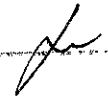


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 NOV 10 24:00

SENATE
S. No. 2710

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

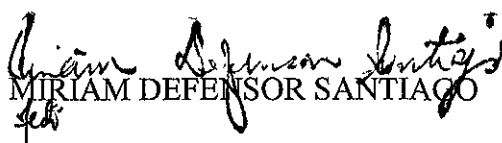
Diploma mills or entities that sell fraudulent degrees, diplomas, or certifications, have proliferated in recent decades due to inconsistent law enforcement and technological advances such as the Internet and electronic mail. These diploma mills take many different forms but often share common characteristics, such as lack of accreditation or false claims of accreditation by agencies not recognized by the Commission on Higher Education. These institutions do not require previous academic records for admission. The tuition fee is charged based on the number of degrees purchased, rather than the number of credit hours or courses taken and the credits for degrees are offered based on life experience rather than academic work. In these institutions, students can receive degrees in far less time than at legitimate, accredited institutions of higher education and their faculties do not have degrees or credentials from accredited institutions. More often than not, the names of these institutions are very similar to legitimate, accredited institutions of higher education.

Rapidly growing commerce in fraudulent academic credentials imperils the national security of the Philippines. The safety of the Philippine public is particularly endangered by the sale of fraudulent medical, engineering, science, and education degrees. Some individuals who obtain degrees from diploma mills are conspirators in fraudulent behavior, but others are innocent consumers who have become victims of financial scams.

However, efforts to shut down diploma mills have been weak and erratic due to variations in the laws and agency policies, insufficient enforcement mechanisms and political priorities.

The regulation of education in the country is, in general, a State responsibility, and the development and regulation of academic standards in higher education is the responsibility of institutions of higher education. The government should have uniform standards to determine the legitimacy of degrees, diplomas, certifications, and degree-granting institutions.

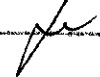
Therefore, this Act is necessary to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, or by any entity in violation of state law.


MIRIAM DEFENSOR SANTIAGO

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

8 NOV 10 P4:00

SENATE
S. No. 2710

RECEIVED BY:  (

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 REGULATING THE PROLIFERATION OF FRAUDULENT DEGREES, DIPLOMAS
3 AND CERTIFICATIONS ISSUED BY UNAUTHORIZED DEGREE GRANTING
4 INSTITUTIONS
5

6 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9 SECTION 1. *Short Title.* This Act shall be known as the “Diploma Integrity
10 Protection Act of 2008”.
11

12 SECTION 2. *Declaration of Policy.* The State shall give priority to education,
13 science and technology, arts, culture, and sports to foster patriotism and nationalism,
14 accelerate social progress, and promote total human liberation and development.
15

16 SECTION 3. *Definition of Terms.* As used in this Act unless the context indicates
17 otherwise, the following definition of terms shall be adopted:

18 A. “Degree-Granting Institution” refers to any entity that offers or confers an
19 academic, professional, or occupational degree, diploma, or certificate, if such
20 degree, diploma, or certificate may be used to represent to the general public that
21 the individual possessing such degree, diploma, or certificate has completed a
22 program of education or training beyond secondary education.

23 B. “Diploma Mill” refers to any entity that:

- 24 1. lacks valid accreditation by the Commission on Higher Education (CHED) as
25 a valid accrediting agency of institutions of higher education ; and

- 1 2. offers degrees, diplomas, or certifications, for a fee, that may be used to
2 represent to the general public that the individual possessing such a degree,
3 diploma, or certification has completed a program of education or training
4 beyond secondary education , but little or no education or course work is
5 required to obtain such a degree, diploma, or certification.

6

7 SECTION 4. *List of Recognized Accrediting Agencies and Institutions.* The
8 Commissioner on Higher Education shall:

9 A. Make available in a regularly updated electronic format, a list of --

- 10 1. accrediting agencies and associations, recognized by the CHED;
11 2. foreign degree-granting institutions that--
12 a. have degree-granting authority, as granted by the appropriate agency in
13 the home country of such institution;
14 b. issue degrees that are accepted for professional licensure, public
15 employment, and admission into graduate programs of degree-granting
16 institutions in the home country;
17 c. are determined by the Commissioner on Higher Education to be
18 academically equivalent to an eligible institution, and
19 d. are located in a home country that is capable of performing an effective
20 academic evaluation of the degree-granting institutions to which it issues
21 degree-granting authority.

22 B. Modify and maintain the lists described in subsection (1) as necessary to ensure
23 that the lists and the information contained in the lists are accurate and up-to-date,
24 based on the most recent information available to the Commissioner.

25

26 SECTION 5. *Accrediting Agencies.* No accrediting agency or association may be
27 considered to be a reliable authority as to the quality of education or training offered by a
28 degree-granting institution for any purpose related to immigration, employment and
29 hiring practices, or for any other purposes, unless the agency or association is on the list

1 of accrediting agencies and associations recognized by the Commissioner on Higher
2 Education.

3

4 SECTION 6. *Civil Service Employment.* For purposes of applying any civil
5 service law, rule, or regulation that requires or takes into consideration a degree from an
6 institution of higher education for purposes of appointment or promotion of, or improved
7 pay for an employee, only a degree from a degree-granting institution that is on the list of
8 eligible institutions recognized by the Commissioner on Higher Education and provided
9 to the appropriate government agency under section 4 shall be acceptable.

10

11 SECTION 7. *Diploma Mill Task Force.*

12 A. Establishment of a Task Force - The Commissioner on Higher Education shall
13 establish a Diploma Mill Task Force (referred to in this Act as the 'Task Force').

14 B. Membership - The Task Force shall, if practicable, be composed of the following
15 members:

16 1. The Assistant Commissioner for Higher Education.

17 2. A representative of the Department of Education with experience related to
18 the determination of the legitimacy and quality of degrees from foreign
19 institutions of higher education, selected by the Secretary of Education.

20 3. A representative of the Department of Justice.

21 4. A representative of the Department of Labor and Employment, selected by the
22 Secretary of such agency.

23 5. A representative of the Professional Regulatory Commission.

24 6. A representative of the Civil Service Commission.

25 7. Two individuals from the academe with experience in higher education, the
26 detection of fraudulent degrees and degree-granting institutions, or law
27 enforcement related to credential fraud.

28 C. Criteria for Membership. - All members of the Task Force shall be persons who
29 are especially qualified to serve on the Task Force by virtue of their education,

1 training, or experience, particularly in the fields of higher education, accreditation of
2 institutions of higher education, foreign higher education standards, government
3 regulation of institutions of higher education, immigration, civil service employment
4 requirements and hiring practices, or fraud prevention, detection, or enforcement.

5 D. Task Force Chair - At the first meeting of the Task Force, the members of the Task
6 Force shall elect a member of the Task Force to serve as Chair.

7 E. Task Force Guidelines - The Task Force shall develop guidelines, to be used for
8 the development of government legislation, to identify degree-granting institutions as
9 legitimate or fraudulent degree-granting institutions for government purposes. In
10 developing such guidelines, the Task Force shall consider the following:

11 1. Characteristics of degree-granting institutions that help determine the
12 legitimacy of the institution, such as whether an entity--

13 a. offers or confers degrees, diplomas, or certificates--

14 i. for little or no meaningful academic work;

15 ii. without requiring an appropriate level of academic achievement for the
16 attainment of such degrees, diplomas, or certificates; or

17 iii. without imposing academic or other requirements for admittance into
18 the institutions or programs offering such degrees, diplomas, or
19 certificates;

20 b. has fiscal and administrative structures and capacity appropriate to the
21 specified scale of educational operations;

22 c. has resources to support claims as a degree-granting institution, including
23 curricula, qualified faculty, facilities, equipment, and supplies, student
24 support services, objectives of the degrees or credentials offered,
25 admissions practices, academic calendars and catalogs, and a grading
26 system; and

27 d. has degree-granting authority issued by CHED in which degrees, or
28 instruction leading to degrees, are offered, and is recognized by the
29 Commission as an approved institution of higher education ;

- 1 2. The feasibility of defining the term 'fraudulent degree-granting institution'
- 2 (commonly referred to as 'diploma mills'), and if feasible, shall define such term
- 3 for use in government laws and regulations;
- 4 3. The issues related to:
 - 5 a. the detection of new and existing fraudulent degree-granting institutions;
 - 6 b. recognition and prevention of the practices used by such fraudulent
 - 7 degree-granting institutions to avoid detection;
 - 8 c. the enforcement of laws and regulations prohibiting such fraudulent
 - 9 degree-granting institutions and practices and the use of fraudulent degrees;
 - 10 and
 - 11 d. the prosecution of such fraudulent degree-granting institutions and
 - 12 practices and the use of fraudulent degrees;
- 13 4. Difficulties in identifying fraudulent degree-granting institutions located in
- 14 foreign countries, or that claim recognition or degree-granting authority from
- 15 foreign countries;
- 16 5. Means to alert and educate the public about fraudulent degree-granting
- 17 institutions and the use of fraudulent degrees;
- 18
- 19 6. Laws, regulations, and other means used to address fraudulent degree-granting
- 20 institutions and the use of fraudulent degrees;
- 21 7. The potential need for coordination and cooperation among various
- 22 government agencies to investigate and prosecute suspected fraudulent
- 23 degree-granting institutions, and the detailed recommendations of the Task
- 24 Force regarding such coordination and cooperation;
- 25 8. The study and the report to the Task Force and the purposes for which various
- 26 agencies and educational institutions need to identify fraudulent degree-
- 27 granting institutions, and identify, prohibit, and prevent the use of degrees
- 28 issued by such fraudulent institutions, and the ability of such agencies to
- 29 implement any guidelines considered by the Task Force.

1

2 SECTION 8. *Appropriation.* – The amount of Five million pesos (P5,000,000.00)
3 is hereby authorized to be appropriated for the Diploma Mill Task Force. Thereafter, the
4 funds necessary for the operation of the Task Force shall be included in the General
5 Appropriations Act.

6

7 SECTION 9. *Separability Clause.* – If any provision or part thereof is held invalid
8 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
9 remain valid and subsisting.

10

11 SECTION 10. *Repealing Clause.* – All laws, presidential decree or issuance,
12 executive orders, letter of instruction, administrative order, rule and regulation contrary
13 to, or inconsistent with the provisions of this Act are hereby repealed, modified, or
14 amended accordingly.

15

16 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
17 following its publication in at least two (2) newspapers of general circulation.

18 Approved,

19

20