

# **A Primer on the “Act Reorienting the University of the Philippines as the Premier State University”**

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## **1. Is there a need to revise the present charter of the University of the Philippines or Act 1870 of the former US colonial government in the Philippines?**

Yes, because it was a product of American colonization in the Philippines passed in 1908 to direct the education of the Filipino people towards American policies, ideas and values. Many of its provisions like Section 15, which mentions a governor general, have completely become obsolete and irrelevant. Its colonial origins and elitist essence, the control of the University by a mainly Malacañang appointed Board of Regents, remain.

## **2. What is the proposed charter drafted by the UP-Wide Democratization Movement II to revise the present UP charter?**

The proposed charter entitled an “Act Reorienting the University of the Philippines as the Premier State University” (heretofore to be referred to as the proposed charter) seeks to democratize the organizational structure and governance of UP and prohibits its commercialization and privatization.

## **3. What is the UP-Wide Democratization Movement II or UP-Widem II?**

UP Widem II is a revival of UP Widem I which was a UP system-wide movement of the late 1980's and early 1990's of students, faculty, administrative personnel, research/extension and professional staff (REPs) to democratize UP. Toward this end, UP Widem I was able to submit a bill to the Senate (which became Senate Bill 1580) through former Senator Wigberto Tañada to change the current UP charter.

Senate Bill 1580 or the Tañada bill went through a public hearing in the Senate in 1992 but was opposed by the UP central administration. Consequently, the UP administration lobbied for its own version to revise the UP charter.

UP-Widem II emerged from the struggles of the students, academic and administrative personnel of UP to oppose SB 2587. Among the organizations in UP-Widem II are the All-UP Workers Union, the All-UP Academic Employees Union, and the Student Alliance for the Advancement of Democratic Rights in UP (STAND-UP). The current Student Regent is a leading convener of UP-WIDEM II.

## **4. What were the most recent UP administration-backed Congressional bills to revise the UP charter?**

In the 12<sup>th</sup> Congress which ended last May 2004, House Bill 455 and Senate Bill 2587 were the UP administration-backed bills. These bills were based on a UP administration proposal which was submitted to Congress without the knowledge of major UP constituencies such as the students, faculty, REPS and administrative staff.

Both HB 455 and SB 2587 retained basically the system of governance of the 1908 UP Charter and included provisions which would institutionalize the commercialization of UP. A system-wide protest against the bills, particularly SB 2587 was initiated by UP students, faculty, REPS and administrative personnel. The bills were not passed at the end of the 12<sup>th</sup> Congress.

**5. What is the difference between the Tañada bill (Senate Bill 1580) and the proposed charter?**

UP Widem II added more provisions to sections of Senate Bill 1580, particularly Section 3(Declaration of Principles) and Section 5(Purpose of the University of the Philippines System) to prohibit the commercialization and eventual privatization of UP.

**6. What are the basic differences between UP-Widem II proposed charter and HB 455 and SB 2587?**

The proposed charter intends to replace the present UP Board of Regents (BOR) with a UP System Assembly (UPSA) whose members will be democratically elected from the seven constituent universities of UP. Furthermore, the proposed charter reaffirms that the government should fully support the University of the Philippines as part of the former's responsibility for providing quality and accessible education to the people.

**7. Why does the proposed charter aim to change the BOR?**

It is because the majority of the BOR does not come from the direct constituencies of the University of the Philippines and are merely appointed by the president of the Philippines. The BOR is a carry-over of American colonialism in the Philippines, which sought to direct the education of Filipinos in UP. To make it worse, HB 455 and SB 2587 add more powers to the already authoritarian and colonial-in-origin BOR that will enable it to sell, lease and securitize assets and properties of UP and enter UP into joint-ventures with private entities (SB 2586, Sec. 19, (c)). These new powers, justified by UP's supposed corporate powers and whose objective is to institutionalize the current direction of state abandonment of education, cannot but lead to the commercialization of the University and its possible privatization.

**8. What is the composition of the University of the Philippines System Assembly?**

The composition of the UPSA is provided in Sec. 7 of the proposed charter. The University of the Philippines System Assembly shall be composed of at least 29 regular members and five (5) *ex-officio* members. Each of the seven constituent universities will elect one representative each from the students, academic personnel (faculty and research, extension and professional staff), administrative staff and alumni. However, in constituent universities where REPS number at least 300, a separate faculty representative and a separate REPS representative will be elected. The REPS of other constituent universities whose number is less than 300 will elect a representative to the UPSA. In addition to the elected members of UPSA, the head of the Senate Committee on Education, the head of the House of Representatives Committee on Higher Education, the head of the Commission on Higher Education (CHED), the president of the UP Alumni Association and the elected UP president will also sit as members of UPSA. Thus, there will be at least 34 members of UPSA. Aside from the UP president,

who is the presiding officer of the UPSA and could vote only when there is a tie in the UPSA, the other members of this body have full voting rights.

**9. Why is it important to have representatives of the different university sectors coming from the constituent universities of UP?**

The matter of governance of the University of the Philippines is first and foremost a concern of the direct constituencies of the University: its students, faculty, REPS, administrative staff and alumni. After almost 100 years of an elitist style of governance under the 1908 UP Charter, it is about time that a democratically elected and representative UP System Assembly be created to ensure the University's direct constituents should have a dominant voice in setting the direction, policies and decisions of the University.

**10. What has been the experience of other universities in having a democratically elected governing body?**

Universities with elected governing bodies already exist. In Munich University in Germany, its *Versammlung* (University Assembly) is composed of democratically-elected 36 professors, 11 assistant professors, 4 students and 2 administrative personnel for a total of 53 members. (From World Almanac of Universities and Colleges). In Cambridge University, England, the Regent House, the governing body of the university, has over 3,000 members. This body elects the majority of the Council or the executive body of Cambridge, composed of 21 members. In Oxford University, England, the 26-member Council is elected by the Congregations (equivalent to the UPSA), which has 3,200 members. In Sorbonne University, the Council is also composed of elected members from the faculty, research workers, students and administrative and technical personnel. (From the websites of Cambridge and Oxford and World Almanac)

**11. Who would constitute the executive body of the UP in the proposed charter?**

It will be composed of the UP president and her/his staff, which will include the vice-president for academic affairs, vice-president for administration, vice-president for finance, vice-president for public administration, the secretary of the UP and other officials to be designated if deemed necessary by the UPSA. The members of the executive staff of the UP president shall be confirmed and appointed by the UPSA.

**12. What is the University Assembly?**

The University Assembly is the governing body in each of the constituent university of the University of the Philippines System. It will be composed of members elected through a system of proportionate representation from the sectors of the students, faculty, REPs, and administrative personnel from the various college assemblies of each constituent university (Sec. 9).

**13. How would the system of proportionate representation in the University of the Philippines Assembly of a constituent university be determined?**

Each constituent university, balancing the sizes and the permanency of residence in the college of each sectors, students, faculty, administrative personnel and REPs, shall arrive at the proper proportionate representation of their constituents in the University Assembly.

**14. Who would determine the academic policies of the University?**

The University Council, the council of faculty members, remains the body for determining the academic policies of each constituent university. Its membership, in the proposed charter, has been expanded to include all faculty members who have served at least one year in the university. In addition, the Chair and the Vice-Chair of the corresponding University Student Council will sit in the University Council to ensure the input of the students, as the academic policies will directly affect them.

**15. Which body would formulate or determine academic policies that will affect all constituent universities?**

In the Tanada Bill, a University Senate composed of faculty representatives from the different University Councils was proposed to be the system-wide body to formulate academic policies with system-wide application such as the policies for admission or a general-education program. However, to avoid adding another layer of bureaucracy to the University structure, the proposed charter has done away with this proposal. Instead as the UPSA is empowered to create committees for specific purposes, a committee may be formed to address such necessity.

**16. What are the college assemblies in the proposed charter?**

A college assembly is a gathering of all the constituents, when feasible, of a particular college, institute, special units like the PGH and non-degree granting institutes under a constituent university. When it is not practicable to convene in an assembly all the members of a college because of its size, there will be formulated a system of representation to form a college assembly.

**17. Can one be assured that the UPSA will not also likewise abuse the corporate powers of the University by adopting policies which will lead to the commercialization of UP assets and properties as is provided in HB 455 and SB 2587?**

Yes, since the proposed charter specifically states under the "Purpose of the University of the Philippines System" (Sec. 5) that the University shall not enter into any "profiteering activities" because these undermine its purpose and principles. Under its "Declaration of Principles"(Sec. 3) it is also provided that the "Philippine state shall fully support the needs of the University". Other similar provisions are included in Sec.13 (Powers of UPSA) of the proposed charter.

**18. Is it not unrealistic to rely on the national government to fully support the needs of UP since the former is bankrupt?**

The national government has a constant deficit (now reaching P199 billion) because it always prioritizes the payment of foreign debt (now 49% of the total budget of P864 billion for the year 2004) due to the Automatic Appropriation Law for Foreign Debt (PD 1177) passed under the Marcos regime. Also, while the government granted P45 billion to the military and P35 billion to the PNP in 2004, it approved a measly P4.5 billion budget for UP (P3.2 billion for all its 7 constituent universities and P1.2 billion for the Philippine General Hospital (PGH) which is under UP Manila. (DBM data) Therefore, the problem of the lack of budget of UP is due to the wrong prioritization of the national

government in contravention of the Philippine constitutional mandate that education must receive the highest budget allocation from the government.

**19. What does the proposed charter provide regarding the fixing of tuition fees and other fees of UP students?**

In Sec. 8k of the alternative charter, it is stated that the UPSA can “fix tuition, matriculation, graduation and all other special fees upon consultation and consent of the student body; and to remit the same in special cases”. (Underscoring added) Thus, this power of the UPSA cannot supercede the collective will of the student body if the latter does not consent to an increase of tuition and other student fees. This proviso is entirely different from that of the present UP charter which allows the BOR to fix the tuition and other student fees even without consultation with the student body (Sec. 6 f). HB 455 and SB 2587 have a similar provision (Sec. 10 m) like Sec. 8 k in Act 1870.

**20. What other sections in the proposed charter guarantee and protect the rights of the UP student body?**

These are Sec.28 (Student Council) and Sec.29 (Student Publication) which render student councils and student publications in UP as institutions in the UP charter (constitution) which thereby cannot be arbitrarily abolished. In these two sections are guaranteed the rights of UP students to freely participate and express their views in university, national and international affairs. Neither in the present UP charter nor in HB 455 and SB 2587 are there any sections on the role of the student body in the affairs of the University.

**21. Will not a system to run the University based on elections lead to a popularity-contests among contenders for a particular position in UP?**

To think it will lead to a popularity-contest in UP is to demean the capacity of the UP constituency, students, faculty, REPs, administrative personnel and alumni to vote in a rational manner. UP after all is the leading academic institution of the Philippines which upholds critical thinking and judgment for the good of the Filipino people. To believe elections in UP will redound to popularity-contests is to colonially belittle the minds of Filipinos, who are considered not to be at par with those of the constituencies of the Universities of Cambridge, Oxford, Munich, Sorbonne, Cuba, Peru and other universities whose choice of leaders are done through democratic elections.

**22. As a whole, what can be said to be the most significant features of the proposed bill?**

It is the institution of democratic governance, based on transparency, responsibility and accountability, through a system of University Assemblies and college assemblies, the assurance that the University will not be gradually transformed by its governing bodies to a commercial entity and a firm commitment to the university's role in developing social responsibility and serving as a vehicle for social transformation and progress.