and

other internal funds of the University. Thereafter, such lump sum representing the national government's assistance for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

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

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

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

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

Approved,