

**[ REPUBLIC ACT NO. 11448, August 28, 2019 ]**

**AN ACT EXPANDING ACCESS TO EDUCATIONAL SERVICES THROUGH THE ESTABLISHMENT AND ADMINISTRATION OF TRANSNATIONAL HIGHER EDUCATION, AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. *Short Title.* - This Act shall be known as the "Transnational Higher Education Act".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to provide quality education which is relevant to the changing needs of the people and society. Higher education shall serve as a principal instrument for generating productive knowledge, innovation and technology to develop relevant and technical higher order skills needed to compete in the knowledge economy to redound in, and ensure, resource generation.

The State recognizes that rapid developments brought about by globalization, including liberalization of trade in goods and services and expanding use of information and communication technologies, have created a climate for borderless teaching and learning. In this light, the State shall endeavor to modernize the Philippine higher education sector, and bring international quality standards and expertise into the country, with a view to making higher education globally competitive, attracting a flow of talented students, faculty, and staff and improving the country's human resource base.

The State shall actively encourage, promote, and accelerate the establishment of transnational higher education programs, the internationalization of higher education in the country, and the development of the transnational higher education sector. Further, the State shall strengthen educational, cultural, social, economic, and political bonds between Philippine and foreign institutions of higher learning, thereby fostering a vibrant exchange of cultures, conducive to peaceful living within the global community. It shall develop collaborative arrangements between and among Philippine universities and training institutes, on one hand, and foreign universities, on the other, with the aim of building the capacity of all partner institutions to operate, manage, and administer postsecondary and graduate programs and to provide opportunities for students and learners to gain or acquire valuable experiences, skills and knowledge as well as international and foreign diplomas, degrees, and certificates.

SEC. 3. *Definition of Terms.* - As used in this Act:

(a) *Academic franchising* also known as "other instructional side" or "offshore location", refers to a form of transnational higher education (TNHE) whereby a higher education institution (HEI), as a franchiser, from a certain country grants another institution, as a franchisee, in another country the right to provide the franchiser's programs and qualification requirements in the franchisee's host country, regardless of the students' origin;

(b) *Academic program* refers to a set of courses of study, which when completed, leads to a degree;

(c) *Articulation* refers to an arrangement whereby students for a sub-degree in one country are guaranteed advanced entry into a degree program in another country if they achieve an agreed level of performance in their studies;

(d) *Auxiliary services* refer to services that support the delivery of educational services including promotion procedures and activities, recruitment of students, admission, registration, processing of payments, student orientation, and such other related activities, except teaching and learning activities;

(e) *Awarding institution* refers to an offshore HEI that is in partnership with a local HEI provider of TNHE programs and which awards a diploma or certificate of graduation solely or in addition to the diploma or certificate of graduation awarded by the local partner HEI to students who have completed a degree course or program in the partner local HEI;

(f) *Branch campus* also known as a local branch or a satellite campus, refers to a campus of an HEI of another country established in the Philippines to offer its own educational programs and to impose qualification requirements, regardless of the students' origin;

(g) *Distance education* refers to a mode of educational delivery whereby the teacher and the learner are physically separated from each other, and instruction is delivered through appropriate communication technologies using specially designed materials and methods, and supported by organizational and administrative arrangements and structures;

(h) *Double degree* refers to a partnership arrangement or program which leads to two (2) degrees awarded by two (2) institutions;

(i) *Education services* refer to any study program, course of study or parts thereof that qualifies and enables students to participate meaningfully in social and economic development;

(j) *Foreign higher education institution (FHET)* refers to a foreign-owned and duly recognized higher education institution abiding by a prescribed system of education duly registered in a country other than the Philippines;

(k) *Higher education*, refers to any of the various types of education given in postsecondary institutions of learning, and usually affords, at the end of a course of study, a named degree, diploma, or certificate indicating qualifications or skills proficiencies. For purposes of this Act, higher education includes technical and

vocational education and training (TVET) institutions such as teacher training schools, junior colleges, and institutes of technology;

(j) *Higher education institutions (HEIs)* refer to public and private postsecondary education institutions, which include universities and colleges, TVET institutions and specialized institutions that provide undergraduate and graduate degree programs in such fields as law, theology, medicine, business, music, and art, among others;

(m) *International branch campus* refers to an HEI located in another country, a separate country from the country where the institution originated or where the main campus is located. An international branch campus would have some physical presence in the host country; awards at least one (1) degree in the host country that is accredited in the country of the originating institution; and typically have local partner HEIs, as specified in Section 9 of this Act;

(n) *Internationalization of higher education* refers to the process of integrating international, intercultural and global dimensions into the goals, functions (teaching, learning, research and services) and delivery of higher education;

(o) *Joint degree* refers to a partnership arrangement or program which leads to a single degree awarded by two (2) or more institutions. The program is jointly developed, delivered and jointly assessed;

(p) *Offshore* refers to any locality outside of the country where a higher program has its base of operation;

(q) *Onshore* refers to the country where a higher education program has its base of operation;

(r) *Open Distance Learning (ODL)* refers to the merger of two (2) concepts, that of open learning and distance education. It is a system which combines the methodology of distance education with the concepts of open learning and flexible learning. Distance instruction may be delivered by post or mobile phone;

(s) *Providing institution* refers to an HEI which provides TNHE programs in partnership with another HEI located offshore;

(t) *Transnational higher education (TNHE)* includes all types and modes of delivery of higher education study programs, sets of courses of study, or educational services, including distance education and study-abroad programs, which involve education systems of a State different from the State where a TNHE provider operates or programs which may operate independently of any national education system or where the learners are located in a country different from the one where the awarding institution is based;

(u) *Transnational higher education arrangement* refers to an educational, legal, financial, or other system agreed upon formally by partners in order to provide educational services;

(v) *Transnational higher education institutions* refer to higher education institutions, both local (within the country or onshore) and foreign (outside the country or offshore), offering transnational higher education programs;

(w) *Twining arrangement* refers to an arrangement where students study for a degree in two (2) countries, starting in their own and finishing in another, which typically is the country of a partner institution; and

(x) *Validation* refers to an arrangement whereby the main HEI agrees to award its own degree to students who complete a program from a partner HEI in another country.

SEC. 4. *Strategy for TNHE.* - Consistent with the provisions of this Act, the Commission on Higher Education (CHED) shall formulate a coherent national strategy to encourage and facilitate the establishment of the most effective forms of TNHE programs and institutions in the country.

SEC. 5. *Establishment of TNHE Programs in HEIs.* -TNHE programs shall be established and administered by duly authorized HEIs.

SEC. 6. *Types or Modes of TNHE.* - TNHE programs and arrangements, whether existing, emerging, or anticipated, shall include the following types or modes:

(a) Academic Franchising, which is a franchise arrangement whereby an HEI (franchiser) from a certain country grants another institution (franchisee), which is the partner HEI, in another country the right to provide the franchiser's programs and qualifications in the franchisee's host country, regardless of the students' origin;

The local franchisee must be registered with the Securities and Exchange Commission (SEC) and authorized to deliver educational programs or materials;

(b) Articulation, whereby students for a sub-degree in one country are guaranteed advance entry into a degree program in another country if they achieve an agreed level of performance in their studies;

(c) Branch campus, which refers to a campus of an HEI of another country established in the Philippines to offer its own educational programs and qualifications, regardless of the students' origin;

(d) International branch campus, which refer to an HEI located in another country, a separate country from the country where the institution originated or where the main campus is located. An international branch campus would have some physical presence in the host country; awards at least one (1) degree in the host country that is accredited in the country of the originating institution; and typically have local partner HEIs, as specified in Section 9 of this Act;

(e) Joint degree, which refers to a partnership arrangement or program which leads to a single degree awarded by two (2) or more institutions. The program is jointly developed, delivered and jointly assessed;

(f) Double degree, which refers to a partnership arrangement or program which leads to two (2) degrees awarded by two (2) institutions;

(g) Online, blended, and distance learning, which refers to a program delivered across an international border. The delivery medium is typically online, but distance

learning can be delivered or conducted by post or mobile phone. The online component of the program can range from zero percent (0%) to one hundred percent (100%). A program, which is partly online and face-to-face, is blended;

(h) Open Distance Learning (ODL), which refers to the merger of two (2) concepts, that of open learning and distance education. It is a system which combines the methodology of distance education with the concepts of open learning and flexible learning. Distance instruction may be delivered by post or mobile phone;

(i) TNHE Offshore institution, which refers to an autonomous institution established in a host country, which in terms of its organization and education contents, belongs to the education system of another country. An institution is deemed autonomous if it is independent of the ministry, commission or department of education in a host country;

(j) Twinning arrangements, which refer to an arrangement where students study for a degree in two (2) countries, starting in their own and finishing in another, which typically is the country of a partner institution; and

(k) Validation, which refers to an arrangement whereby the main HEI agrees to award its own degree to students who complete a program from a partner HEI in another country.

HEIs intending to enter into partnerships or arrangements with other HEIs may explore or propose to the CHED any other mode or arrangement. The CHED, in consultation with other agencies and HEIs, may add other forms or modes of TNHE as it may deem suitable and in furtherance of the objectives of providing quality TNHE programs in the country. These modes or arrangements must be consistent with the Philippine development plans, and not in contravention of the Constitution, and other laws and policies.

*SEC. 7. Commercial Presence of FHEIs in the Philippines.* - An PHEI may engage in the business of . providing educational services in the Philippines through any of the modes indicated in this Act or through any other arrangement with a Philippine HEI that is consistent with the Philippine Constitution, and other laws and policies, and based on mutually agreed terms.

The FHEIs shall conform to the following minimum standards:

(a) Only FHEIs recognized by their respective governments as quality higher education providers and accredited by a recognized accrediting body in the country of origin or its equivalent, shall be given government authority to offer undergraduate, graduate, and postgraduate degrees;

(b) The FHEIs shall have standards at par with, or higher than, Philippine HEIs in terms of government recognition, faculty strength and curriculum; and

(c) The FHEIs shall have the requisite capabilities and resources for higher education provision, and the ability to provide support services to students.

*SEC. 8. Partnerships and Collaborative Arrangements.* — FHEIs may enter into other collaborative arrangements with Philippine HEIs, such as twinning arrangements or