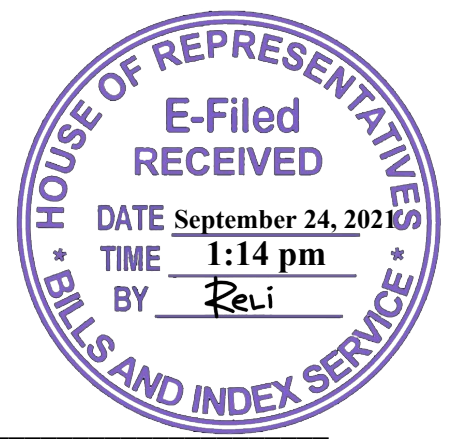


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
Third Regular Session



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**COMMITTEE REPORT NO. 1254**

Submitted by the Committees on Higher and Technical Education, Appropriations, and Ways and Means on \_\_\_\_\_

Re: House Bill No. **10282**

Recommending its approval in substitution of House Bills Numbered 1855, 1936, 6449 and 7413

Sponsors: Representatives Mark O. Go, Eric Go Yap and Joey Sarte Salceda

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Mr. Speaker:

The Committees on Higher and Technical Education, Appropriations, and Ways and Means, to which were referred House Bill No. 1855, introduced by Rep. Rufus B. Rodriguez, entitled:

“AN ACT  
STRENGTHENING THE COMMISSION ON HIGHER EDUCATION (CHED),  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7722, ENTITLED “AN  
ACT CREATING THE COMMISSION ON HIGHER EDUCATION,  
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”;

House Bill No. 1936, introduced by Reprs. Michael L. Romero and Enrico A. Pineda, entitled:

“AN ACT  
AMENDING REPUBLIC ACT NO. 7722 OTHERWISE KNOWN AS THE  
“HIGHER EDUCATIONAL ACT OF 1994”, TO PROVIDE ADDITIONAL  
DEVELOPMENTAL FUNDING, TO FOSTER PUBLIC AND PRIVATE  
INSTITUTIONS OF HIGHER EDUCATION AS WELL AS DEGREE-  
GRANTING PROGRAMS IN ALL POST-SECONDARY EDUCATIONAL  
INSTITUTIONS TO PROMOTE IMPROVEMENTS AND OTHER SIMILAR  
PROGRAMS FOR THE ADVANCEMENT OF TEACHING, AND FOR OTHER  
PURPOSES”;

House Bill No. 6449, introduced by Rep. Mark O. Go, entitled:

“AN ACT  
STRENGTHENING THE COMMISSION ON HIGHER EDUCATION, REVISING  
FOR THE PURPOSE REPUBLIC ACT NO 7722, OTHERWISE KNOWN AS THE  
“HIGHER EDUCATION ACT OF 1994”; and

House Bill No. 7413, introduced by Reprs. Eduardo “Bro. Eddie” C. Villanueva and Domingo C.

Rivera, entitled:

“AN ACT  
STRENGTHENING THE COMMISSION ON HIGHER EDUCATION,  
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7722, OTHERWISE  
KNOWN AS THE “HIGHER EDUCATION ACT OF 1994” AND FOR OTHER  
PURPOSES”

have considered the same and recommend that the attached House Bill No. 10282 entitled:

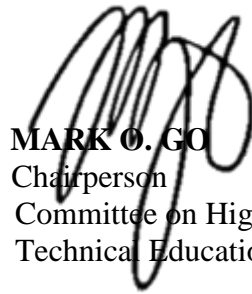
“AN ACT  
STRENGTHENING THE COMMISSION ON HIGHER EDUCATION AND  
APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE  
REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS THE “HIGHER  
EDUCATION ACT OF 1994”

be approved in substitution of House Bills Numbered 1855, 1936, 6449 and 7413, and with Representatives Mark O. Go, Rufus B. Rodriguez, Henry R. Villarica, Michael Odylon L. Romero, Enrico A. Pineda, Eduardo “Bro. Eddie” C. Villanueva, Domingo C. Rivera, Xavier Jesus D. Romualdo, Evelina G. Escudero, Ann K. Hofer, Leonardo L. Babasa, Jr., Angelo Marcos Barba, Macnell M. Lusotan, Maximo Y. Dalog, Jr., Mercedes “Didi” C. Cagas, Manuel DG. Cabochan III, Ruth Mariano-Hernandez, Maricel G. Natividad-Nagaño, M.D., Leo Rafael M. Cueva, Frederick W. Siao, Joseph “Jojo” L. Lara, Maria Theresa V. Collantes, Joy Myra S. Tambunting, Raul “Boboy” C. Tupas, Paul Ruiz Daza, Jose Enrique “Joet” S. Garcia III, Rose Marie “Baby” J. Arenas, Antonio “Tonypet” T. Albano, Gabriel H. Bordado, Jr., Cesar “Jawo” L. Jimenez, Jr., Teodorico T. Haresco, Jr., Yasser Alonto Balindong, Strike B. Revilla, Christopher V. P. De Venecia, Lianda B. Bolilia, Joey Sarte Salceda, Aurelio “Dong” D. Gonzales, Jr., Virgilio S. Lacson, Sergio C. Dagooc, Alfelito M. Bascug, Jose L. Ong, Jr., Junie E. Cua, Estrellita B. Suansing, Stella Luz A. Quimbo, Adriano A. Ebcas, Jericho Jonas B. Nograles, Roman T. Romulo, Sharon S. Garin, Micaela S. Violago, Kristine Singson-Meehan, Anthony Peter “Onyx” D. Crisolago, Deogracias Victor “DV” B. Savellano, Joselito “Joel” S. Sacdalan, Joseph Stephen S. Paduano, Sarah Jane I. Elago, Alyssa Sheena P. Tan, Pablo John “PJ” F. Garcia, Sabiniano S. Canama, Weslie T. Gatchalian, Janice Z. Salimbangon, Jumel Anthony I. Espino, Ron P. Salo, Cheryl Deloso-Montalla, Lawrence Lemuel H. Fortun, Jose “Pingping” I. Tejada, Jesus “Bong” C. Suntay, Horacio P. Suansing, Jr., Ria Christina G. Fariñas, Faustino Michael Carlos T. Dy III, Lorenz R. Defensor, Ramon C. Nolasco, Jr., Eric Go Yap, Manuel Jose “Mannix” M. Dalipe, Tyrone D. Agabas, Lorna P. Bautista-Bandigan, John Marvin “Yul Servo” C. Nieto, Argel Joseph T. Cabatbat, Rozzano Rufino “Ruffy” B. Biazon, Luisa Lloren Cuaresma, Michael John R. Duavit, Rudys Caesar G. Fariñas I, Greg G. Gasataya, Ed Christopher S. Go, Jocelyn Sy Limkaichong, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Manuel “Way Kurat” E. Zamora, Cyrille “Beng” F. Abueg-Zaldivar, Narciso R. Bravo, Jr., Carl Nicolas C. Cari, Abdullah D. Dimaporo, Alan R. Dujali, Faustino “Inno” A. Dy V, Michael B. Gorriceta, Eduardo “Eddie” R. Gullas, Godofredo N. Guya, Glona G. Labadlabad, Edward Vera Perez Maceda, Ma. Lucille L. Nava, M.D., Emmarie “Lolypop” Ouano-Dizon, Eddiebong G. Plaza, Hector S. Sanchez, John Reynald M. Tiangco, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Rosanna “Ria” V. Vergara, Shirlyn L. Bañas-Nograles, Precious Hipolito Castelo, Wilfrido Mark M. Enverga, Dahlia A. Loyola, Josephine Ramirez-Sato, Amihilda J. Sangcopan, Rowena Niña O. Taturan, and Victor A. Yap as authors thereof.

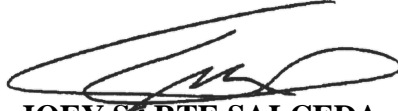
Respectfully submitted,



**ERIC GO YAP**  
Chairperson  
Committee on Appropriations



**MARK O. GO**  
Chairperson  
Committee on Higher and  
Technical Education



**JOEY SARTE SALCEDA**  
Chairperson  
Committee on Ways and Means

THE HONORABLE SREAKER  
HOUSE OF REPRESENTATIVES  
Quezon City

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
Third Regular Session

**HOUSE BILL NO. 10282**

*(In substitution of House Bills Numbered 1855, 1936, 6449 and 7413)*

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Introduced by Representatives Mark O. Go, Rufus B. Rodriguez, Henry R. Villarica, Michael Odylon L. Romero, Enrico A. Pineda, Eduardo “Bro. Eddie” C. Villanueva, Domingo C. Rivera, Xavier Jesus D. Romualdo, Evelina G. Escudero, Ann K. Hofer, Leonardo L. Babasa, Jr., Angelo Marcos Barba, Macnell M. Lusotan, Maximo Y. Dalog, Jr., Mercedes “Didi” C. Cagas, Manuel DG. Cabochan III, Ruth Mariano-Hernandez, Maricel G. Natividad-Nagaño, M.D., Leo Rafael M. Cueva, Frederick W. Siao, Joseph “Jojo” L. Lara, Maria Theresa V. Collantes, Joy Myra S. Tambunting, Raul “Boboy” C. Tupas, Paul Ruiz Daza, Jose Enrique “Joet” S. Garcia III, Rose Marie “Baby” J. Arenas, Antonio “Tonypet” T. Albano, Gabriel H. Bordado, Jr., Cesar “Jawo” L. Jimenez, Jr., Teodorico T. Haresco, Jr., Yasser Alonto Balindong, Strike B. Revilla, Christopher V. P. De Venecia, Lianda B. Bolilia, Joey Sarte Salceda, Aurelio “Dong” D. Gonzales, Jr., Virgilio S. Lacson, Sergio C. Dagooc, Alfelito M. Bascug, Jose L. Ong, Jr., Junie E. Cua, Estrellita B. Suansing, Stella Luz A. Quimbo, Adriano A. Ebcas, Jericho Jonas B. Nograles, Roman T. Romulo, Sharon S. Garin, Micaela S. Violago, Kristine Singson-Meehan, Anthony Peter “Onyx” D. Crisologo, Deogracias Victor “DV” B. Savellano, Joselito “Joel” S. Sacdalan, Joseph Stephen S. Paduano, Sarah Jane I. Elago, Alyssa Sheena P. Tan, Pablo John “PJ” F. Garcia, Sabiniano S. Canama, Weslie T. Gatchalian, Janice Z. Salimbangon, Jumel Anthony I. Espino, Ron P. Salo, Cheryl Deloso-Montalla, Lawrence Lemuel H. Fortun, Jose “Pingping” I. Tejada, Jesus “Bong” C. Suntay, Horacio P. Suansing, Jr., Ria Christina G. Fariñas, Faustino Michael Carlos T. Dy III, Lorenz R. Defensor, Ramon C. Nolasco, Jr., Eric Go Yap, Manuel Jose “Mannix” M. Dalipe, Tyrone D. Agabas, Lorna P. Bautista-Bandigan, John Marvin “Yul Servo” C. Nieto, Argel Joseph T. Cabatbat, Ruffy B. Biazon, Luisa Lloren Cuaresma, Michael John R. Duavit, Rudys Caesar G. Fariñas I, Greg G. Gasataya, Ed Christopher S. Go, Jocelyn Sy Limkaichong, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Manuel “Way Kurat” E. Zamora, Cyrille “Beng” F. Abueg-Zaldivar, Narciso R. Bravo, Jr., Carl Nicolas C. Cari, Abdullah D. Dimaporo, Alan R. Dujali, Faustino “Inno” A. Dy V, Michael B. Gorriceta, Eduardo “Eddie” R. Gullas, Godofredo N. Guya, Glona G. Labadlabad, Edward Vera Perez Maceda, Ma. Lucille L. Nava, M.D., Emmarie “Lolypop” Ouano-Dizon, Eddiebong G. Plaza, Hector S. Sanchez, John Reynald M. Tiangco, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Rosanna “Ria” V. Vergara, Shirlyn L. Bañas-Nograles, Precious Hipolito Castelo, Wilfrido Mark M. Enverga, Dahlia A. Loyola, Josephine Ramirez-Sato, Amihilda J. Sangcopan, Rowena Niña O. Taturan, and Victor A. Yap

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**AN ACT**

**STRENGTHENING THE COMMISSION ON HIGHER EDUCATION AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS THE “HIGHER EDUCATION ACT OF 1994”**

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

1           **SECTION 1. *Short Title.*** - This Act shall be known as the “*Amended Higher*  
2 *Education Act*”.

3  
4           **SEC. 2. *Declaration of Policy.*** - The State shall protect, foster and promote the right  
5 of all citizens to quality education at all levels and take appropriate steps to ensure that  
6 education is accessible to all. The State shall likewise protect academic freedom and promote  
7 its exercise and observance for the continuing intellectual growth, the advancement of learning  
8 and research, the development of responsible and effective leadership, the education of high-  
9 level professionals, and the enrichment of our historical and cultural heritage.

10  
11           State-supported institutions of higher learning shall design their programs to support  
12 national, regional or local development plans.

13  
14           All institutions of higher learning shall exemplify through their physical and natural  
15 surroundings the dignity and beauty of, as well as pride in, the intellectual and scholarly life.

16  
17           **SEC. 3. *Definition of Terms.*** – As used in this Act:

18  
19           a)       *Commission en banc* refers to the policy-making body of the Commission on  
20 Higher Education (CHED) composed of the Chairperson and Commissioners sitting as a group  
21 in order to exercise their powers and discharge their functions under the mandates prescribed  
22 by this Act;

23  
24           b)       *Foreign higher education institutions* refer to foreign-owned and duly recognized  
25 higher education institutions abiding by a prescribed system of education duly registered in a  
26 country other than the Philippines;

27  
28           c)       *Higher education institution (HEI)* refers to either a college or university, whether  
29 public or private, permitted to operate by offering degree programs and regulated by the CHED;

30  
31           d)       *Local universities and colleges* refer to public HEIs       established and financially  
32 supported by their respective local government units;

33  
34           e)       *Private higher education institutions* refer to HEIs which are owned by private  
35 individuals, groups or entities recognized by the CHED and registered with the Securities and  
36 Exchange Commission; and

37  
38           f)       *State universities and colleges* refer to public HEIs created and established by law  
39 with independent and separate governing boards.

40  
41           **SEC. 4. *Commission on Higher Education.*** – The CHED created under Republic Act  
42 No. 7722, otherwise known as the “Higher Education Act of 1994”, shall exercise the powers  
43 and functions vested upon it by this Act.

44  
45           The CHED is independent and separate from the Department of Education (DepEd) and  
46 is attached to the Office of the President for administrative purposes only. Its coverage shall be

1 both public and private HEIs offering degree programs, except those explicitly removed by  
2 Congress from its jurisdiction. The CHED shall continue to support, enhance and strengthen  
3 the Mindanao State University (MSU) System, and all other state and local universities and  
4 colleges within the Bangsamoro Autonomous Region: *Provided*, That the passage of this Act  
5 shall not diminish, reduce nor prejudice the support and funding from the national government  
6 enjoyed by the MSU System and all other state and local universities and colleges in the  
7 Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) prior to the passage of this  
8 Act: *Provided, Further*, That all state universities and colleges shall remain to be governed by  
9 their own charters and existing laws.

10  
11 The CHED is mandated to formulate and implement policies governing the delivery of  
12 education services by public and private HEIs except those under the jurisdiction of the  
13 BARMM, as provided for in Republic Act No. 11054, or the “Organic Law for the Bangsamoro  
14 Autonomous Region in Muslim Mindanao”. As such, it shall exercise oversight powers and  
15 reasonable supervision over HEIs, including foreign HEIs which operate pursuant to Philippine  
16 laws.

17  
18 **SEC. 5. Commissioners.** - The CHED shall be headed by five (5) full-time members,  
19 a Chairperson and four (4) Commissioners, who shall be holders of earned doctorate degrees,  
20 defined as Level 8 in the Philippine Qualifications Framework (PQF), conferred by reputable  
21 HEIs recognized by the CHED and have been actively engaged in higher education for at least  
22 ten (10) years, with at least five (5) years of managerial experience, and must not have been  
23 candidates to elective positions in the national or local election immediately preceding their  
24 appointment.

25  
26 The Chairperson and the Commissioners must be persons known to possess the highest  
27 degree of professionalism and integrity, and who have distinguished themselves as authorities  
28 and experts in their chosen fields of learning as professors, researchers, managers,  
29 administrators, professional practitioners and in other fields of endeavors that can contribute to  
30 efficient and effective higher education governance.

31  
32 The Commissioners shall possess different academic specializations.

33  
34 The President of the Philippines shall appoint the Chairperson, four (4) Commissioners  
35 and three (3) Deputy Commissioners. The Deputy Commissioners shall each be responsible  
36 for (1) Standards and Quality Assurance; (2) Administration and Finance; and (3) Planning and  
37 Grants Administration.

38  
39 In no case shall any or all of the Commissioners or Deputy Commissioners appoint  
40 representatives to act on their behalf.

41  
42 **SEC. 6. Term of Office.** - The President shall appoint the full-time Chairperson,  
43 Commissioners and Deputy Commissioners for a term of four (4) years, without prejudice to  
44 one (1) reappointment. They shall be appointed based on merit and track record of performance.

45  
46 The Chairperson, Commissioners, and Deputy Commissioners shall hold office until  
47 their successors shall have been appointed and qualified. In case a member fails to complete a  
48 term, the successor shall be appointed by the President of the Philippines for a full four (4)-  
49 year term without prejudice to reappointment to a second term. In case of a reappointment, the

1 time served in an acting or holdover capacity shall be counted as part of the new four (4)-year  
2 term.

3  
4 **SEC. 7. Rank and Emoluments.** - The Chairperson shall have the rank of Department  
5 Secretary and shall be a regular member of the Cabinet. The Commissioners shall have the  
6 rank of Department Undersecretary. The Deputy Commissioners shall have the equivalent rank  
7 of an Assistant Secretary. They shall be entitled to receive the corresponding compensation  
8 and other emoluments, and shall be subject to the same conditions for disqualifications.  
9 Consistent with the provisions of Executive Order No. 292, otherwise known as the  
10 “Administrative Code of 1987”, they are allowed to receive benefits, subject to existing rules  
11 and regulations.

12  
13 **SEC. 8. Duties and Responsibilities of the Chairperson.** – Subject to pertinent laws  
14 and the policies and rules adopted by the CHED, the Chairperson shall:

- 15  
16 a) Act as the Chief Executive Officer of the CHED;  
17 b) Act as the Presiding Officer of the Commission *en banc*;  
18 c) Submit to the Office of the President, rules and regulations adopted by the CHED  
19 which require Presidential attention or action, including annual and other periodic  
20 reports;  
21 d) Direct the Executive Director, the Secretariat, and the Regional Directors in the  
22 performance or execution of the decisions and policies of the Commission *en banc*;  
23 e) Appoint focal persons and representatives of the CHED to advisory boards,  
24 councils and similar bodies where the CHED is identified by law as an ex-officio  
25 member; and  
26 f) Appoint advisers and create advisory bodies to advise and provide support to the  
27 office of the Chairperson.

28  
29 **SEC. 9. Powers and Functions of the CHED.** - The CHED shall exercise the following  
30 powers and functions:

- 31  
32 a) Formulate a roadmap for Philippine higher education that sets the general  
33 directions for its development, including the formulation of educational policies and standards  
34 that ensure the accessibility and continuing improvement of tertiary education services,  
35 thereby ensuring the creation and development of human resources that are responsive,  
36 innovative, and globally competitive;  
37  
38 b) Prepare and implement development plans, policies, priorities, and programs  
39 on higher education and research consistent with national and regional development goals,  
40 international human resource requirements, and address job mismatch between education and  
41 industry requirements;  
42  
43 c) Broaden access to quality higher education through programs and services,  
44 particularly for the disadvantaged students, such as indigenous peoples, poor and deserving  
45 students, and students from depressed areas pursuant to Republic Act No. 10931 or the  
46 “Universal Access to Quality Tertiary Education Act” and other related laws on student  
47 financial assistance;

1 d) Direct the development and reform of higher education towards world class  
2 standards, and harmonization with the Association of Southeast Asian Nations (ASEAN)  
3 education plan, and international conventions and agreements;  
4

5 e) Enable the development of non-traditional higher education programs and  
6 delivery modes, including flexible learning modalities such as blended learning, online and  
7 distance education pursuant to Republic Act No. 10650 or the “Open Distance Learning Act”,  
8 ladderized education pursuant to Republic Act No. 10647 or the “Ladderized Education Act”,  
9 the Expanded Tertiary Education Equivalency and Accreditation Program or ETEEAP, and  
10 applicable executive orders and issuances;  
11

12 f) Facilitate the development of sports and wellness programs in HEIs to produce  
13 globally competitive student-athletes in coordination with the Philippine Sports Commission;  
14

15 g) Set minimum quality assurance standards and guidelines for programs and  
16 institutions for all HEIs, as well as a governance framework for all state universities and  
17 colleges (SUCs) and local universities and colleges (LUCs), and accrediting agencies, as  
18 recommended by panels of experts in the field, subject to public hearing and publication, and  
19 enforce the same;  
20

21 h) Review, monitor and evaluate the curricula and other academic programs of HEIs  
22 *vis-a-vis* their performances in various government licensure examinations and certifications;  
23

24 i) Identify, support and develop centers of excellence in program areas needed for the  
25 development of world-class scholarships, including provision for faculty academic  
26 development in HEIs, nation building and national development;  
27

28 j) Accelerate the establishment of transnational higher education programs, the  
29 internationalization of higher education in the country and the development of transnational  
30 higher education sector consistent with Republic Act No. 11448, otherwise known as the  
31 “Transnational Higher Education Act”;  
32

33 k) Exercise quasi-judicial powers in the pursuit of the mandate of the CHED;  
34

35 l) Develop and enforce a system of program compliance and impose necessary  
36 sanctions for causes provided by law and only after due process, such as the imposition of fines  
37 or penalties, downgrading to permit status, nonrecognition of accreditation, termination by  
38 closure or phase-out of higher education programs, or cessation of operations of public and  
39 private HEIs, including LUCs which are not in compliance with the prescribed minimum  
40 policies, standards and guidelines (PSGs) set by the CHED or international conventions:  
41 *Provided*, That in the case of LUCs, the action or decision of the CHED shall be in conjunction  
42 with, and not in conflict with the provisions of Republic Act No. 7160, otherwise known as the  
43 “Local Government Code of 1991”: *Provided, Further*, That no restraining orders or  
44 injunctions shall be issued upon the actions of the CHED in the exercise of its quasi-judicial  
45 functions, except by the appellate courts after proper proceedings: *Provided, Further*, That the  
46 welfare of students, faculty, and employees shall be given due consideration: *Provided, Finally*,  
47 That the exercise of quasi-judicial power shall include such actions as the issuance of  
48 subpoena, summons, and initiation of contempt proceedings against recalcitrant parties under  
49 its jurisdiction;  
50



1 m) Set PSGs for the creation of new HEIs, as well as the conversion or elevation of schools  
2 to institutions of higher learning;

3  
4 n) Develop and implement standards and systems on reclassification, promotion and  
5 professional development of personnel in SUCs and LUCs in coordination with the Department  
6 of Budget and Management (DBM) and the Civil Service Commission (CSC), and in  
7 consultation with the Philippine Association of State Universities and Colleges, the Association  
8 of Local Colleges and Universities and the Coordinating Council of Private Educational  
9 Associations;

10  
11 o) Support HEIs in the implementation of the Philippine National Qualifications  
12 Framework for higher education in coordination with the DepEd, Technical Education and  
13 Skills Development Authority and other appropriate government agencies consistent with  
14 Republic Act No. 10968, otherwise known as the “PQF Act”;

15  
16 p) Set guidelines for reasonable increases in tuition and other fees in private HEIs:  
17 *Provided*, That the CHED shall, through its regional offices, strictly monitor their compliance  
18 with the guidelines set for this purpose;

19  
20 q) Provide directions and common standards for accrediting agencies;

21  
22 r) Administer the Higher Education Development Fund, as provided for in Section 15 of  
23 this Act, and based on the guidelines set by the CHED, approve projects that shall promote the  
24 development of public and private HEIs;

25  
26 s) Conduct mediation, conciliation, settlement meeting or conferences between HEIs and  
27 students, teachers and staff involving academic issues, in conjunction and in harmony with  
28 existing civil service rules and regulations;

29  
30 t) Chair the governing boards of SUCs and provide direction to these institutions and  
31 ensure that the PSGs of the CHED are complied with and fully implemented by them;

32  
33 u) Establish a national registry for academic information and mobility and other relevant  
34 mechanisms for information sharing and dissemination locally or internationally, in  
35 coordination with other concerned government agencies;

36  
37 v) Develop criteria for allocating additional resources such as research and program  
38 development grants, scholarships, and other similar programs sourced from the Higher  
39 Education Development Fund of the CHED and other fund sources outside of the budget and  
40 income of the HEIs: *Provided*, That these shall not detract from the fiscal autonomy already  
41 enjoyed by colleges and universities;

42  
43 w) Authorize the periodic review of the organization, functions, mission and structure of  
44 the entire CHED in the light of social, economic, and technological changes, and propose the  
45 necessary interventions, including appropriate legislations;

46  
47 x) Fix and adjust the salaries of officials and personnel and administer the hiring of  
48 employees, promotion and other staffing concerns in accordance with the Revised  
49 Compensation and Position Classification System subject to the evaluation and approval of the  
50 DBM; and

1  
2 y) Promulgate such rules and regulations and exercise such other powers and functions  
3 as may be necessary to carry out effectively the purposes and objectives of this Act.  
4

5 **SEC. 10. *Quasi-Judicial Powers of the CHED.*** - The CHED shall exercise exclusive  
6 original jurisdiction over the following violations:  
7

8 a) Fraud or deceit committed in connection with the application for and grant by  
9 the CHED of government permits or recognition and other incentives and qualifying  
10 procedures;  
11

12 b) Failure to comply with conditions or obligations prescribed by the CHED as  
13 minimum standards in operating academic courses and programs;  
14

15 c) Unauthorized operation of a school or course, or any component thereof, or any  
16 violation of the requirement governing advertisements or announcements of educational  
17 institutions; and  
18

19 d) Other cases and complaints related to its powers and functions.  
20

21 Except for cases involving the failure to comply with the minimum standards in  
22 operating academic courses and programs prescribed by the CHED, complaints and cases shall  
23 first be filed with the concerned regional office which has jurisdiction over the area. The  
24 Regional Director shall resolve the case within a reasonable period from the time of submission  
25 of the case for resolution, but in no case shall the entire resolution of the case exceed sixty (60)  
26 days from filing.  
27

28 An appeal from the decision of the Regional Director may be filed with the Office of  
29 the Executive Director of the CHED within ten (10) days from receipt of the decision. The  
30 Office of the Executive Director shall rule on the appeal within sixty (60) days from the filing  
31 of the appeal.  
32

33 An appeal from the decision of the Office of the Executive Director may be filed with  
34 the Commission *en banc* within ten (10) days from receipt of the decision and the latter shall  
35 resolve the appeal within sixty (60) days from the filing of the appeal.  
36

37 The decision of the Commission *en banc* shall be executory. An appeal from the  
38 decision of the Commission *en banc* may be filed with the Court of Appeals, subject to the  
39 period for appeals from the decisions of administrative quasi-judicial bodies as provided in the  
40 Rules of Court.  
41

42 The Regional Trial Courts (RTCs) are prohibited from issuing any injunction against  
43 decisions of the CHED in the exercise of its quasi-judicial functions. In all other matters which  
44 does not contravene the intent and spirit of this Section, the CHED may coordinate with the  
45 RTCs.  
46

47 The finding of a violation committed by an HEI shall not be taken against its students,  
48 teachers and employees who believed in good faith that the school acted in conformity with  
49 the standards and guidance of the CHED: *Provided, However,* That upon issuance of the CHED  
50 of a notice to the public declaring the non-compliance of the HEI and the sanctions imposed

1 therefor, the general public shall be assumed to be fully informed of such violation and thus no  
2 presumption of good faith can be enjoyed thereafter by students, faculty and employees.

3  
4 **SEC. 11. Secretariat and the Executive Director.** - The CHED shall organize a  
5 secretariat which shall be headed by an Executive Director, subject to the national  
6 compensation and position classification plan. It shall fix the secretariat's staffing pattern,  
7 determine the duties, qualifications, responsibilities and functions, as well as the compensation  
8 scheme for the positions to be created upon the recommendation of the Executive Director. It  
9 shall also prepare and approve its budget.

10  
11 The Executive Director must have at least five (5) years administrative or technical  
12 experience in the areas of policies and standards development, management, public or private  
13 administration and policy, as well as human resource development, among others, with the rank  
14 and emoluments of an assistant secretary to be appointed by the President of the Philippines  
15 upon the recommendation of the Commission *en banc*.

16  
17 The CHED shall take steps to attract the most qualified and competent staff in all grades  
18 and levels and shall institute necessary and flexible internal rules and procedures towards hiring  
19 and removal of personnel in the interest of efficiency, economy, discipline and better  
20 performance standards.

21  
22 **SEC. 12. Central Office Operation.** – The CHED shall establish a Central Office in  
23 accordance with the Revised Administrative Code of 1987 and other pertinent laws and  
24 issuances to support the fulfillment of the powers and functions of the CHED at the national  
25 level. The offices under the Central Office shall be headed by a qualified Director and Assistant  
26 Director.

27  
28 The Chairperson of the CHED shall appoint such personnel necessary to carry out the  
29 objectives, policies, and functions of the CHED, subject to existing laws and the rules and  
30 regulations of the CSC.

31  
32 **SEC. 13. Regional Operations.** – The Regional Offices of the CHED shall be headed  
33 by Regional Directors with the rank and emoluments of Director IV to be appointed by the  
34 President of the Philippines.

35  
36 The Regional Offices shall be under the direct control and supervision of the CHED  
37 Chairperson and shall have the following functions:

- 38  
39 a) Implement the programs of the CHED in the regional level, as well as in highly  
40 urbanized cities, which are under their jurisdiction;  
41  
42 b) Develop and recommend programs for regional and local-level implementation  
43 within the policies set by the CHED;  
44  
45 c) Facilitate the implementation of Republic Act No. 10931, including  
46 disbursement of checks; and  
47  
48 d) Perform such other duties and functions as may be deemed necessary.  
49

1 In order to be attuned and updated on the official activities and needs of the concerned  
2 SUCs, the Regional Director shall sit as a resource person in all board meetings of SUCs which  
3 the regional office has jurisdiction over.  
4

5 **SEC. 14. Provincial Offices.** – The CHED shall establish provincial offices to ensure  
6 the implementation of policies and programs across island groups and remote areas. The  
7 provincial offices shall be headed by provincial directors, who shall have the rank and  
8 emoluments of a Director III. The provincial offices shall be under the direct control and  
9 supervision of their respective regional directors and shall have the following functions:

- 10
- 11 a) Implement the policies and programs of the CHED in the province under its  
12 jurisdiction;
  - 13
  - 14 b) Review and recommend programs for implementation within their localities;
  - 15
  - 16 c) Provide technical assistance to local government units in the governance of  
17 LUCs and the implementation of local government-initiated programs within their localities;
  - 18
  - 19 d) Facilitate the implementation of Republic Act No. 10931, including the  
20 disbursement of checks for HEIs which are under their jurisdiction; and  
21
  - 22 e) Perform such other duties and functions as may be authorized.  
23

24 **SEC. 15. Higher Education Development Fund.** – The Higher Education  
25 Development Fund established under Republic Act No. 7722, hereinafter referred to as the  
26 Fund, shall be used exclusively for the strengthening of higher education in all regions of the  
27 country.  
28

29 The Fund shall consist of:

- 30
- 31 a) The equivalent of forty percent (40%) annual share on the total gross collections of  
32 the travel tax;
  - 33
  - 34 b) The equivalent of thirty percent (30%) share of the annual collections from the  
35 Professional Registration Fee; and  
36
  - 37 c) The equivalent of one percent (1%) of the gross sales of the lotto operation of the  
38 Philippine Charity Sweepstakes Office.  
39

40 Government financing institutions identified and requested by the CHED may  
41 contribute to the Fund an amount equivalent to not less than three percent (3%) but not more  
42 than five percent (5%) of their unimpaired surplus realized during the immediately preceding  
43 year.  
44

45 The Fund shall likewise consist of donations and grants privately raised by the CHED.  
46 These and other conveyances including equipment, properties, materials and services by  
47 gratuitous title shall be exempt from the donor's tax and shall constitute as allowable deduction  
48 from the gross income tax of the donor. The Fund shall fall under the Tax Exemption provision  
49 in Section 21.  
50

1           **SEC. 16. *Management and Administration of the Fund.*** - The Fund shall be  
2 administered by the CHED. For sound and judicious management, the Bureau of Treasury  
3 under the Department of Finance shall be the portfolio manager of the Fund.  
4

5           As administrator of the Fund, the CHED shall prepare the necessary guidelines for its  
6 use, subject to the following conditions:  
7

8           a)       No part of the seed capital of the Fund, including earnings thereof, shall be used  
9 to underwrite overhead expenses for administration;  
10

11           b)       Unless otherwise stipulated by the private donor, only earnings of private  
12 contributions shall be used for administrative expenses;  
13

14           c)       The CHED shall appoint and organize a separate Fund Office to be headed by  
15 a director and to be composed of units responsible for resource mobilization, planning and  
16 programs, monitoring and evaluation, and finance and administration, among others. Since the  
17 Fund comes from contributions from the government and private sector, the Fund Office shall  
18 be administratively independent and budgetarily separate from the CHED Secretariat; and  
19

20           d)       The Fund shall be utilized equitably according to regions to strengthen HEIs and  
21 support priority programs. In no case shall the Fund be utilized for purposes benefiting  
22 individuals other than those earmarked for developmental purposes under the guidelines set by  
23 the CHED.  
24

25           **SEC. 17. *Technical Panels.*** - The CHED shall reconstitute or organize technical  
26 panels for different disciplines and academic program areas. They shall assist the CHED in  
27 setting standards and evaluating academic programs for regulatory and development purposes.  
28 The technical panels shall be composed of individuals highly recognized in their fields of  
29 expertise and who shall be tasked to formulate a roadmap for the development of disciplinal  
30 and degree programs; review, revise, and update policies, standards, and guidelines based on  
31 the policy direction set by the CHED; and serve as resource persons in its various activities.  
32

33           The technical panels shall serve as advisory or recommendatory bodies for a specific  
34 discipline or related program, and their recommendations shall be subject to the approval of  
35 the Commission *en banc*.  
36

37           **SEC. 18. *Guarantee of Academic Freedom.*** - Nothing in this Act shall be construed  
38 as limiting the academic freedom of universities and colleges. In particular, no abridgment of  
39 curricular freedom of the individual educational institutions by the CHED shall be made except  
40 for: (a) minimum unit requirements for specific academic programs; (b) general education  
41 distribution requirements as may be determined by the CHED; and (c) specific professional  
42 subjects as may be stipulated by the various licensing entities. Academic or curricular  
43 restrictions which are not required from chartered SUCs shall likewise not be made upon  
44 private educational institutions.  
45

46           Both public and private HEIs, including those established by local governments must  
47 comply with the mandatory minimum institutional and program standards set by the  
48 Commission *en banc*.  
49

1           **SEC. 19. *Guarantee of Religious Freedom.*** - No higher education student, faculty, or  
2 other members of the academic community shall be prohibited from exercising their right to  
3 religious freedom in the HEI or any of its campuses.  
4

5           **SEC. 20. *Incentives For Accreditation.*** - The CHED shall provide incentives to  
6 institutions of higher learning, public and private, whose proposed programs are approved and  
7 accredited or whose needs are for accreditation purposes.  
8

9           **SEC. 21. *Tax Exemptions.*** - All grants, bequests, endowments, donations and  
10 contributions made to the CHED, to be used actually, directly and exclusively by it, shall be  
11 exempt from donor's tax and the same shall be considered as allowable deduction from the  
12 gross income of the donor for purposes of computing the taxable income of the donor in  
13 accordance with the provisions of the National Internal Revenue Code of 1997, as amended.  
14

15           **SEC. 22. *Scope of Authority.*** - The CHED shall exercise such authority as may be  
16 deemed necessary within its premises or areas of operation to effectively carry out its powers  
17 and functions and to attain its objectives: *Provided*, That the CHED may seek the assistance of  
18 other government agencies for the proper implementation of this Act.  
19

20           **SEC. 23. *Periodic Review.*** - The CHED shall undertake a periodic assessment of its  
21 accomplishments, and review and update the roadmap of Philippine higher education every ten  
22 (10) years. The updated roadmap shall be submitted to Congress and the Office of the President  
23 for the formulation of new policies necessary for the continuous and sustained modernization  
24 of higher education in the country.  
25

26           **SEC. 24. *Appropriations.*** - The initial amount for the implementation of this Act shall  
27 be charged against the current year's appropriations of the CHED.  
28

29           Thereafter, such amount necessary shall be included in the annual General Appropriations  
30 Act.  
31

32           **SEC. 25. *Transitory Provisions.*** - Upon the effectivity of this Act, the incumbent  
33 Chairperson and Commissioners of the CHED shall serve as the Chairperson and  
34 Commissioners, respectively, without need of new appointments subject to the following  
35 conditions: (1) the incumbent Chairperson and Commissioners serving their first terms upon  
36 the passage of this Act shall be deemed reappointed to serve a full term as provided under this  
37 Act but shall not be qualified for reappointment, and (2) the incumbent Chairperson and  
38 Commissioners serving their second terms upon the passage of this Act shall continue to serve  
39 only the remaining duration of the term they are currently serving and shall not be eligible for  
40 reappointment. The incumbent Executive Director shall likewise serve as Executive Director  
41 without need of a new appointment.  
42

43           All officers and personnel of the CHED shall continue to perform their duties and  
44 responsibilities and receive their corresponding salaries and benefits. The approval of this Act  
45 shall not cause any demotion in rank or diminution of salary, benefits and other privileges of  
46 the incumbent personnel of the CHED.  
47

1           **SEC. 26. *Implementing Rules and Regulations.*** - The CHED shall, within ninety (90)  
2 days after the effectivity of this Act, formulate the necessary rules and regulations for its  
3 effective implementation.

4  
5           **SEC. 27. *Separability Clause.*** - If any provision or part of this Act is held  
6 unconstitutional or invalid, the other provisions or parts hereof which are not affected shall  
7 continue to be in full force and effect.

8  
9           **SEC. 28. *Repealing Clause.*** - All laws, presidential decrees, executive orders, rules  
10 and regulations, or parts thereof which are inconsistent with the provisions of this Act are  
11 hereby repealed, amended or modified accordingly.

12  
13           **SEC. 29. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication  
14 in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*

## FACT SHEET

### House Bill No. 10282

*(In substitution of House Bills Numbered 1855, 1936, 6449 and 7413)*

#### AN ACT

#### **STRENGTHENING THE COMMISSION ON HIGHER EDUCATION AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS THE “HIGHER EDUCATION ACT OF 1994”**

*Introduced by: REPS. MARK O. GO, RUFUS B. RODRIGUEZ, HENRY R. VILLARICA, MICHAEL ODYLON L. ROMERO, ENRICO A. PINEDA, EDUARDO “BRO. EDDIE” C. VILLANUEVA, DOMINGO C. RIVERA, XAVIER JESUS D. ROMUALDO, EVELINA G. ESCUDERO, ANN K. HOFER, LEONARDO L. BABASA, JR., ANGELO MARCOS BARBA, MACNELL M. LUSOTAN, MAXIMO Y. DALOG, JR., MERCEDES “DIDI” C. CAGAS, MANUEL DG. CABOCHAN III, RUTH MARIANO-HERNANDEZ, MARICEL G. NATIVIDAD-NAGAÑO, M.D., LEO RAFAEL M. CUEVA, FREDERICK W. SIAO, JOSEPH “JOJO” L. LARA, MARIA THERESA V. COLLANTES, JOY MYRA S. TAMBUNTING, RAUL “BOBOY” C. TUPAS, PAUL RUIZ DAZA, JOSE ENRIQUE “JOET” S. GARCIA III, ROSE MARIE “BABY” J. ARENAS, ANTONIO “TONYPET” T. ALBANO, GABRIEL H. BORDADO, JR., CESAR “JAWO” L. JIMENEZ, JR., TEODORICO T. HARESCO, JR., YASSER ALONTO BALINDONG, STRIKE B. REVILLA, CHRISTOPHER V. P. DE VENECIA, LIANDA B. BOLILIA, JOEY SARTE SALCEDA, AURELIO “DONG” D. GONZALES, JR., VIRGILIO S. LACSON, SERGIO C. DAGOOC, ALFELITO M. BASCUG, JOSE L. ONG, JR., JUNIE E. CUA, ESTRELLITA B. SUANSING, STELLA LUZ A. QUIMBO, ADRIANO A. EBCAS, JERICHO JONAS B. NOGRALES, ROMAN T. ROMULO, SHARON S. GARIN, MICAELA S. VIOLAGO, KRISTINE SINGSON-MEEHAN, ANTHONY PETER “ONYX” D. CRISOLOGO, DEOGRACIAS VICTOR “DV” B. SAVELLANO, JOSELITO “JOEL” S. SACDALAN, JOSEPH STEPHEN S. PADUANO, SARAH JANE I. ELAGO, ALYSSA SHEENA P. TAN, PABLO JOHN “PJ” F. GARCIA, SABINIANO S. CANAMA, WESLIE T. GATCHALIAN, JANICE Z. SALIMBANGON, JUMEL ANTHONY I. ESPINO, RON P. SALO, CHERYL DELOSO-MONTALLA, LAWRENCE LEMUEL H. FORTUN, JOSE “PINGPING” I. TEJADA, JESUS “BONG” C. SUNTAY, HORACIO P. SUANSING, JR., RIA CHRISTINA G. FARIÑAS, FAUSTINO MICHAEL CARLOS T. DY III, LORENZ R. DEFENSOR, RAMON C. NOLASCO, JR., ERIC GO YAP, MANUEL JOSE “MANNIX” M.*



**DALIPE, TYRONE D. AGABAS, LORNA P. BAUTISTA-BANDIGAN, JOHN MARVIN “YUL SERVO” C. NIETO, ARGEL JOSEPH T. CABATBAT, RUFFY B. BIAZON, LUISA LLOREN CUARESMA, MICHAEL JOHN R. DUAVIT, RUDYS CAESAR G. FARIÑAS I, GREG G. GASATAYA, ED CHRISTOPHER S. GO, JOCELYN SY LIMKAICHONG, CORAZON T. NUÑEZ-MALANYAON, MANUEL T. SAGARBARRIA, MANUEL “WAY KURAT” E. ZAMORA, CYRILLE “BENG” F. ABUEG-ZALDIVAR, NARCISO R. BRAVO, JR., CARL NICOLAS C. CARI, ABDULLAH D. DIMAPORO, ALAN R. DUJALI, FAUSTINO “INNO” A. DY V, MICHAEL B. GORRICETA, EDUARDO “EDDIE” R. GULLAS, GODOFREDO N. GUYA, GLONA G. LABADLABAD, EDWARD VERA PEREZ MACEDA, MA. LUCILLE L. NAVA, M.D., EMMARIE “LOLYPOP” OUANO-DIZON, EDDIEBONG G. PLAZA, HECTOR S. SANCHEZ, JOHN REYNALD M. TIANGCO, KRISTINE ALEXIE B. TUTOR, SAMANTHA LOUISE VARGAS ALFONSO, ROSANNA “RIA” V. VERGARA, SHIRLYN L. BAÑAS-NOGRALES, PRECIOUS HIPOLITO CASTELO, WILFRIDO MARK M. ENVERGA, DAHLIA A. LOYOLA, JOSEPHINE RAMIREZ-SATO, AMIHILDA J. SANGCOPAN, ROWENA NIÑA O. TADURAN, AND VICTOR A. YAP**

*Committee Referral:* **COMMITTEE ON HIGHER AND TECHNICAL EDUCATION**  
*Committee Chairperson:* **REP. MARK O. GO**

**OBJECTIVES:**

- To expand the mandate of the Commission on Higher Education (CHED) to cover supervision and regulation of programs offered by all types of higher education institutions (HEIs)
- To incorporate in the CHED Charter the additional functions given through the enactment of other laws since its creation in 1994 such as Republic Act No. 8292 (Higher Education Modernization Act); Republic Act No. 10647 (Ladderized Education Act); Republic Act No. 10650 (Open Distance Learning Act); Republic Act No. 10687 (Unified Student Financial Assistance System in Tertiary Education or UniFAST Act); Republic Act No. 10931 (Universal Access to Quality Tertiary Education Act); Republic Act No. 10968 (Philippine Qualifications Framework Act); Republic Act No. 11393 (Advanced Energy and Green Building Technologies Curriculum Act); Republic Act No. 11396 (Land Use Development and Infrastructure Program Act); Republic Act No. 11180 (Athletic Programs Report Act); and Republic Act No. 11448 (Transnational Higher Education Act), among others
- To ensure faster delivery of educational services by improving the organizational set-up or structure of CHED through the creation of additional positions (deputy commissioners) and provincial offices

## **KEY PROVISIONS:**

- Mandates that the CHED shall exercise oversight and supervisory powers not only over state universities, colleges and private HEIs, but local colleges and universities offering degree programs as well, except those under the jurisdiction of the Bangsamoro Autonomous Region of Muslim Mindanao, and foreign HEIs which operate under Philippine laws
- Provides that the CHED shall be headed by a Chairperson and four (4) Commissioners who shall be holders of doctorate degrees conferred by a reputable HEI recognized by the CHED, defined as Level 8 in the Philippine Qualifications Framework (PQF) who have been actively engaged in higher education for at least ten (10) years, with at least five (5) years of managerial experience, and must not have been candidates for any elective positions in the national or local election immediately preceding their appointment
- Mandates that the President of the Philippines shall appoint the full-time Chairperson, Commissioners and Deputy Commissioners for a term of four (4) years, without prejudice to one (1) reappointment
- Provides that the three (3) Deputy Commissioners shall be responsible for the following: Standards and Quality Assurance; Administration and Finance; and Planning and Grants Administration
- Requires the CHED to formulate a roadmap for higher education that shall set the general directions for educational policies and standards and ensure that higher education is accessible, equitable and producing locally responsive, innovative, and globally competitive graduates and lifelong learners
- Grants quasi-judicial powers to the CHED in the pursuit of its mandate, empowers it to develop and enforce a system of program compliance and to impose necessary sanctions for cause provided by law
- Enables the CHED to direct the development and reform of higher education towards world-class standards and harmonization with the ASEAN education plan, international conventions, and agreements
- Mandates that the CHED's regional offices shall be headed by regional directors with the rank and emoluments of Director IV to be appointed by the President of the Philippines, and that the regional offices shall be under the direct control of the Chairperson and shall implement the programs of the CHED in the regional level
- Establishes provincial offices to ensure the implementation of policies and programs across island groups and remote areas, with the provincial offices to be headed by provincial directors

## **RELATED LAWS:**

- Republic Act No. 7722 (Higher Education Act of 1994)
- Republic Act No. 7160 (Local Government Code)
- Republic Act No. 10647 (Ladderized Education Act)

- Republic Act No. 10687 (Unified Student Financial Assistance System for Tertiary Education or UniFAST Act)
- Republic Act No. 10931 (Universal Access to Quality Tertiary Education Act)
- Republic Act No. 8292 (Higher Education Modernization Act)
- Republic Act No. 10650 (Open Distance Learning Act)
- Republic Act No. 11393 (Advanced Energy and Green Building Technologies Curriculum Act)
- Republic Act No. 11396 (SUCs Land Use Development and Infrastructure Plan Act)
- Republic Act No. 11180 (Athletic Programs Report Act)
- Republic Act No. 11448 (Transnational Higher Education Act)
- Republic Act No. 10968 (Philippine Qualifications Framework Act)