


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



Senate
Office of the Secretary

'16 AUG 23 P2:35

SENATE
S. B. No. 1057

RECEIVED BY: 

Introduced by Senator Aquilino "Koko" Pimentel HI

AN ACT
MAKING THE TERM OF OFFICE OF THE CHAIRMAN
OF THE COMMISSION ON HIGHER EDUCATION (CHED)
COTERMINOUS WITH THE APPOINTING PRESIDENT,
AMENDING FOR THE PURPOSE SECTION 5 OF REPUBLIC
ACT NO. 7722, OTHERWISE KNOWN AS THE "HIGHER
EDUCATION ACT OF 1994," AND FOR OTHER PURPOSES

EXPLANATORY NOTE

At present, the term of office of the chairman and the commissioners of the Commission on Higher Education (CHED) under *Republic Act No. 7722*, otherwise known as the "Higher Education Act of 1994," is four (4) years. Thus, *Section 5* thereof provides:

"Sec. 5. Term of Office. – The President shall appoint the full-time chairman and the commissioners for a term of four (4) years, without prejudice to one reappointment. The terms of the initial appointees shall be on a staggered basis: the full-time chairman shall hold office for a term of four (4) years, the next two (2) commissioners for three (3) years, and the last two (2) commissioners for two (2) years.

The commissioners shall hold office until their successors shall have been appointed and qualified. Should a member of the commission fail to complete his term, his successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term."
(Underscoring supplied)

It is likewise provided in *Section 3* of *R.A. No. 7722* that CHED shall be "attached to the Office of the President for administrative purposes only."

Ideally, the CHED, being an attached agency of the Office of the President, its Chairman, as member of the regular cabinet, and the President of the Philippines should work hand in hand towards the same policy thrust and objective, which is to protect, foster, and promote the right of all citizens to affordable quality higher education and shall take appropriate steps to ensure that higher education shall be accessible to all. Thus, the position of Chairman of CHED should be a primarily confidential position characterized by the high degree of trust and confidence inherent in the relationship of the appointer and the appointee. However, under the present set up, it is possible that the Chairman may serve for a maximum term of eight (8) years under two different Presidents, who may have different policies and objectives. For example, administrative policies entered into by CHED may be subject to changes from administration to administration depending on the priorities set by those elected to lead the nation.

This bill, therefore, seeks to amend *Section 5* of *R.A. No. 7722* by making the term of office of the Chairman of CHED coterminous with the appointing President. Thus, the implementation of the policies and objectives of the appointing President would be ensured.

In view of the foregoing, the passage of this bill is earnestly requested.


AQUILINO "KOKO" PIMENTEL III

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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SECTION 1. *Section 5 of Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994," is hereby amended to read as follows:*

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"SEC. 5. *Term of Office.* – the President shall appoint the full-time chairman and the commissioners [for a term of four (4) years, without prejudice to one reappointment]. **THE FULL-TIME CHAIRMAN SHALL BE COTERMINOUS WITH THE PRESIDENT. THE COMMISSIONERS SHALL SERVE A TERM OF FOUR (4) YEARS WITHOUT PREJUDICE TO ONE REAPPOINTMENT.** The terms of the initial appointees shall be on a staggered basis: x x x.

1 X X X.”

2 **SEC. 2. *Separability Clause.*** – Should any provision of this Act or
3 part hereof be declared unconstitutional, the other provisions or parts not
4 affected thereby shall remain valid and effective.

5 **SEC. 3. *Repealing Clause.*** – All other laws, decrees, orders, rules
6 and regulations or parts thereof inconsistent with this Act are hereby
7 repealed or modified accordingly.

8 **SEC. 4. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
9 days after its complete publication in at least two (2) newspapers of
10 general circulation.

Approved,