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Introduced by **Senator Richard J. Gordon**

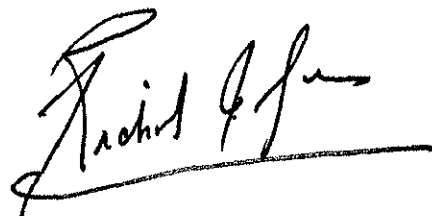
EXPLANATORY NOTE

On June 18, 1908, the First Philippine Legislature passed Act No. 1870, which created the University of the Philippines. The University of the Philippines became the nation's leading institution of higher learning, renowned as the bastion of academic freedom and academic excellence.

Nearly a century after its enactment, the old charter of the University of the Philippines no longer reflects the realities nor responds to the challenges of the times. It is now time for a thorough review and amendment of the old charter to strengthen the University of the Philippines as the national university and to assert its unique and distinctive leadership in higher education not only in producing graduates with knowledge and skills that the current job market demands, but also in breeding leaders in the major fields, industries and academic disciplines of the country.

This bill, which seeks to strengthen the University of the Philippines as the national university, incorporates several statutes and issuances issued for administrative purposes that have been tested through time in the University of the Philippines. Among its salient provisions are the inclusion of the Staff Regent in the Board of Regents to represent the full-time, permanent research, extension, and professional staff and administrative personnel in the highest policy making body of the University of the Philippines, the grant of sole authority to the Board of Regents to draw up a position classification and compensation plan for the faculty and staff of the University of the Philippines, and the exemption of the University of the Philippines from the payment of certain taxes to promote its financial health, and fiscal and institutional autonomy.

In line with the State policy to give priority to education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development, the passage of this bill strengthening the University of the Philippines as the State's national university is earnestly sought.



RICHARD J. GORDON
Senator

Introduced by **Senator Richard J. Gordon**

**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 2007".

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
5 State to 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
8 for truth and knowledge, the University of the Philippines shall carry out its unique
9 and distinctive leadership in higher education and national education development
10 through its combined functions, as follows:

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

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

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

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

18 **SEC. 5. Academic Freedom.** The University shall have the right to enjoy and the
19 responsibility to exercise academic freedom.

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

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

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

32 **SEC. 9. Institutional Autonomy as the National University.** To provide greater
33 flexibility to the University, it shall be treated in a manner consistent with its

1 institutional requirements as the National University by the service-wide agencies in
2 the exercise of their respective jurisdictions.

3 **SEC. 10. The Board of Regents.**

4 (1) Composition - The government of the University is vested in a board of
5 regents known as the "Board of Regents of the University of the Philippines
6 System," hereinafter referred to as the "Board," composed of:

- 7 (a) The Chairperson of the Commission on Higher Education as Chairperson;
- 8 (b) The President of the University of the Philippines System as Vice-
9 Chairperson;
- 10 (c) The Chairperson of the Senate Committee on Education, Arts and Culture;
- 11 (d) The Chairperson of the House Committee on Higher and Technical
12 Education;
- 13 (e) The President of the U.P. Alumni Association, to serve as Alumni Regent
14 during his or her incumbency in that position;
- 15 (f) One Faculty Regent chosen by the full-time tenured faculty members of the
16 University from their ranks, to serve for a term of two years;
- 17 (g) One Student Regent, to serve for a term of one year, chosen by the
18 students from their ranks in accordance with rules and qualifications approved
19 in a referendum by the students;
- 20 (h) One Staff Regent representing the full-time permanent research,
21 extension and professional staff (REPS) and administrative personnel and
22 chosen by them from their ranks, to serve for a term of two years; and
- 23 (i) Three other Regents who have distinguished themselves in their
24 professions or field of specialization chosen from a list of five persons for
25 every vacancy as recommended by a search committee constituted by the
26 President of the University based on standards and guidelines approved by
27 the Board of Regents.

28 At least two of these Regents should be alumni of the University. All these
29 Regents shall be appointed by the Board of Regents and shall each serve for
30 a term of two years: *Provided*, That the Regents holding office as members of
31 the Board of Regents at the time of the effectivity of this Act shall continue to
32 serve until the expiration of their appointments as provided in Executive Order
33 NO. 204-A issued by the President of the Philippines on July 15, 1987.

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

6 (3) Compensation - Members of the Board shall serve without compensation
7 other than actual and necessary expenses incurred in attendance of meetings of
8 the Board or other official business authorized by the Board.

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

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

15 In no case shall any and all members of the Board appoint representatives to
16 act on their behalf.

17 **SEC. 11. Powers and Duties of the Board of Regents.** The administration of the
18 University and the exercise of its corporate powers are vested in the Board of
19 Regents.

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

- 21 (a) To define the thrusts of the University and adopt broad policy guidelines to
22 ensure their implementation;
- 23 (b) To preserve the integrity of the University;
- 24 (c) To approve the institution, merger or abolition of academic programs upon
25 recommendation of the University Council of the Constituent University
26 concerned through the President of the University;
- 27 (d) To approve the graduation of students and grant of honors, as recommended
28 by their respective University Councils through the President of the University;
- 29 (e) To confer honorary degrees upon persons in recognition of learning,
30 statesmanship, or eminence in literature, science, or art, upon recommendation
31 of a committee created by the President of the University: *Provided*, That such
32 degrees shall not be conferred in consideration of any payment, gift or other
33 valuable consideration;

1 (f) To approve the institutional programs and rules on student discipline upon
2 recommendation of the University Councils through the President of the
3 University;

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

6 (h) To establish professorial chair awards;

7 (i) To provide fellowships, scholarships and grants, and to award the same to
8 faculty, staff and students having special evidence of merit;

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

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

22 (l) To extend, with their consent, the tenure of faculty members of the University
23 beyond the compulsory retirement age, on recommendation of the units upon
24 endorsement of the President of the University, whenever their services are
25 especially needed;

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

32 Notwithstanding any provision of law to the contrary, all incomes generated
33 by the University or by its subsidiaries shall, upon their collection, be retained by

1 the University and disbursed at the discretion of the Board for the professional
2 growth and development, health, welfare, and other benefits of the faculty
3 members and other personnel; for the acquisition, construction, maintenance and
4 repair of urgently needed instructional and auxiliary facilities, equipment,
5 buildings and other infrastructure; and for expenses necessary for the attainment
6 of its purposes under its approved program of expenditures.

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

11 (o) To authorize the construction, maintenance or repair of its buildings,
12 machinery, *equipment and other facilities*, and the purchase and acquisition of
13 real and personal properties, including necessary supplies, materials and
14 equipment;

15 (p) *To receive in trust legacies, gifts and donations of real and personal property*
16 *of all kinds and to administer and dispose the same when necessary for the*
17 *benefit of the University and subject to the instructions of the donor, if any;*

18 (q) Notwithstanding any provision of law to the contrary, to authorize its faculty
19 and staff to travel abroad in order to study, deliver papers, attend conferences
20 and disseminate research:

21 *Provided, That the fellowship, scholarship or grant is authorized by the Board of*
22 *Regents;*

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

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

26 (t) To prescribe rules for its own government and the discipline of the faculty and
27 other personnel *and to enact for the government of the University such general*
28 *policies, rules and regulations, not contrary to law, as are consistent with the*
29 *purposes of the University; and*

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

32 **SEC. 12. The President of the University.** The President of the University is the
33 chief academic officer, head of the University Faculty and the chief executive officer

1 of the University. The President of the University shall exercise the powers
2 specifically provided for in this Act, those determined by the Board of Regents, those
3 , which usually pertain to the office of the president of a university, and those which
4 are related or necessary to its functions. The Board of Regents shall determine the
5 compensation of the President of the University.

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

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

15 **SEC. 14. The University Council.** There shall be in each constituent university a
16 University Council consisting of the Chancellor as Chairperson, and of all the faculty
17 members in the University holding the rank of assistant professor and higher as
18 members.

19 **SEC. 15. Powers of the University Council.** The University Council shall be the
20 highest academic body of each constituent university and shall exercise the following
21 powers:

22 (a) Fix the requirements for admission to any college or unit, graduation, and the
23 grant of honors subject to the minimum system-wide requirements;

24 (b) Prescribe the academic programs including their institution, revision, abolition
25 , and merger, subject to the approval of the Board of Regents;

26 (c) Recommend to the Board of Regents the graduation of students and the grant
27 of honors;

28 (d) Exercise disciplinary power over the students, through the Chancellors or
29 their appropriate committees, subject to review by the President of the University
30 according to the limits prescribed by system-wide rules on student discipline;

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

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

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

12 **SEC. 17. The Faculty.** The teaching staff of each college shall constitute its faculty.
13 The College Faculty shall be presided over by a Dean. The Dean shall be elected by
14 the Board of Regents on nomination by the President of the University and upon
15 recommendation of the Chancellor of the constituent university, following a process
16 of consultation with the constituents of the college based on standards and
17 guidelines set by the Board of Regents.

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

26 **Sec. 19. Student Affairs.**

27 (1) There shall be established in the University the following student councils: for
28 every college and degree-granting institute, a college or institute student council;
29 and for every constituent university, a university student council. Each student
30 council shall advance the interests, welfare, and aspirations of its constituents. It
31 shall have the power to adopt internal rules of procedure consistent with the
32 provisions of this Act.

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

4 (2) Every constituent university, college, institute and department of the
5 University shall have the right to organize a student publication funded by student
6 fees and enjoy freedom of expression and autonomy in the formulation of
7 editorial policies.

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

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

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

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

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

3 **SEC. 21. Tax Exemptions.** The provisions of any general or special law to the
4 contrary notwithstanding:

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

8 (2) Gifts and donations of real and personal properties of all kinds shall be
9 exempt from the donor's tax and the same shall be considered as allowable
10 deductions from the gross income of the donor, in accordance with the provisions
11 of the National Internal Revenue Code, as amended;

12 (3) Importation of economic, technical, vocational, scientific, philosophical,
13 historical and cultural books, supplies and materials, including scientific and
14 educational computer and software equipment, shall be exempt from customs
15 duties;

16 (4) The University shall be exempt from payment of value-added tax; and

17 (5) All honoraria for professional chair awards and other University awards to
18 faculty and staff shall be exempt from taxes.

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

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

28 **SEC. 24. Appropriations.** The amount needed to carry out the implementation of
29 this Act shall be charged against the current fiscal year's lump sum appropriation and
30 other internal funds of the University. Thereafter, such lump sum representing the
31 national government's responsibility for the continued growth, operation and
32 maintenance of the University shall be included in the Annual General Appropriations
33 Act.

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

3 **SEC. 25. Separability Clause.** Should any provision herein be declared
4 unconstitutional, the same shall not affect the validity of the other provisions of this
5 Act.

6 **SEC. 26. Repealing Clause.** Act No. 1870, as amended, and all laws, decrees,
7 orders, rules, and regulations or other issuances or parts thereof inconsistent with
8 the provisions of this Act are hereby repealed or modified accordingly.

9 **SEC. 27. Effectivity.** This Act shall take effect fifteen (15) days after its publication in
10 the Official Gazette or in any newspaper of general circulation in the Philippines.

11 *Approved,*