

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**THIRTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 2327

Introduced by REPS TEODORO A. CASIÑO, LIZA L. MAZA, SATUR C. OCAMPO,
JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO

EXPLANATORY NOTE

The University of the Philippines charter, which serves as the basic law governing the country's premier state university, has basically remained unchanged since its ratification in 1908 under the American colonial government.

The original charter was designed to make UP an efficient institution for disseminating American values and ideals in the Islands. As such, it followed a hierarchical structure in a Board of Regents (BOR), including the university president, who were all appointed by the American Governor-General.

Since that time, UP has grown from its original campus in Padre Faura to a university system comprising of constituent universities in Diliman, Manila, Los Baños, Baguio, Visayas, Mindanao and the UP Open University. The entire UP system is made up of numerous colleges and departments employing some 14,000 faculty, research, extension and professional staff and administrative personnel (as of year 2000). At any given time, it has around 50,000 students and alumni numbering in the hundreds of thousands.

Despite these developments spanning almost a hundred years, the UP charter has failed to depart from its original undemocratic, hierarchical structure. The addition of a student and faculty regent notwithstanding, the BOR remains a small body of 12, many of whom are appointed by the President of the Philippines without consultation with the university's ever-growing and ever-widening constituency.

This bill aims for a new UP charter whose governance structure is transparent, democratic and participative with respect to the university's key constituencies. Thus, it proposes an elected UP System Assembly as the highest governing body replacing the BOR.

Another aim of this bill is to protect the University from the threat of commercialization and privatization. Various members of the UP community have expressed grave concern over UP's dwindling share of the national budget and, following this, the UP leadership's thrust to raise tuition and other school fees and open up the University to the demands of the corporate sector. Thus, Sec.3 provides that the State "shall fully support the needs of the University" and prohibits the University from engaging in "profiteering activities" that undermine its purpose.

Finally, this bill is based on proposals made by the UP-Wide Democratization Movement II whose members come from the various sectors of the University and from the various constituent universities.

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THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO.2327

Introduced by REPS TEODORO A. CASIÑO, LIZA L. MAZA, SATUR C. OCAMPO,
JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO

AN ACT
REORIENTING THE CHARTER OF THE UNIVERSITY OF THE PHILIPPINES
AS THE PREMIER STATE UNIVERSITY

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

SECTION 1. Title. - This Act shall be known and cited as an "THE UNIVERSITY OF THE PHILIPPINES CHARTER OF 2004."

SEC. 2. Declaration of Policy. - The state shall promote and protect the right of the Filipino people to a universal, economically accessible, quality education. Accordingly, this Act shall lay down the foundation for the University of the Philippines as the premier state university in the service of the Filipino people

SEC. 3. Declaration of Principles. - This Act shall enshrine in the University of the Philippines the following principles:

- (1) Right to education- Education is a right of the people and not a privilege; the State shall fully support the needs of the University in line with its obligation to provide affordable and quality education to all qualified citizens. The university shall not engage in any and all forms of profiteering.
- (2) Academic freedom –the university has the right and responsibility to exercise, promote and protect academic freedom;
- (3) Academic Excellence- the university has the responsibility to maintain and enhance its high academic standards in the performance of the functions of instruction, research and extension and public service;
- (4) Democratic Governance- There shall be democratic governance in the University based on collegiality, representation, accountability, transparency and active participation of its constituents. The right to free expression and to peaceably assemble to petition the government or university administration for redress of grievance shall be protected;
- (5) 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;
- (6) Democratic Access- no student shall be denied admission to the university by the reason of age, gender, class, nationality, religious belief or political affiliation. The university shall take affirmative steps to enhance the access of disadvantaged students to its programs and services while maintaining its standards of excellence;
- (7) Dignity of Labor- the university shall protect and promote the professional and economic rights and welfare of its academic and non-academic personnel.

SEC. 4. Definition of Terms. - As used in this Act, the following terms shall mean:

(1) *University* – refers to the University of the Philippines.

(2) *University of the Philippines System (UPS)* – this refers to the University of the Philippines as composed by its existing constituent universities, as follows: The University of the Philippines Diliman; University of the Philippines Manila; University of the Philippines Los Baños; University of the Philippines Visayas; University of the Philippines Mindanao; University of the Philippines Baguio; University of the Philippines Open University; and those that may be created in the future.

(3) *University of the Philippines System Assembly (UPSA)* - an assembly of individuals representing the students, academic personnel (faculty and research, extension and professional staff), administrative personnel, and alumni of the seven constituent universities (UP Diliman, UP Manila, UP Los Baños, UP Visayas, UP Baguio, UP Mindanao, UP Open University) and other constituent universities that may be created in the future. Members of the Assembly shall be elected pursuant to Section 7 hereof.

(4) *University Assembly (UA)* - an assembly of individuals representing the students, academic personnel (faculty and research, extension and professional staff), administrative personnel, and alumni elected by the constituents of a particular constituent university of the University of the Philippines;

(5) *University Council* – an assembly of faculty in a constituent university of the University, members of which have served the University continuously as full-time faculty for at least one year;

(6) *Research, Extension and Professional Staff (REPS)* –university personnel who perform academic non-teaching duties. These include university researchers, extension personnel, law reform group, law education group, science education, guidance service group, library service group, development management group and museum research group.

(7) *Academic freedom*- the right of every constituent of the University to express one's ideas, to write, to research and publish and to act in accordance with one's viewpoint inside and outside the classroom in the pursuit of academic ideals and in service to the Filipino people.

SEC. 5. Purpose of the University. – as the premier state university, a public and secular institution of higher learning and a community of scholars dedicated to the search for truth and knowledge, the university of the Philippines shall perform its unique and distinctive leadership in higher education and national educational development through its combined functions, as follows:

- (1) Set standards and initiate 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 providing advanced studies and specialization for scholars, scientists, writers and professionals, especially those who serve on the faculties of state and private colleges and universities;
- (3) Serve as a research university in the various field of expertise and specialization by conducting basic and applied research, and research and development, 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;
- (5) Provide opportunities for training and learning in progressive leadership, responsible citizenship, and the development of democratic values, institutions and practice; and
- (6) Serve as a regional and global university in cooperation with international scientific unions and with networks of universities and scholarly and professional associations in the Asia-Pacific region and around the world.

SEC. 6. The University of the Philippines System Assembly.(UPSA)- The highest governing body of the University of the Philippines shall be vested in the University of the Philippines System Assembly (UPSA), composed of:

- (1) At least Twenty eight (28) members to be elected from the University Assemblies of seven (7) existing constituent universities with each constituent university entitled to four (4) members representing the students, academic personnel (faculty and REPS), administrative personnel, and alumni.

In constituent universities where the REPS number at least 300, instead of an academic representative, separate representatives from the faculty and REPS shall be elected.

Any constituent university that may be created in the future shall be given equal representation to the UPSA.

- (2) One (1) member to be elected from and by the REPS of all constituent universities whose REPS number less than 300, to serve for a term of three (3) years;
The *ex-officio* but voting members are as follows:
 - (3) The President of the University of the Philippines;
 - (4) The Chairperson of the Committee on Higher Education of the House of Representatives;
 - (5) The Chairperson of the Senate Committee on Education;
 - (6) The Chair of the Commission on Higher Education (CHED); and
 - (7) The President of the University System Alumni Association.

The President of the university shall act as the presiding officer of the UPSA while the Chairperson of the Commission on Higher education shall serve as the alternate presiding officer in case of absence of, permanent incapacity or disqualification of the presiding officer. The presiding officer shall not vote except only to break any tie in the votes.

Members of the UPSA shall serve without compensation other than reimbursements for actual and necessary expenses incurred either in attendance of UPSA meetings or of other official business authorized by the Assembly.

SEC. 7. Qualifications of UPSA Members - Each member of the UPSA must be a Filipino citizen, a permanent resident of the Philippines who has not been convicted of any offense involving moral turpitude in any court or administrative tribunal. Faculty, REPS and administrative personnel elected to the UPSA must be in active service in the university and shall have served the University for at least five (5) years prior to his or her election.

SEC. 8 Term of Office of the UPSA Members. - The term of office of elected representatives to the UPSA shall be three (3) years, except for student representatives who shall have a term of office of one (1) year, without prejudice to their re-election.

SEC. 9. Powers of the University of the Philippines System Assembly. - The administration of the University of the Philippines System and its corporate powers shall be vested exclusively in the UPSA and the University President in so far as authorized by the said Assembly.

In addition, the UPSA shall have the following powers and duties:

- (1). To define the general thrust of the University and adopt policy guidelines to ensure their implementation;
- (2) To defend and preserve the integrity of the University;
- (3). To approve the institution, merger and abolition of academic programs guided by the purpose of the University;
- (4) To approve the graduation of students as recommended by their respective University Councils;
- (5) To approve the rules on student discipline upon recommendation of the University Assemblies of the constituent units;

(6) To consolidate budget proposals from the constituent universities and prepare the UP system budget for submission to the appropriate government bodies; and to receive and appropriate to the ends specified by law such sums as may be provided by law for support, maintenance and expansion of the University system;

(7) To provide for the establishment of additional colleges, institutes, research and training centers, extension programs or combine the same when deemed necessary;

(8) To confer the usual honorary degrees upon persons in recognition of learning, statesmanship, or eminence in literature, science or art: *Provided* such degrees shall not be conferred in consideration of any payment, gifts or other valuable considerations;

(9) To establish professorial chair awards;

(10) To appoint, based on merit, professors, instructors, lecturers and other employees of the University upon recommendation of their constituent unit; to fix their just compensation and other benefits, their hours of service and such other duties and conditions as it may deem proper; to remove them for cause after investigation and hearing shall have been held;

(11) To fix the tuition, matriculation, graduation, laboratory and all other special fees upon consultation with and consent of the student body;

(12) To provide fellowships, scholarships and grants and to award the same to faculty, REPS, administrative personnel and students giving special evidence of merit;

(13) To appoint the President of the University following a process of democratic participation based on standards and guidelines set by the UPSEA; in the event of a vacancy due to death, resignation, or incapacity, the UPSEA shall appoint a president who shall serve a full term within six (6) months from the occurrence of the vacancy ;

(14) To confirm the appointment of the chancellors, deans and directors elected by their respective university assemblies based on the guidelines and standards set by the University of the Philippines System Assembly

(15) To appoint the secretary of the University who shall serve as the secretary of the UPSEA;

(16) To receive trust legacies, gifts and donations of real and personal property of all kinds and to administer the same for the benefit of the University or of a constituent university, college, institute or department thereof; or for aid to any student or students in accordance with the direction or instructions of the donor and in default thereof, in such manner as the said Assembly in its discretion may determine;

(17) To authorize the construction or repair of its buildings, machinery, equipment and other facilities and the purchase and acquisition of real and personal properties, including the necessary supplies, materials and equipment;

(18) To hold in trust all land grants/assets of the University and utilize the same for the pursuit of the principles and purpose of the University as aforementioned;

(19) To extend the tenure of faculty members beyond the age of retirement as provided by law, but in no case beyond the age of seventy five (75) when, in the opinion of the Assembly their services are specially needed;

(20) To create committees among its members as deemed necessary to pursue specific purposes for the welfare of the University;

(21) The provisions of law to the contrary notwithstanding to authorize its faculty and staff to travel abroad in order to study, deliver papers, attend conferences and disseminate research; and

(22) To prescribe rules for its own governance and the discipline of the faculty and other personnel and to enact for the government of the University such general policies, rules and regulations, not contrary to law, as are consistent with the principles and purposes of the University.

SEC. 10 Quorum of the UPSEA – a simple majority of all members of the UPSEA present at the time the meeting is called shall consist a quorum.

SEC. 11. The University Assembly (UA). - There shall be a University Assembly in each component university composed of elected members from college assemblies, representing the students, academic personnel (faculty and REPS), and administrative personnel. Vice Chancellors, Deans of colleges and Directors of degree-granting institutes who have not been elected as delegates by their respective college assemblies shall be ex-officio non-voting members of the University Assembly. The recognized unions for academic, administrative personnel and University Student Council shall have representation in the University Assembly

Each sector in each constituent university shall choose their own UPSA representatives through democratic selection and recall processes.

The Chancellor shall be the presiding officer of the University Assembly.

The University Assembly shall prescribe its own rules and regulations governing the conduct of its business. It shall have at least two standing committees, namely, the Policy Committee and the Grievance Committee. Other committees and task forces shall be created if deemed necessary by the University Assembly. It shall meet at least once a semester.

SEC. 12 Powers and Duties of the University Assembly The UA shall have the following powers and duties:

- (1) To determine the thrust and directions of the particular constituent university based on the goals set by the UPSA
- (2) To formulate administrative policies for the particular constituent university;
- (3) To be the forum for discussion of issues and concerns affecting the University and the Filipino people;
- (4) To prepare the budget of the constituent university for submission to the UPSA;
- (5) To elect the Chancellor, deans, directors or positions of equivalent ranks based on standards and guidelines set by the UPSA.

SEC. 13. Term of Office of the UA Members. -The term of office of the members of the UA shall be three (3) years, except for student members who shall serve a one (1) year term without prejudice to their re-election.

SEC.14. The University Council. - There shall be a University Council in each autonomous university composed of faculty who have served in the university on a fulltime for at least one (1) year. The Chairperson and Vice Chairperson of the University Student Council shall be members of the University Council to ensure student participation in the formulation of academic and other related policies.

SEC. 15. Powers and Duties of the University Council. - The University Council shall have the following powers and duties:

- (1) To prescribe the courses of study and rules of discipline for its students subject to the approval of the UA and the UPSA;
- (2) To fix the requirements of admission of its respective constituent university as well as the requirements for graduation and receiving degrees;
- (3) To recommend students or others to be recipient of degrees;
- (4) Through its presiding officer or its committees, To exercise disciplinary power over students within the limits prescribed by the UPSA;
- (5) To undertake the periodic review of academic courses, programs, standards, thrust and policies of its component university; and
- (6) To adopt internal rules of procedure consistent with the provisions of this Act.

SEC. 16. The Research, Extension and Professional Staff Council. – In constituent units where REPS number at least 300, a REPS Council composed of all REPS shall be convened to deal with their concerns.

SEC. 17. The College Assembly. - There shall be a College Assembly for every college, other degree-granting institute, special units like the PGH and non-degree granting institutes, recognized and established by the UPSA.

The College Assembly shall be composed of representatives coming from the student, academic personnel (faculty and REPS) and administrative personnel. The unions of the administrative and academic personnel and the college student council shall be represented in the College Assembly.

The Dean of the College/Director of the Institute shall be the presiding officer of the college assembly.

The College Assembly shall elect representatives coming from the student, academic personnel (faculty and REPS), and administrative personnel to their respective UA.

SEC. 18. Duties and Functions of the College Assembly. - The College Assembly shall have the following duties and functions:

- (1) To determine the thrust and directions of the college in consonance with the thrust of the UA.
- (2) To formulate administrative policies for the college in consonance with the thrust of the UA
- (3) To be the forum for discussion of issues and concerns of the constituents of the college including budget and the long and medium term development plans of the college.

SEC. 19. Term of Office of the Members of College Assembly. - The term of office of the members of the College Assembly elected on the principle of representation shall be three (3) years, except for student members who shall have a term of one (1) year, without prejudice to their re-election.

SEC. 20. The University President. - The University President shall be the chief academic officer and head of the university faculty. He/She shall implement the policies and programs as approved by the UPSA.

He/She shall be appointed by the UPSA. A democratic selection and recall process for the presidency shall be prescribed by the UPSA after consultations with the University Assemblies, University Councils, University Student Councils, recognized unions and other representative organizations of the university constituents as prescribed by the UPSA.

SEC. 21. Qualifications of a University President. – The University President must be a Filipino citizen, a permanent resident of the country who adheres to the principles and purpose of the University as contained in this Charter, with proven administrative skills, unimpeachable integrity and demonstrated academic qualifications, and must not have been convicted in court or administrative tribunal on any offense involving moral turpitude.

SEC. 22. The Secretary of the University and of the UPSA- there shall be a secretary of the university of the UPSA, and who shall keep such records of the university as may be designated by the UPSA.

SEC. 23 The Chancellor of a Constituent University. - The Chancellor of a constituent university shall serve as the chief executive officer of a particular constituent university. The Chancellor shall implement the policies and programs of his/her respective constituent university as approved by its respective UA. He/She shall also serve as the presiding officer during meetings of the UA.

He/she shall be chosen through a selection process by the University Assembly. His/her appointment shall be approved by the UPSA.

SEC. 24. The Faculty. - The teaching staff of each college shall constitute its faculty. The Faculty shall be presided over by a Dean.

The Dean is nominated by the College Assembly, and approved by the UA. His appointment shall be confirmed by the UPSA.

SEC. 25. *Appointment Requisites and Practice of Profession.* - Faculty members and REPS of the University shall be exempt as such from any civil service examination or regulation as a requisite to appointment. The provisions of existing laws to the contrary notwithstanding, licensing requirements for professional regulatory boards shall not affect appointments to faculty positions. In the appointment of faculty members, gender, religious or political opinions or affiliations of the faculty members of the University shall not be made a matter of examination or inquiry.

SEC. 26. *Student Council.* - There shall be established at every college and degree-ranting institute of the University student councils as follows: for every constituent university, a university student council; and for the university system, a system-wide alliance of all university and college student councils.

The student council shall be composed of elected students of a definite academic unit of the university. Each member of the student council shall serve a term of one (1) year, without prejudice to re-election.

The student council shall serve as the primary student body that shall advance the interest, welfare and aspirations of the students of the university.

SEC. 27. *Student Publication.* - There shall be a student publication established in every constituent unit and college. Freedom of expression and autonomy in all matters of editorial and fiscal policy shall be guaranteed especially in the selection of its editors and staff.

SEC 28 *Land grants and other real properties of the university.*

- (1) The state shall fully support the University of the Philippines as the premier state university in the form of a lump sum amount through general appropriations and for other financial benefits, and in kind, through land grants and donations and use of other real properties.
- (2) Such parcels of land ceded by law, decree or presidential issuance to the university of the Philippines System, are hereby reserved of the purposes intended, as confirmed by the UPSA. The absolute ownership of the University over these landholdings including those covered by original and transfer certificates of title in the name of the University and their future derivatives is hereby confirmed. Where issuance of proper certificates of title is yet pending for these landholdings, the appropriate government office shall expedite the issuance thereof within six (6) months from the date of effectivity of this Act provided that all registration requirements necessary for the issuance of the said titles have been submitted and complied with.
- (3) To prevent the commercialization of the university, programs, projects or mechanisms to generate revenues and other resources from the land grants and other real property entrusted to the University should be consistent with university's academic mission and orientation as the premier state university and shall not be meant to replace, in part or in whole, the annual appropriation provided by the national government to the university. Such programs, projects or mechanisms shall require the approval of the UPSA and shall require the approval of the UPSA and shall be subject to a transparent and democratic process of consultation with university's constituents.

SEC. 29. *Tax Exemptions.* - The provisions of any general or special law to the contrary notwithstanding:

- (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;
- (2) Gifts and donations of real and personal properties of all kinds shall be exempt 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 National Internal Revenue Code as amended;

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

(4) The University shall be exempted from payment of value-added tax.

SEC. 30. Auditing of Accounts. - All accounts and disbursements of the University shall be audited by the Commission on Audit.

SEC. 31. Institutional Autonomy of the University. - To provide greater flexibility to the University, it shall be treated in a manner consistent with its institutional requirements as the premiere state university by the service-wide agencies in the exercise of their respective jurisdiction.

SEC. 32. 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 institutional autonomy of the University of the Philippines.

SEC. 33. Appropriations. - The amount needed to carry out the implementation of this Act shall be charged against the current fiscal year's lump sum appropriation. Thereafter, such lump sum representing the national government's assistance for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

SEC. 34. Separability Clause. - Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 35. Repealing Clause. - Act No. 1870, as amended, and all laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 36. 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,