

[REPUBLIC ACT NO. 7722, May 18, 1994]

AN ACT CREATING THE COMMISSION ON HIGHER EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* — This Act shall be known as the "Higher Education Act of 1994."

SEC. 2. *Declaration of Policy.* — The State shall protect, foster and promote the right of all citizens to affordable quality education at all levels and shall take appropriate steps to ensure that education shall be accessible to all. The State shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of high-level and middle-level professionals, and the enrichment of our historical and cultural heritage.

State-supported institutions of higher learning shall gear their programs to national, regional or local development plans. Finally, all institutions of higher learning shall exemplify through their physical and natural surroundings the dignity and beauty of, as well as their pride in, the intellectual and scholarly life.

SEC. 3. *Creation of the Commission on Higher Education.* — In pursuance of the abovementioned policies, the Commission on Higher Education is hereby created, hereinafter referred to as the Commission.

The Commission shall be independent and separate from the Department of Education, Culture and Sports (DECS), and attached to the Office of the President for administrative purposes only. Its coverage shall be both public and private institutions of higher education as well as degree-granting programs in all post-secondary educational institutions, public and private.

SEC. 4. *Composition of the Commission.* — The Commission shall be composed of five (5) full-time members. During the transition period which begins upon approval of this Act, the President may appoint the Secretary of Education, Culture and Sports as *ex officio* chairman of the Commission for a maximum period of one (1) year. Thereafter, the President shall appoint a Chairman of the Commission and four (4) commissioners, who shall be holders of earned doctorate(s), who have been actively engaged in higher education for at least ten (10) years, and must not have been candidates for elective positions in the elections immediately preceding their appointment. They shall be academicians known for their high degree of professionalism and integrity who have distinguished themselves as authorities in their chosen fields of learning. The members of the Commission shall belong to different academic specializations.

In no case shall any and all of the Commissioners appoint representatives to act on their behalf.

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.

SEC. 6. *Rank and Emoluments.* — The chairman and the commissioners shall have the rank of a Department Secretary and Undersecretary, respectively. They shall receive the compensation and other emoluments corresponding to those of a Department Secretary and Undersecretary, respectively, and shall be subject to the same disqualifications.

SEC. 7. *Board of Advisers.* — There shall be constituted a Board of Advisers which shall meet with the Commission at least once a year to assist it in aligning its policies and plans with the cultural, political and socioeconomic development needs of the nation and with the demands of world-class scholarship.

The Board of Advisers shall be composed of the following:

- a. the Secretary of Education, Culture and Sports, as chairman;
- b. the Director-General of the National Economic and Development Authority, as co-chairman;
- c. the Secretary of Science and Technology;
- d. the Secretary of Trade and Industry;
- e. the Secretary of Labor and Employment;
- f. the President of the Federation of Accrediting Associations of the Philippines (FAAP); and
- g. the President of the Fund for Assistance to Private Education (FAPE).

Two (2) additional members of the Board of Advisers may be appointed by the President upon recommendation of the Commission.

SEC. 8. *Powers and Functions of the Commission.* — The Commission shall have the following powers and functions:

- a. formulate and recommend development plans, policies, priorities, and programs on higher education and research;
- b. formulate and recommend development plans, policies, priorities and programs on research;
- c. recommend to the executive and legislative branches, priorities and grants on higher education and research;
- d. set minimum standards for programs and institutions of higher learning recommended by panels of experts in the field and subject to public hearing,

- and enforce the same;
- e. monitor and evaluate the performance of programs and institutions of higher learning for appropriate incentives as well as the imposition of sanctions such as, but not limited to, diminution or withdrawal of subsidy, recommendation on the downgrading or withdrawal of accreditation, program termination or school closure;
 - f. identify, support and develop potential centers of excellence in program areas needed for the development of world-class scholarship, nation building and national development;
 - g. recommend to the Department of Budget and Management the budgets of public institutions of higher learning as well as general guidelines for the use of their income;
 - h. rationalize programs and institutions of higher learning and set standards, policies and guidelines for the creation of new ones as well as the conversion or elevation of schools to institutions of higher learning, subject to budgetary limitations and the number of institutions of higher learning in the province or region where creation, conversion or elevation is sought to be made;
 - i. develop criteria for allocating additional resources such as research and program development grants, scholarships, and other similar programs: *Provided*, That these shall not detract from the fiscal autonomy already enjoyed by colleges and universities;
 - j. direct or redirect purposive research by institutions of higher learning to meet the needs of agro-industrialization and development;
 - k. devise and implement resource development schemes;
 - l. administer the Higher Education Development Fund, as described in Section 10 hereunder, which will promote the purposes of higher education;
 - m. review the charters of institutions of higher learning and state universities and colleges including the chairmanship and membership of their governing bodies and recommend appropriate measures as basis for necessary action;
 - n. promulgate such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and
 - o. perform such other functions as may be necessary for its effective operations and for the continued enhancement, growth or development of higher education.

SEC. 9. *The Secretariat.* — The Commission shall organize a secretariat which shall be headed by an executive officer, subject to the national compensation and position classification plan. It shall fix the secretariat's staffing pattern, determine the duties, qualifications, responsibilities and functions, as well as the compensation scheme for the positions to be created upon the recommendation of the executive officer. It shall also prepare and approve its budget.

The Commission shall appoint the members of the staff upon the recommendation of the executive officer.

SEC. 10. *The Higher Education Development Fund.* — A Higher Education Development Fund, hereinafter referred to as the Fund, is hereby established exclusively for the strengthening of higher education in the entire country.

- a. The Government's contribution to the Fund shall be the following: