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

SENATE

S.B. No. <u>1700</u>

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

It has been ninety-nine (99) years since the Charter of the University of the Philippines was approved in 1908. A lot of changes have taken place since then. Advancements in science and technology, communication, trade, and finance have remarkable contributions to the society. However, despite these developments, the Charter of the University of the Philippines has not been updated to adapt to the changing and fast-paced times.

This bill will enable the country's premier institution of higher learning to adapt to the positive changes to ensure the improvement in the learning institution's performance. This will also enable the University to update its organizational structure and renew its functions and responsibilities as a center for academic excellence, and retain its status as the foremost source of not just great minds and talent but also of people with dedication and heart to serve this nation.

For these reasons, approval of this Bill is urgently sought.

FOURTEENTH CONGRESS OF THE REPUBLIC) OF THE PHILIPPINES)		. *	· CIARY
First Regular Session)	7	·/} _` · · `
	SENATE		6
	S.B. No. <u>1700</u>	NECOVEO	·····································
<u></u>		·····	······································

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

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

Be it enacted by the Senate and 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 2007."

3 SEC. 2. *Declaration of Policy.* – The State shall promote, foster, nurture and protect the 4 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 secular 7 institution of higher learning, and a community of scholars dedicated to the search for truth 8 and knowledge, the University of the Philippines shall carry out its unique and distinctive 9 leadership in higher education and national education development through its combined 10 functions, as follows:

(1) Lead in setting academic standards and initiating 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 by 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 its various fields of expertise and specialization
 by conducting basic and applied research and development, and promoting research
 in the various colleges and universities, and contributing to the dissemination and
 application of knowledge;

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

8 (5) Protect and promote the professional and economic rights and welfare of its
 9 academic and non-academic personnel;

(6) Provide opportunities for training and learning in progressive leadership,
 responsible citizenship, and the development of democratic values, institutions and
 practice through academic and non-academic programs, including sports and national
 identity; and

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

17 SEC. 4. *The University System.* – The University of the Philippines, hereinafter referred 18 to as the "University," is a university system and shall be composed of constituent universities 19 established solely by its Board of Regents upon the recommendation of the President of the 20 University.

21 SEC. 5. *Academic Freedom*. – The University shall have the right to enjoy and the 22 responsibility to exercise academic freedom.

23 SEC. 6. *Academic Excellence.* – The University has the responsibility to maintain and 24 enhance its high academic standards in the performance of its functions of instruction, 25 research, and extension and public service.

26 SEC. 7. Commitment to National Development. – The University shall harness the 27 expertise of the members of the University community and other individuals to regularly 28 study the state of the nation in relation to its quest for national development in the primary

areas of politics and economics, among others, identify key concerns, formulate responsive
 policies regarding these concerns, and give advice and make recommendations to Congress
 and the President of the Philippines.

SEC. 8. 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. The University may provide venues for student volunteerism.

8 SEC. 9. *Democratic Access.* – The University shall take affirmative steps which may 9 take the form of an alternative and equitable admissions process to enhance the access of 10 disadvantaged students, such as indigenous peoples and deserving students from depressed 11 areas, to its programs and services.

12 No student shall be denied admission to the University by reason solely of age, 13 gender, nationality, religious belief, ethnicity, physical disability, or political opinion or 14 affiliation.

15 The University recognizes the separation of Church and State. It shall guarantee 16 religious freedom and shall not discriminate on the basis of religion.

17 SEC. 10. *Sports.* – The University shall undertake and support comprehensive sports 18 programs that promote physical education, uphold excellence in sports activities and 19 encourage competitive participation on the same, instill school identity and solidarity, cultivate 20 pride, self-discipline and teamwork which serves as a foundation for fostering active 21 participation in the University, as well as in nation building.

SEC. 11. 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.

26 SEC. 12. The Board of Regents. –

1	(1)	Composition - The governance of the University is vested in a board of regents	
2	2 known as the "Board of Regents of the University of the Philippines System," hereinafter		
3 referred to as the "Board," composed of:			
4	(a)	The Chairperson of the Commission on Higher Education as Chairperson;	
5	(b)	The President of the University of the Philippines System as Vice-Chairperson;	
6	(c)	The Chairperson of the Senate Committee on Education, Arts and Culture;	
7	(d)	The Chairperson of the House Committee on Higher and Technical Education;	
8	(e)	The President of the U.P. Alumni Association, to serve as Alumni Regent during	
9		his or her incumbency in that position;	
10	(f)	One Faculty Regent chosen by the full-time tenured faculty members of the	
11		University from their ranks, to serve for a term of two years;	
12	(g)	One Student Regent, to serve for a term of one year, chosen by the students	
13		from their ranks in accordance with rules and qualifications approved in a	
14		referendum by the students;	
15	(h)	One Staff Regent representing the full-time permanent research, extension, and	
16		professional staff (REPS) and administrative personnel and chosen by them from	
17		their ranks, to serve for a term of two years; and	
18	(i)	Three other Regents who have distinguished themselves in their professions or	
19		fields of specialization, chosen from a list of five persons for every vacancy as	
20		recommended by a search committee constituted by the President of the	
21		University, based on standards and guidelines approved by the Board of	
22		Regents. At least two of these Regents should be alumni. All these Regents	
23		shall be appointed by the President of the Philippines considering the	
24		recommendation of the Board of Regents and shall serve for a term of two years:	
25		Provided, That the Regents holding office as members of the Board of Regents at	
26		the time of the effectivity of this Act shall continue to serve until the expiration of	
27		their appointments as provided in Executive Order No. 204-A, issued by the	

President of the Philippines on July 15, 1987.

(2) Vacancy – In case of vacancy in the Board of Regents, except for the President of
 the University, such vacancy shall be filled in the same manner as provided for the
 predecessor, and such appointee shall hold office for the unexpired term. In the case of a
 sectoral Regent, membership in the Board ceases upon suspension, separation, or recall.

(3) Compensation – Members of the Board shall serve without compensation other
than reimbursement for actual and necessary expenses incurred in attendance to meetings of
the Board or other official business authorized by the Board.

8 (4) Meetings; Quorum – The Board of Regents shall convene regularly. The 9 Chairperson of the Board may call a special meeting whenever necessary: *Provided*, That 10 members are notified in writing at least three days prior to said meeting.

11 A majority of all members of the Board holding office at the time the meeting is called 12 shall constitute a quorum for Board meetings.

In no case shall any and all members of the Board appoint representatives to act ontheir behalf.

15 SEC. 13. Powers and Duties of the Board of Regents. – The administration of the 16 University and the exercise of its corporate powers are vested in the Board of Regents.

17 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;
- 20 (b) To preserve the integrity of the University;
- (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;
- 3 (f) To approve the institutional programs and rules on student discipline, upon 4 recommendation of the University Councils through the President of the 5 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 professorial chair awards;

8

- 9 (i) To provide fellowships, scholarships and grants, including athletic grants and to 10 award the same to faculty, staff and students having special evidence of merit, 11 especially those who are poor and deserving individuals;
- 12 (j) To elect the President of the University for a term of six years following a process 13 of consultation with the University community based on standards and guidelines 14 set by the Board of Regents. In the event of a vacancy, the Board of Regents 15 shall elect a president who shall serve a full term within six months from the 16 occurrence of the vacancy;
- To appoint faculty members and other officials and employees, to draw up a (k) 17 position classification and compensation plan for its faculty and staff, and to fix 18 and adjust salaries and benefits of the faculty members and other employees: 19 Provided, That salaries and other benefits of the faculties shall be comparable to 20 those being received by their counterparts in the private sector; to determine their 21 hours of service, and such other terms and conditions of employment as it may 22 deem proper; to grant leave of absence under such regulations as it may 23 promulgate, any other provisions of law to the contrary notwithstanding; and to 24 remove them for cause as provided by law after due investigation and proper 25 26 hearing;
- 27 (I) To extend, with their consent, the tenure of faculty members of the University
 28 beyond the compulsory retirement age, on recommendation of the units upon

endorsement of the President of the University, whenever their services are especially needed;

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

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

- (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, maintenance or repair of its buildings, machinery,
 equipment and other facilities, and the purchase and acquisition of real and
 personal properties, including 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;
- 27 (q) Notwithstanding any provision of law to the contrary, to authorize its faculty and 28 staff to travel abroad to study, deliver papers, attend conferences and

7

1

disseminate research: *Provided*, That the fellowship, scholarship or grant is
 authorized by the Board of Regents: *Provided*, *finally*, That research and other
 activities funded by the University shall likewise undertake fields or topics that
 have promising commercial applications, and that the faculty and staff involved in
 said research be allowed to participate in its financial or economic benefits;

- 6 (r) To exercise the general powers set out in the Corporation Code;
- 7 (s) To delegate any of its powers to the President of the University or other officials
 8 or officers as it may deem necessary;
- 9 (t) To prescribe rules for its own government and the discipline of the faculty and 10 other personnel and to enact for the government of the University such general 11 policies, rules and regulations, not contrary to law, as are consistent with the 12 purposes of the University; and
- 13 14

(u)

To exercise such powers as may be proper and necessary to carry out the objectives of this Act.

SEC. 14. *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 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.

The President of the University shall be appointed by the Board of Regents. He or she shall serve for a term of six years without prejudice to one reappointment after a determination of outstanding performance by a committee created by the Board of Regents: *Provided*, That the President of the University sought to be reappointed shall not vote or participate in the creation of such committee.

26 SEC. 15. The Secretary of the University and of the Board of Regents. – There shall 27 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.

- 3 SEC. 16. *The University Council.* There shall be in each constituent university a 4 University Council consisting of the Chancellor as chairperson, and all faculty members in the 5 constituent university holding the rank of assistant professor and higher as members.
- 6 SEC. 17. *Powers of the University Council.* The University Council shall be the 7 highest academic body of each constituent university and shall exercise the following powers:
- 8 (a) Fix the requirements for admission to any college or unit, graduation, and the
 9 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;
- 17 (e) Undertake the periodic review of academic courses, programs, standards, thrusts
 18 and policies; and
- 19 (f) Adopt internal rules of procedure consistent with the provisions of this Act.

SEC. 18. The Chancellor of the Constituent University. – The administration of each 20 21 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 22 be elected by the Board of Regents upon nomination of the President of the University, 23 following a process of consultation with the constituents of the constituent university based on 24 standards and guidelines set by the Board of Regents. The Chancellor shall report to the 25 President of the University, and shall perform the duties and functions elsewhere stated in 26 this Act, and all the usual, necessary and related functions of the office of the chancellor, 27

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.

3 SEC. 19. *The Faculty.* – The teaching staff of each college shall constitute its faculty. 4 The College Faculty shall be presided over by a Dean. The Dean shall be elected by the 5 Board of Regents upon nomination of the President of the University and upon 6 recommendation of the Chancellor of the constituent university, following a process of 7 consultation with the constituents of the college based on standards and guidelines set by the 8 Board of Regents.

SEC. 20. Appointment Requisites and Practice of Profession. - Faculty members, as 9 well as research, extension and professional staff (REPS) of the University, shall be exempt 10 as such from any civil service examination or regulation as a requisite to appointment. The 11 provisions of existing law to the contrary notwithstanding, licensing requirements for 12 professional regulatory boards shall not affect appointments to faculty positions. In the 13 appointment of faculty members, no religious test shall be applied, nor shall the religious or 14 15 political opinions or affiliations of the faculty members of the University be made subject of 16 examination or inquiry.

17 SEC. 21. Student Affairs. – (1) There shall be established in the University the 18 following student councils: for every college and degree-granting institute, a college or 19 institute student council; and for every constituent university, a university student council. 20 Each student council shall advance the interests, welfare, and aspirations of its constituents. 21 It shall have the power to adopt internal rules of procedure consistent with the provisions of 22 this Act.

Each student council shall be composed of students of an academic unit of the University duly elected by the students of such unit. Each member of the student council shall serve for a term of one (1) year, without prejudice to re-election.

26 (2) Every constituent university, college, institute, and department of the University 27 shall have the right to organize and publish a student publication, funded by student fees,

- which shall enjoy unrestricted and immediate access to such funds, freedom of expression
 and autonomy in the formulation of editorial policies,
- 3

SEC. 22. 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 other 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;
- Such parcels of land ceded by law, decree or presidential issuance to the 11 (b) University of the Philippines, are hereby declared to be reserved for the purposes 12 intended. The absolute ownership of the University over these landholdings, 13 including those covered by original and transfer certificates of title in the name of 14 the University of the Philippines and their future derivatives, is hereby confirmed. 15 Where the issuance of proper certificates of title is yet pending for these 16 landholdings, the appropriate government office shall expedite the issuance 17 18 thereof within six months from the date of effectivity of this Act: Provided, That all registration requirements necessary for the issuance of the said titles have been 19 submitted and complied with; and 20
- The Board of Regents may plan, design, approve and/or cause the 21 (C) implementation of contracts, mechanisms, and financial instruments, such as joint 22 ventures, long-term leases, fully-owned subsidiaries, securitization and, in 23 exceptional cases, sale, to give the University the flexibility to generate revenues 24 and other resources from land grants and other properties: Provided, That such 25 mechanisms and arrangements shall sustain and protect the environment in 26 accordance with law, and be exclusive of the academic core zone of the 27 campuses of the University of the Philippines: Provided, finally, That such 28

1

2

mechanisms and arrangements shall not conflict with the academic mission of the University.

3 SEC. 23. Safeguards on Assets Disposition. – The preservation of the value of the 4 assets of the University shall be of primordial consideration.

5 The exclusive academic core zone of the campuses of the University shall not be sold, 6 transferred, ceded, conveyed or assigned, encumbered, leased for purposes inconsistent 7 with its academic mission or otherwise utilized for non-academic purposes.

8 The provision of this Act or any other law to the contrary notwithstanding, the sale, 9 transfer, conveyance, assignment, lease of more than five years, mortgage or encumbrance 10 of the assets of the University and any transactions as referred to in Section 22 shall be 11 subject to the following conditions and procedures:

(a) It shall be based on a multi-year comprehensive development plan, crafted and
developed by qualified urban planning professionals having at least five years experience,
with prior consultations with and concurrence of third-party experts and duly approved by a
majority vote of all the members of the Board of Regents;

(b) It shall be subject to competitive and public bidding as provided under Republic Act
No. 9184, otherwise known as the Procurement Reform Law;

(c) In the case of two failed biddings and a negotiated transaction is undertaken, the Board of Regents, when considering the approval of any such transaction, shall secure a fairness opinion report from an independent third-party body. The said body shall have five members, three of which shall be nominated by the Bankers Association of the Philippines (BAP), Investment Houses Association of the Philippines (IHAP), Trust Officers Associations of the Philippines, or the Financial Executive Institute of the Philippines (FINEX). The members shall be entitled to a reasonable per diem as the Board may specify.

The fairness opinion report shall contain a statement expressing the opinion of the body as to the fairness to the University of the terms of the proposed transaction, particularly its financial terms. The report shall include, but not limited to, a review and analysis of the proposed transaction, financial statements, industry information, economic conditions

assumptions using management projections and the assumptions used therein and a
 comparison of similar transactions; and

3 (d) If the contract or transaction involves an amount more than P50,000,000, it shall be 4 approved by two-thirds of all the members of the Board of Regents: *Provided*, That the 5 splitting of contracts, which is by breaking up a contract into smaller quantities or amounts or 6 dividing contract implementation into artificial or arbitrary phases or subcontracts for the 7 purpose of circumventing this provision, shall not be allowed. In all other contracts, the 8 approval of the majority of all members of the Board shall be required.

9 There shall be a formally convened meeting for the purpose of approving the 10 transaction and the Regents shall be provided with two weeks prior notice.

SEC. 24. Management of Funds. - (1) There shall be an independent trust committee 11 to be composed of one representative each nominated by the Bankers Association of the 12 Philippines (BAP), the Investment House Association of the Philippines (IHAP), the Trust 13 14 Officers Associations of the Philippines (TOAP) and the Financial Executive Institute (FINEX). 15 The members shall be entitled to a reasonable per diem as the Board may specify. (2) The 16 independent trust committee shall recommend to the Board five universal banks selected on 17 a prudent basis whose trust departments shall manage the University's corporate and other funds through trust agreements on a non-directed basis: Provided, That any such agreement 18 shall be for a period of not more than two years. (3) The independent trust committee shall 19 20 provide the Board with direction on appropriate investment objectives and permissible investments with the view to preserving the value of the funds while allowing the University to 21 22 earn a reasonable return thereon.

23 SEC. 25. *Tax Exemptions*. – The provisions of any general or special law to the 24 contrary notwithstanding:

25 26

27

(1) All revenues and assets of the University of the Philippines used actually, directly and exclusively for educational purposes shall be exempt from all taxes and duties;

1 (2) Gifts and donations of real and personal properties of all kinds shall be exempt 2 from the donor's tax and the same shall be considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the 3 National Internal Revenue Code of 1997, as amended: Provided, That the 4 allowable deductions shall be equivalent to 150 percent of the value of such 5 donation. Valuation of assistance other than money shall be based on the 6 acquisition cost of the property. Such valuation shall take into consideration the 7 depreciated value of property in case said property has been used; 8

9 (3) Importation of economic, technical, vocational, scientific, philosophical, historical 10 and cultural books, supplies and materials duly certified by the Board, including 11 scientific and educational computer and software equipment, shall be exempt 12 from customs duties; and

13 (4) All academic awards shall be exempt from taxes.

SEC. 26. *Reportorial Requirements and Auditing of Accounts.* – The University shall submit an annual report to Congress containing the financial statements, statement of assets and liabilities, actual projected income from tuition fees and other revenue sources, contracts and investments entered into pursuant to Section 22(c) hereof and programs of expenditure. All accounts and disbursements of the University shall be audited by the Commission on Audit.

20 SEC. 27. Applicability of Procurement Laws, Rules and Regulations to the UP System. 21 – In the procurement of infrastructure projects, goods and consulting services, the University 22 of the Philippines shall comply with applicable procurement laws as well as their 23 implementing rules and regulations.

SEC. 28. *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.

3 SEC. 29. *Appropriations*. – The amount needed to carry out the implementation of this 4 Act shall be charged against the current fiscal year's lump sum appropriation and other 5 internal funds of the University. Thereafter, such lump sum representing the national 6 government's responsibility for the continued growth, operation and maintenance of the 7 University shall be included in the Annual General Appropriations Act.

8 The University may use unexpended balances in any appropriation for purposes that 9 the Board of Regents determines.

10 SEC. 30. Separability Clause. – Should any provision herein be declared 11 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

12 SEC. 31. *Repealing Clause.* – Act No. 1870, as amended, and all laws, decrees, 13 orders, rules, and regulations or other issuances or parts thereof inconsistent with the 14 provisions of this Act are hereby repealed or modified accordingly.

SEC. 32. *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,