

Republic of the Philippines
COMMISSION ON HIGHER EDUCATION
Meralco Avenue, Pasig, Metro Manila

September 19, 1994

CHED Order No. 4, s. 1994

To: Regional Directors and Other Affected Offices

Implementing Rules And Regulations For The Transfer Of Functions And Personnel, Assets, Liabilities And Records Of Various Units Under The Department Of Education, Culture And Sports (DECS) And Other Affected Government Agencies Whose Functions Are Transferred To The Commission On Higher Education (CHED) And For Other Related Purposes

1. Enclosed is a copy of the Rules and Regulations for the transfer of functions and personnel, assets, liabilities and records of various units under the Department of Education, Culture and Sports (DECS) and other affected government agencies whose functions are transferred to the Commission on Higher Education (CHED) pursuant to Section 18 of R.A. 7722.
2. The said Rules and Regulations were approved under Resolution No. 5, s. 1994 of the Commission adopted on September 13, 1994.
3. Strict compliance therewith is requested.

(SGD.) RICARDO T. GLORIA
Chairman

Republic of the Philippines
COMMISSION ON HIGHER EDUCATION
Meralco Avenue, Pasig, Metro Manila

IMPLEMENTING RULES AND REGULATIONS FOR THE TRANSFER OF FUNCTIONS AND PERSONNEL, ASSETS, LIABILITIES AND RECORDS OF VARIOUS UNITS UNDER THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS (DECS) AND OTHER AFFECTED GOVERNMENT AGENCIES WHOSE FUNCTIONS ARE TRANSFERRED TO THE COMMISSION ON HIGHER EDUCATION (CHED) AND FOR OTHER RELATED PURPOSES

Section 1. Transfer of Functions and Personnel, Assets and Liabilities.

a) Transfer of the Bureau of Higher Education (BHE)

The functions and responsibilities and personnel, assets and liabilities including pertinent records, equipment, and other properties of the BHE shall be transferred to the Commission.

b) Transfer of Regional Offices

1. Higher Education Functions/Personnel

The said transfer includes those for higher and tertiary education in the Regional Offices of the DECS. Specifically, such functions and personnel, assets, liabilities and responsibilities of the Higher Education Division shall be transferred to the Commission.

2. Vocational-Technical Functions/Personnel

In relation to vocational and technical programs in the Regional Offices of the DECS, only the degree-granting aspect of said programs are covered by the transfer.

Henceforth, said functions and personnel, assets, liabilities, and responsibilities including pertinent records and properties of the Vocational and Technical Divisions of the DECS Regional Offices shall be transferred to the Commission.

c) Transfer of Certain Functions of EDPITAF

Functions and responsibilities of EDPITAF that are similar to the Commission shall be transferred to the latter. The transfer shall include the corresponding personnel, assets, liabilities, equipment, records, properties, appropriations and funds. However, the contractual personnel of EDPITAF who are directly involved in the implementation of foreign assisted

3.) Separation and Termination

There shall be no involuntary separation, termination, or lay-off of personnel of concerned units affected by the establishment of the Commission.

4.) Contractual/Casual and other Personnel

1.) Contractual personnel of the affected units who have been engaged to perform activities which are usually necessary for the attainment of the objectives of the organization to which they belong or desirable in the usual discharge of the functions of the government unit concerned and or covered under a Position Allocation list (PAL) duly approved by the Department of Budget and Management shall be deemed transferred or absorbed by the Commission during the transition period.

2.) Casual, emergency, or daily wage personnel affected by the establishment of the Commission who are performing duties and responsibilities that are directly in support of and are necessary or desirable in the usual discharge of the powers and functions of the government unit concerned and highly desirable to the discharge of the function of the Commission shall also be absorbed to the Commission subject to existing laws, rules and regulations during the transition period.

Section 3. New Structure and Staffing Pattern

Upon approval of this Implementing Rules and Regulations, the officers and employees of the affected units of the DECS such as the BHE, the Higher Education Division of the DECS Regional Offices, certain affected units of the EDPITAF shall, in a hold-over capacity, continue to perform their respective duties and responsibilities and shall receive the corresponding salaries and benefits to which they are entitled.

The new position structure and staffing pattern of the Commission shall be prescribed and approved by the Commission within 90 days from the effectivity of this Implementing Rules and Regulations and the authorized positions created thereunder shall be filled with regular appointments by the Commission pursuant to Sec. 9 and sec. 18 of R.A. 7722 and subject to existing laws, rules and regulations.

Section 4. Separation and Retirement Benefits

1.) Any personnel who opts for voluntary separation or retirement from the service shall be entitled to maximum benefits, if qualified under existing laws, rules and regulations or under such

policies as may be adopted by the Commission, to receive the retirement gratuities and other benefits accruing thereunder. Provided, however, that such option should be exercised within a definite period to be determined by the Commission.

2.) Any official or employee not yet eligible for retirement shall be entitled to separation pay equivalent to one (1 1/4) month salary for every year of service, plus a proportionate amount for any fraction thereof over and above the monetary value of their accumulated leave credits as provided for by existing laws.

3.) Payment of retirement benefits and separation pay to those who opted for such benefits shall be charged to the appropriate government unit concerned to which they belong.

4.) The Department of Budget and Management is hereby directed to provide funding priority to personnel retirement and separation pay and other benefits arising from the establishment of the Commission.

5.) Any official or employee who may later be reinstated in the Commission, or who is retired in any government office or instrumentality shall refund the unearned portion of gratuity received from the government before he shall be reinstated or rehired.

Section 5. Monitoring of Transfer

All government units affected by the transfer of functions shall submit to the Commission the timetable for the transfer of assets, liabilities, personnel, equipment, records and other properties to the Commission within one (1) month after the promulgation of this Implementing Rules and Regulations.

Section 6. Phases of Implementation.

The implementation of the transfer of functions and personnel to the Commission shall be undertaken in two (2) phases, to wit:

1.) Phase I

Pursuant to Sec. 18 of R.A. 7722, personnel of the BHE, the Higher Education Division of the DECS Regional Offices, affected personnel of EDPITAF and other affected government entities shall be given the option to be reassigned to the various units, offices or bureaus under the DECS.

This option shall be exercised in accordance with the guidelines to be promulgated by the Commission.

2.) Phase II

2.1) Organization of the Commission proper and approval of the organization structure of the Commission and all the pertinent offices and units under said Commission in accordance with its mandates and functions.

2.2) Preparation and filling-up of the position structure, staffing pattern, and transfer of assets to the Commission shall be completed by December 15, 1994 or earlier.

2.3) At the end of this phase, all personnel to be transferred or absorbed by the Commission shall have been given or issued appointment papers and the newly created and organized Commission shall be fully operational.

2.4) The personnel who opted to retire or to voluntarily separate from the service shall be allowed to retire under existing laws, rules and regulations and in accordance with this Implementing Rules and Regulations or be given separation pay in accordance with this Order and existing laws, rules and regulations, as the case may be.

Section 7. Implementing Rules and Regulations of the Commission Proper.

Within ninety (90) days from the organization and operationalization of the Commission, it shall promulgate the manual of rules and regulations necessary to ensure the effective implementation of RA 7722 and codify existing and pertinent rules and regulations pertaining to higher education.

Section 8. Effectivity

This Implementing Rules and Regulations shall take effect immediately.

Done in the City of Manila, this 13th day of September, in the year of Our Lord, Nineteen Hundred and Ninety-Four.

(SGD.) HON. RICARDO T. GLORIA
Chairman
Commission on Higher Education