

SENATE

P. S. RES. NO. 161

RECEIVED

Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

DIRECTING THE COMMITTEE ON CIVIL SERVICE AND GOVERNMENT REORGANIZATION AND OTHER APPROPRIATE COMMITTEE/S OF THE SENATE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION INTO MEMORANDUM CIRCULAR NO. 01, S. 2010 JOINTLY ISSUED BY THE COMMISSION ON HIGHER EDUCATION AND THE PROFESSIONAL REGULATORY COMMISSION AND SUBSEQUENT ISSUANCES OF THE CHED AND PRC THAT WILL EFFECTIVELY PREVENT COUNTLESS INNOCENT GRADUATES AND WOULD BE GRADUATES OF STATE UNIVERSITIES AND COLLEGES FROM TAKING PRC-ADMINISTERED BOARD EXAMINATIONS AND WHICH RUN COUNTER TO THE CONCEPT OF AUTONOMY OF STATE UNIVERSITIES AND COLLEGES AS PROVIDED IN THEIR RESPECTIVE LEGISLATIVE CHARTERS AND UNDER EXISTING LAWS

**WHEREAS**, on 14 May 2010, the former Chair of the Commission on Higher Education (CHED) Emmanuel Angeles, together with Professional Regulatory Commission (PRC) Chair Nicolas P. Lapena, Jr., issued, what is alleged to be a last minute or "midnight" memorandum circular pushed by the former CHED Chair, CHED PRC Memorandum Circular No. 01, series of 2010, which would effectively bar graduates of state universities and colleges from taking licensure examinations if the state university or college he or she graduated from did not submit itself to the same procedure that private higher educational institutions follow in the opening of courses,

**WHEREAS**, on 27 May 2010, the Professional Regulatory Commission (PRC) issued PRC Memorandum Circular No. 2010-12 which will effectively deny the admission of applicants for licensure examination from state universities and colleges that will not comply with the CHED PRC Memorandum Circular No. 01, s. 2010, starting on January 2011,

**WHEREAS**, on 28 June 2010, former CHED Chairman Emmanuel Angeles issued a Notice to the Public warning the public "not to enroll in board and non board programs in higher education institutions that have not been granted the necessary permit/authority from the Commission", which was published in the Philippine Daily Inquirer on 02 July 2010<sup>1</sup>. Said Notice also specifically stated that "graduates of particular board program without authority from CHED shall not be issued Special Order which is a requirement by the PRC to allow graduates to take the board examinations";

**WHEREAS**, a number of state universities and colleges as well as authorities in education law maintain that the subject memorandum circulars of the CHED and the PRC are contrary to existing laws and have been issued without the required consultations<sup>2</sup>. Hence, many state

<sup>1</sup> See: Notice to the Public, Philippine Daily Inquirer -- 02 July 2010; Page A6.

<sup>2</sup> See: Former CHED Chairman's Just order branded as illegal, an article written by Renner Alan Ronda published in the Philippine Star on 03 July 2010 citing and quoting an interview with San Bede Law School Dean and former Education Undersecretary Wlp. and "Ulan" Sarmiento III; The article also appeared in the online version of the

universities and colleges are in fact questioning the legality and/or propriety of the said twin memorandum circulars of the CHED and the PRC;

**WHEREAS**, most if not all of existing state universities or colleges, because of their autonomous status, have not undergone the same procedure as private higher educational institutions in opening courses or programs that require board examinations (board programs); Moreover, considering the lengthy and long drawn out process for the accreditation of courses before the CHED, it is doubtful if state universities and colleges, even if they are willing to undergo such procedure, will be able to complete the said process for all of their board programs by January 2011;

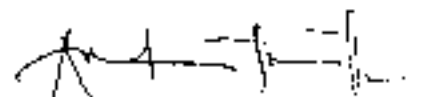
**WHEREAS**, the implementation by the CHED and the PRC of the subject twin memorandum circulars will obviously result to irreparable damage and irremediable prejudice to thousands upon thousands of innocent graduates and/or students who are about to graduate from state universities and colleges, all of whom have enrolled in the board programs of state universities and colleges long before the subject twin issuances of the CHED and the PRC.

**WHEREAS**, the precipitated implementation of the subject twin issuances of the CHED and the PRC also threatens to effectively nullify the autonomy which is granted to state universities or colleges as provided by their respective legislative charters and enshrined under existing laws, apart from eroding public confidence in our state universities and colleges. Moreover, the same will obviously aggravate the already dismal state of higher education in the country;

**WHEREAS**, there is an obvious, apparent and imperative need for Congress to immediately act to resolve the impasse and protect the graduates and would be graduates of state universities and colleges, who are obviously bound to end up as the unintended victims, collateral damage and/or sacrificial lambs if not as "hostages" in this looming turf war between agencies of government which are supposed to be promoting, advancing and protecting their interest.

**NOW, THEREFORE**, be it **RESOLVED** as it is hereby **RESOLVED**, to direct the Committee on Civil Service and Government Reorganization and other appropriate committee/s of the Senate, to conduct an inquiry in aid of legislation into the alleged *midnight* CHED PRC Memorandum Circular No. 01, s. 2010 and subsequent issuances of the PRC and the CHED that will effectively prevent countless innocent graduates and would be graduates of state universities and colleges from taking PRC-administered board examinations and which run counter to the concept of autonomy of state universities and colleges as provided in their respective legislative charters and/or under existing laws with the end in view of coming up with remedial legislation to address this urgent the concern.

Adopted,

  
**ANTONIO "SONNY" P. TRILLANES IV**  
Senator