

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 926

HOUSE OF REPRESENTATIVES

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Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

The Higher Education Modernization Act (HEMA) of 1997 or Republic Act No. 8292 principally aims to establish an adequate and integrated system of higher education by rationalizing the composition of the Governing Boards of chartered state universities and colleges (SUCs) nationwide to make it uniform and coordinated. The said legislation has also laid down the powers and duties of Governing Boards to ensure that more relevant and effective policies are being formulated and implemented for the benefit of the SUCs and students.

Nineteen (19) years after the passage of the HEMA law, there were several instances whereby presidents and private sector representatives of the governing boards have held their position for more than the prescribed term of office just because the incoming president or representatives were not appointed in time for the start of the subsequent term of office. The overstaying incumbents then were still allowed to vote on important SUC decisions and thus perpetuated the bad practice of late appointments. Such a practice opens the doors for unbridled discretion, abuse of power and even corruption.

This bill proposes to amend the provision on term limit of the President and the Private Sector Representatives by stating specifically and unequivocally that the term limit shall never be extended for any reason so as to prevent the circumvention of the letter and spirit of the law.

In addition, this bill seeks to mandate that the funding for the budgetary requirements of upgrading new faculty positions be initially sourced from the income of the SUCs and to provide for the invalidation of any SUC Governing Board resolution that shall run counter to existing laws and issuances. For the foregoing reasons, the approval of this bill is earnestly sought.


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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SEVENTEENTH CONGRESS
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**AN ACT AMENDING REPUBLIC ACT NO. 8292 OR THE HIGHER EDUCATION
MODERNIZATION ACT OF 1997**

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

1 **SECTION 1.** Section 3, Paragraph b of Republic Act No. 8292, also known as
2 the "Higher Education Modernization Act of 1997", is hereby amended to read as
3 follows:

4
5 **Section 3. *The Governing Boards; manner of appointment.* –**

6
7 xxx

8 (b) *Term of office* - The president of the faculty and alumni associations and the
9 student regents or trustees shall sit in the board until expiration of their term of
10 office in such capacities.

11
12 The prominent citizens shall serve for a term of two (2) years. THE
13 TERMS OF OFFICE OF THE PRIVATE SECTOR REPRESENTATIVES
14 SHALL BE DEFINITE AND SHALL NEVER BE EXTENDED FOR ANY
15 REASON. IF THE NEXT PRIVATE SECTOR REPRESENTATIVES ARE NOT
16 CHOSEN ON TIME, THEIR POSITIONS SHALL BE DECLARED VACANT.

17
18 **SECTION 2.** Section 6 of Republic Act No. 8292, also known as the "Higher
19 Education Modernization Act of 1997", is hereby amended to read as follows:

20
21 **Section 6. *The Administration.* –** The administration of the university or
22 college shall be vested in the president of the university or college who shall
23 render full-time service. He shall be appointed by the Board of
24 Regents/Trustees, upon the recommendation of a duly constituted search
25 committee. He shall have a term of four (4) years and shall be eligible for
26 reappointment for another term: Provided, That this provision shall not

1 adversely affect the terms of the incumbents. PROVIDED. FURTHER, THAT
2 THE TERM OF OFFICE OF THE PRESIDENT SHALL NEVER BE EXTENDED
3 FOR ANY REASON. IF THE SUCCEEDING PRESIDENT IS NOT
4 APPOINTED ON TIME, AN OFFICER IN CHARGE, OTHER THAN THE
5 OUTGOING PRESIDENT, SHALL BE APPOINTED.

6 The president shall be assisted by a vice-president for academic affairs
7 who shall be appointed by the Board upon the former's recommendation
8 without prejudice to the appointment of more than one vice-president when so
9 warranted.

10 In case of vacancy by reason of death, resignation, removal for cause or
11 incapacity of the president to perform the functions of his office, the Board shall
12 have the authority to designate an officer-in-charge pending the appointment of
13 a new president.

14 In case of vacancy in the office of the president as mentioned in the
15 immediately preceding paragraph, his successors shall hold office for the
16 unexpired term.

17
18 **SECTION 3.** Section 16 of the same law is hereby amended to read as follows:

19
20 **Section 16. [Separability clause.** – If, for any reason, any part or provision of
21 this Act is declared invalid or unconstitutional, the remaining parts or provisions
22 not affected thereby shall remain in full force and effect.] *CASH BACKING*
23 *REQUIREMENT* – THE CASH BACKING-REQUIRED TO FUND THE
24 UPGRADING OF NEW POSITIONS UNDER NATIONAL BUDGET CIRCULAR
25 NO. 461 OR ANY FUTURE ISSUANCE SHALL BE INITIALLY SOURCED
26 FROM THE INCOME OF THE SUC AFTER THE RESULT OF EACH CYCLE
27 UNTIL SUCH TIME THAT THE EVALUATION FOR THE NEXT CYCLE WILL
28 COMMENCE. THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL
29 BE MANDATED TO TAKE OVER THE FINANCIAL BURDEN AFTER THIS.

30
31 **SECTION 4.** Section 17 of the same law is hereby amended to read as follows:

32
33 **Section 17. [Repealing clause.** – All laws, presidential decrees, executive,
34 orders, letters of instruction and SUC charters contrary to or inconsistent with
35 this Act hereby repealed or amended accordingly.] *VOID RESOLUTIONS* –
36 ANY RESOLUTION PROMULGATED BY ANY SUC GOVERNING BOARD
37 SHALL BE DECLARED NULL AND VOID *AB INITIO* IF IT IS INCONSISTENT
38 WITH EXISTING LAWS AND EXECUTIVE ISSUANCES.

39
40 **SECTION 5. Separability Clause.** – If, for any reason, any part or provision of
41 this Act OR Republic Act No. 8292 is declared invalid or unconstitutional, the
42 remaining parts or provisions not affected thereby shall remain in full force and effect.
43

1 **SECTION 6. *Repealing Clause.*** – Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule or regulation contrary to
3 or inconsistent with the provisions of Republic Act No. 8292, as amended by this Act
4 is hereby repealed, amended or modified accordingly.
5

6 **SECTION 7. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
7 after its complete publication in the Official Gazette or in a newspaper of general
8 circulation.
9

10 Approved,