

**[CHED MEMORANDUM ORDER NO. 03, S. 2001,
JANUARY 17, 2002, January 17, 2002]**

**REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) FOR
REPUBLIC ACT NO. 8292, OTHERWISE KNOWN AS "AN ACT
PROVIDING FOR THE UNIFORM COMPOSITION AND POWERS OF
THE GOVERNING BOARDS, THE MANNER OF APPOINTMENT AND
TERM OF OFFICE OF THE PRESIDENT OF CHARTERED STATE
UNIVERSITIES, AND COLLEGES, AND FOR OTHER PURPOSES"**

In accordance with and by virtue of Section 15 of the subject law, which for purposes of this Implementing Rules and Regulations (hereinafter referred to as "IRR") and in consonance with Section 1 thereof will be cited as the "Higher Education Modernization Act of 1997", the following rules and regulations are hereby adopted and promulgated for the implementation of R.A. 8292, thus:

**Rule 1
Title and Policies**

SECTION 1. Title. — This IRR shall be known and cited as the "Revised Implementing Rules and Regulations for the Higher Education Modernization Act of 1997" (IRR-HEMA '97).

SECTION 2. Policies. — It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of higher education relevant to the needs of the people and society.

Towards and to achieve this end, the composition of the Governing Boards (hereinafter referred to as "GBs") of chartered State Universities and Colleges (hereinafter referred to as "chartered SUCs") is hereby modified, among others, in order to;

- a. achieve a more coordinated and integrated system of higher education;
- b. render them more effective in the formulation and implementation of policies on higher education;
- c. provide for more relevant direction in their governance; and
- d. ensure the enjoyment of academic freedom by chartered SUCs as guaranteed by the Constitution.

**Rule II
Definition of Terms**

SECTION 3. Definition of Terms. — Whenever used in the IRR, the following words

or phrases shall mean or refer, thus:

a. "Higher Education Institutions (HEIs)" — refers to all institutions of higher learning in the Philippines primarily offering degree-granting programs, including post-secondary degree-granting vocational and technical educational institutions duly recognized by CHED;

b. "State Universities and Colleges" — refer to public HEIs in the Philippines created and established by law which constitutes their charter and which have independent and separate GBs;

b.1 "State Science and/or Technological University or College" — refers to a public HEI which has its own charter and GB and whose primary and major emphasis is science and/or technology based on its nomenclature and/or course/program offerings;

b.2 "State Agricultural University or College". — refers to a public HEI which has its own charter and GB and whose primary and major emphasis is agriculture based on its nomenclature and/or course/program offerings;

b.3 "State University or College of Agriculture, Science and/or Technology" — refers to a public HEI which has its own charter and GB and whose primary and major emphases are agriculture, science and/or technology based on its nomenclature and/or course/program offerings;

c. "Governing Board(s) (GBs)" — refers to the highest policy-making body of chartered SUCs. For chartered State Universities, they are called the Board of Regents (BOR). For chartered State Colleges, they are called Board of Trustees (BOT);

d. "duly recognized faculty association" — is the association or the federation of the faculty members or the instructional staff of a chartered SUC or the federation thereof which has been extended due recognition by its GB to be its legitimate and lawful faculty association; as manifested by its constitution being ratified by 2/3 of its members;

e. "duly recognized alumni association" — is the association or federation of such associations of the alumni preferably from its tertiary level programs which has been extended due recognition by its GB to be the legitimate and lawful organization of its alumni;

f. "Commission on Higher Education (CHED)" — is the government agency created by Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994", which has jurisdiction over all HEIs, public or private, in the Philippines;

g. "Chairman of the Board" — refers to the CHED Chairman or to the CHED Commissioner duly designated as Regular Chair and Presiding Officer of the governing board, provided that if a CHED Commissioner has been duly designated Regular Chair and Presiding Officer, then "Chairman of the Board" refers to that CHED Commissioner;

h. "Student Regent(s)/Student Trustee(s)" — the duly elected student

representative to the GB of a chartered SUC, who may also be the President/Federation Head thereof, provided the student may be represented by a duly elected representative who may sit as regular member of the Board in the interim period when the student representative loses his status such as but not limited to graduation, transfer, expulsion and other similar causes.

i. "special trust fund" — refers to the total amount collected or charged from students for a specific purpose or from other sources, other than payment of tuition fees, held in trust by the college or university;

j. "Socialized scheme of tuition and other instructional fees" — refers to a scheme or pattern where the rate of tuition and instructional fees are collected on the basis of family income and/or socio-economic status of the student, such that the less-economically privileged students shall pay lesser fees than students coming from more economically advantaged families;

k. "dual system" — refers to a teaching-learning approach utilizing both the experiences gained by students inside and outside of the classrooms, sometimes called the in-school off-school approach;

l. "Open learning" — is a philosophy of student-centered learning adopting a great amount of flexibility in the learning process thus enabling them to learn at the time, place and pace which satisfies their circumstances and requirements;

m. "Distance Learning" — is a mode of education delivery at a distance with organized and administrative support;

n. "community laboratory" — is a community adopted by a chartered SUC as part of its extension program where research and civic services are conducted by its students and/or faculty;

o. "university or college" — refers to a chartered SUC;

p. "main campus " — is the campus where the administrative services of a chartered SUC is located and/or where its President holds office permanently;

q. "extension campus" — is the campus that responds to special needs/demands (i.e. instruction, research or extension) with no Administrative Structure;

r. "local universities and/or colleges (LUCs) — are HEIs established by local ordinances and solely funded from funds of local government units (LGUs) such as provinces, cities and municipalities; and

s. "Auxilliary services" — all kinds of services done and/or rendered by chartered SUCs other than academic, such as hospital, cafeteria, janitorial, printing press, bookstore, and the like.

Rule III Coverage

SECTION 4. Coverage. — This IRR shall apply to and cover all chartered SUCs in the

Philippines, except as hereinafter provided for.

Rule IV

Governing Boards (GBS) or Chartered State Universities and Colleges (SUCs); Composition; Manner of Appointment; Term of Office; Meetings and Quorum; Compensation; and Other Related Matters

SECTION 5. Governing Boards (GBs). — Henceforth, the GBs of chartered SUCs shall be the Board of Regents (BOR) for chartered State Universities and the Board of Trustees (BOT) for chartered State Colleges.

SECTION 6. Composition. — Except as hereinafter provided for, the GBs of chartered SUCs shall have the following uniform composition, namely:

- a. The Chairman of the Commission on Higher Education (CHED) as Chairman;
- b. The President of the chartered SUC as Vice Chairman;
- c. The Chairman of the Committee on Education of the Senate, Congress of the Philippines, as member;
- d. The Chairman of the Committee on Higher and Technical Education of the House of Representative, Congress of the Philippines, as member;
- e. The Regional Director of the National Economic Development Authority (NEDA) of the particular region where the chartered SUC is located;
- f. The President/Chair/Head of the duly recognized Faculty Association (FA) of the chartered SUC or the Federation President/Federation Chair/Federation Head thereof, as member;
- g. The President of the supreme student council or the student representative elected by the student council who shall be known as the Student Regent (SR) or Student Trustee (ST): provided, that in the absence of a student council president or student representative elected by the student council, the university or college shall schedule one (1) week for the campaign and election of a student representative as member;
- h. The President of the alumni association or the Federation of Alumni Association in SUCs with multi-campus preferably from tertiary programs as member;
- i. Two (2) prominent citizens representing the private sector who have distinguished themselves in their professions or fields of specialization chosen from among a list of at least five (5) persons qualified in the city or the province where the school is located, as recommended by the search committee constituted by the President in consultation with the Chairman of the CHED based on the normal standards and qualifications for the position as members;
- j. The Regional Director of the Department of Science and Technology (DOST) in case of science and technological colleges; or the Regional Director of the Department of Agriculture (DA) in case of agricultural colleges; or both Regional Directors of DOST and Agriculture in case of a combined Technological and

Agricultural College; and/or the Secretary of Education for an Autonomous Region. In lieu of such representation, the commanding generals of the Philippine Air Force (PAF) and the Philippine Navy (PN) of the Armed Forces of the Philippines (AFP) shall sit as members of the Board of the Philippine State College of Aeronautics and the Philippine Merchant Marine Academy, respectively;

SECTION 7. Rights and Responsibilities of GB Members. — The GB members shall have all the normal rights and responsibilities of a regular member of the Board of Directors/Board of Trustees of non-profit, non-stock corporations.

The GB Chair, Vice-Chair and the members coming from the government have the right to sit as Chair, Vice-Chair and as members thereof ipso facto upon their assumption into office.

The right of the SSC/SG, faculty, and Alumni Presidents/Chairs/Heads or their Federation Presidents/Chairs/Heads, and of the Student Council President/Chair/Representatives or their Federation President/Chair/Representatives to become members of the GBs shall automatically rise from their election and qualification into their respective offices.

The private sector representatives must take their oaths of office as herein after provided for before they could assume as GB members.

SECTION 8. Representatives of GB Members Coming From the Government. — If the Chairmen of the Congressional Committees on Education and Culture/Higher and Technical Education could not personally attend any regular meeting or special session of the GB of a chartered SUC, they may designate in writing their representatives to the said meeting/session which the latter should present to the GB Secretary before the start of the said meeting or session. They shall be entitled to seat, voice and vote.

The other GB members coming from the government shall personally attend the GB meetings/sessions.

SECTION 9. Federated SSC/SG, Federated Faculty Association, and/or Federated Alumni Association. — In the case of chartered SUCs which have more than one (1) campus, their respective Presidents shall cause the federation of their SSC/SG, their faculty associations, and their alumni associations immediately after the effectivity of this IRR and the duly elected Federation Presidents/Federation Chairs/Federation Head shall represent their respective sectors in their GBs.

SECTION 10. Selection, Appointment and Qualifications of the Two (2) GB Members Representing the Private Sector. —

10.1 Search Committee — A Search Committee (SC) shall be formed and constituted by the President of the chartered SUC concerned, in consultation with the Chairman of the CHED, which shall take charge of recruiting, screening and recommending to its GB at least five (5) prominent citizens for possible appointment.

10.2 Composition of SC — The SC to be formed and constituted by the President of the chartered SUC concerned and to be approved by the CHED Chairman shall have