



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION

CHED MEMORANDUM ORDER

No. 04
Series of 2007

SUBJECT: IMPLEMENTING RULES AND REGULATIONS (IRR) OF CMO NO. 32, SERIES OF 2006, ENTITLED "POLICIES, STANDARDS, AND GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF LOCAL COLLEGES AND UNIVERSITIES (LCUs)"

Pursuant to **CMO NO. 32, Series of 2006**, entitled "Policies, Standards and Guidelines on the Establishment and Operation of Local Colleges and Universities" and pursuant to Commission en Banc Resolution No. **868** series of **2006**, the following Implementing Rules and Regulations are hereby formulated:

RULE I
TITLE

Section 1. Title – These rules and regulations shall be known and cited as the "Implementing Rules and Regulations of CMO No. 32 s. of 2006, entitled Policies, Standards, and Guidelines on the Establishment and Operation of Local Colleges and Universities."

RULE II
DEFINITION OF TERMS

Section 2. Definition of Terms – As used in this IRR, unless the context otherwise requires, the following words and phrases shall mean, thus:

- 2.1 **Commission on Higher Education (CHED)** – the government agency created by Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994", which has jurisdiction over all higher education institutions (HEIs), both public and private in the Philippines.
- 2.2 **Sanggunian** – refers to the local legislative body which includes Sangguniang Panglunsod for City, Sangguniang Bayan for Municipality, and Sangguniang Panlalawigan for Province

- 2.3 **Governing Board** – refers to the highest policy-making body of an LCU. The governing board of a local college shall be called Board of Trustees (BOT) and that of a university shall be called Board of Regents (BOR).
- 2.4 **Alumni Association** – is the association of the alumni of the LCU preferably from its tertiary level programs duly recognized by the college/university administration.
- 2.5 **Student Government/Council** – is the supreme student government/council of the LCU duly recognized by the college/university administration.
- 2.6 **Faculty Association** – is the association of faculty members of the LCU duly recognized by the college/university administration.
- 2.7 **Search Committee** – refers to the committee of five (as identified in CMO No. 32, s. 2006) duly appointed by the Governing Board of the LCU tasked with the search of a President based on the qualifications set by the Governing Board.
- 2.8 **Accreditation** - a process leading to the issuance of a certificate of accredited status of a program undertaken by an accrediting body and certified by an accrediting federation duly recognized by CHED.

**RULE III
COVERAGE**

Section 3. Coverage- This IRR shall apply to the following: a) new higher education institutions to be established by LGUs; b) educational institutions established and operated by LGUs offering non-degree programs but would eventually offer degree programs; c) local colleges proposing elevation to university status; and d) existing Local Colleges and Universities.

**RULE IV
ESTABLISHMENT OF LOCAL HIGHER EDUCATION INSTITUTION**

Section 4. Pre-requisite for establishment - Pursuant to the provisions of Article III Sections 447, 458, 468 of the Local Government Code, local government units may establish and provide for operation of a vocational and technical school and similar post secondary institution subject to availability of funds, and existing laws, rules and regulations.

Section 5. Consultation with CHED – The LGU proposing to enact an ordinance to establish and operate a local Higher Education Institution (HEI) shall consult and coordinate with the CHED Regional Office (CHEDRO). The CHEDRO shall assist the LGU to ensure compliance with the CHED standards and requirements on the establishment of a local HEI.

Section 6. Submission of Requirements - During the consultation, the LGU shall submit to the CHED Regional Office (CHEDRO) the requirements pursuant to Sections 2 to 4, Article V of CMO No. 32 series of 2006.

Section 7. Review by the Regional Office - The CHEDRO shall conduct immediate review and evaluation of the requirements submitted by the LGU. If requirements have been complied with, the CHEDRO shall forward the documents to the Office of Programs and Standards (OPS), for final review and evaluation and endorsement to the Commission en Banc (CEB) for appropriate action.

Section 8. Certificate of Compliance – After compliance with the requirements, the Commission shall issue the Certificate of Compliance to the LGU through the CHEDRO. If a Certificate of Compliance is not issued by the Commission, the LGU shall be informed by the Commission through the CHEDRO of the reason(s) thereof. In which case, the LGU may seek further assistance from the CHEDRO.

Section 9. Establishment – Upon receipt of the Certificate of Compliance, the LGU may provide for the establishment and operation of local HEI.

Section 10. Opening of Degree programs - A local HEI may start to operate degree programs provided it has fully complied with all the requirements stipulated in the policies, standards, and guidelines set by CHED for each specific program.

RULE V THE GOVERNING BOARD

Section 11. Governing Boards- The Governing Board of a local college shall be its Board of Trustees (BOT) while the Governing Board of a local university shall be its Board of Regents (BOR).

Section 12. Composition of BOT - The Board of Trustees (BOT) of a local college shall be composed of the Local Chief Executive as Chairman, the College President as Vice Chairman and seven (7) members composed of, but not limited to the following:

- The President of the Faculty Association;
- The President of the Supreme Student Government/Council;
- The President of the Alumni Association;
- The Chairman of the Sanggunian Committee on Education;
- A representative of the Commission on Higher Education;
- A representative of Association of Local Colleges and Universities; and
- A representative from an accredited business or industry sector.

An LGU may appoint a representative from another sector in lieu of a representative from the accredited business or industry sector as member of the BOT.

Section 13. *Composition of BOR* - The Board of Regents (BOR) of a local university shall be composed of the Local Chief Executive as Chairman, the College President as Vice Chairman and nine (9) members composed of, but not limited to the following:

- The President of the Faculty Association;
- The President of the Supreme Student Government/Council;
- The President of the Alumni Association;
- The Chairman of the Sanggunian Committee on Education;
- A representative of the Commission on Higher Education (CHED) with a rank not lower than a director;
- A representative of Association of Local Colleges and Universities (ALCU);
- Two (2) representatives from accredited NGOs preferably from business or industry sector; and
- A representative of the Department of Science and Technology (DOST) with a rank not lower than a director.

An LGU may appoint a representative from another sector in lieu of the representatives from DOST and the accredited business or industry sector as members of the BOR.

Section 14 - *Terms of Office of the BOT:*

- a. The terms of Office of the Chairman, Vice-Chairman, and of the following members, namely the Chairman of the Committee on Education of Sanggunian, and representatives of the Faculty, Student, and Alumni Associations shall be co-terminus with the terms of office of their respective positions.
- b. The representative from CHED who shall hold the rank not lower than Director shall be appointed by the BOT for a specific term of office subject to the confirmation of the head of the agency. Provided that the representative from ALCU who shall be appointed by the BOT for a specific term of office shall hold

the position not lower than Vice- President either from the national ALCU or its Regional Chapter.

- c. The representative from accredited business or industry sector shall be appointed by the BOT for a specific term of office upon the nomination of the business or industry sector of which the representative is a member thereof.

Section 15. Terms of Office of the BOR:

- a. The terms of office of the Chairman, Vice-Chairman, and of the following members, namely the Chairman of the Committee on Education of Sanggunian and representatives of the Faculty, Student, and Alumni Associations shall be co-terminus with the terms of office of their respective positions.
- b. The representatives from CHED and DOST who shall hold the rank not lower than Director shall be appointed by the BOR for a specific term of office subject to the confirmation of the heads of their respective agencies. Provided that the representative from ALCU who shall be appointed by the BOR for a specific term of office shall hold the position not lower than Vice-President either from the national ALCU or its Regional Chapter.
- c. The representatives from accredited business or industry sector shall be appointed by the BOR for a specific term of office upon the nomination of the business or industry sector of which the representatives are members thereof.

Section 16. Representatives of the Faculty, Student and Alumni Associations to the BOT/BOR - The Presidents of the faculty, students and alumni associations are members of the BOT/BOR upon their election and qualification to their respective positions. In case of permanent vacancy in the above-mentioned position, the BOT/BOR shall recognize the rule on automatic succession under their respective constitution and by-laws.

**RULE VI
POWERS AND DUTIES OF THE GOVERNING BOARD**

Section 17. POWERS AND DUTIES - The Governing Board of the local HEI shall have the following powers and duties:

- a. promulgate policies in accordance with the declared state policies on higher education as well as the policies, standards and thrusts of the CHED under R.A. 7722 and other pertinent laws;

- b. promulgate rules and regulations consistent with existing laws, rules, and regulations as may be necessary to carry out the purposes and functions of the local HEI;
- c. establish policies, guidelines and procedures for participative decision-making;
- d. develop academic arrangements and linkages for institutional capability building with appropriate institutions and agencies, both public and private, local and foreign;
- e. determine/approve curricular programs and course offerings in response to the needs and demands of the community provided that these should comply with the provisions of CMO No. 10, s. 2005;
- f. promulgate policies on admission, retention, and graduation of students and to award degree(s), title(s), diploma(s) and certificate(s). However, conferment of honorary degree(s) or title(s) shall be in accordance with the policies and guidelines set by CHED;
- g. ensure the efficient management of non-academic services such as medical and dental, guidance and counseling, canteen, buildings, grounds, property maintenance and similar services;
- h. institutionalize research and extension programs;
- i. appoint the President of the college/university upon the recommendation of the search committee;
- j. confirm appointments of other school officials, teaching and non-teaching personnel appointed by the President;
- k. delegate any of its powers and duties provided for herein to the President and/or other officials of the college/university as it may deem appropriate so as to expedite the administration of the affairs of the college/university;
- l. invite representatives from other government or private entities as resource person(s) of the Board;
- m. determine the fees and other school charges.
- n. in coordination with the Sanggunian, provide for the regular support for the development, operation, and maintenance of the local HEI; and

- o. recommend to the local Sanggunian policies on tertiary education and other related development legislation on effective governance and management.

RULE VII

TERM OF OFFICE, POWERS AND DUTIES OF THE PRESIDENT

Section 18 – *Term of Office* - The President shall be selected and appointed by the Governing Board for a term of four (4) years and shall be eligible for reappointment for another term only.

Section 19 – *Powers and Duties* – The administration of a local HEI is vested on its President who must render full time service. He shall be responsible to the Board for the implementation of all its policies, programs, projects, and services.

Section 20. *Appointment of Officials* - The President shall appoint the Vice-Presidents, Deans, Directors, Registrar, Administrative Officer, Accountant, teaching and non-teaching personnel subject to confirmation of the Board.

RULE VIII

SEARCH COMMITTEE FOR THE PRESIDENT; MINIMUM QUALIFICATIONS AND VACANCY IN THE OFFICE OF THE PRESIDENT

Section 21. *Constitution of Search Committee* - Six (6) months before the expiration of the term of office of the incumbent President, the Governing Board shall constitute a Search Committee for President (SCP) which shall be composed of representatives from the Civil Service Commission (CSC), Academe, accredited business or industry sector, ALCU and CHED. The SCP shall elect a Chairman and a Vice-Chairman from among themselves.

Section 22. *Funds* - The Governing Board shall appropriate adequate funds to finance the activities of the SCP.

Section 23. *Procedure for the Search* - The Search Committee so constituted may devise its own rules and procedure for the search.

Section 24. *Notice of Vacancy* - Within ten (10) days upon its constitution, the SCP shall cause the publication of the notice of vacancy for President in a newspaper of local or general circulation and by posting in conspicuous places in the province/city/municipality where the local HEI is located. The publication shall contain provisions for invitation of applicants and the deadline for submission of applications.

Section 25. *Qualifications for Presidency* - Applicants for college/ university President must be a holder of an appropriate earned doctoral degree and must have at least five (5) years of relevant administrative experience.

Section 26. *Selection of qualified candidates* - Within a period of thirty (30) days after the deadline for submission of applications, the Search Committee shall screen the applicants and select therefrom the three (3) most qualified candidates for the position of President.

Section 27. *Submission of Nominees* - The SCP shall submit to the Governing Board the ranking of the top three (3) qualified candidates within 24 hours after the selection.

Section 28. *Appointment of the President* - The Governing Board shall appoint the President from the three (3) most qualified candidates submitted by the SCP.

RULE IX MEETINGS, ATTENDANCE, QUORUM

Section 29. *Attendance to meetings* - The BOT/BOR Chair and members shall personally attend the regular Board meetings.

Section 30. *Meetings* - The Governing Board of the local HEI may hold either regular or special meetings. Regular meetings shall be convened once every quarter. Special meeting(s) may be held only upon the call of its chairman or in his absence by the vice-chairman provided that the members of the BOR/BOT have been duly notified in writing at least three (3) days before the date of the meeting. Provided further, that no other agenda shall be discussed other than those in the notice of meeting.

Section 31. *Quorum* - A majority of all the members of the governing board holding office at the time of its regular or special meeting shall constitute a quorum.

Section 32. *Presiding Officer* - The Chairman of the BOT/ BOR or in his absence the Vice Chairman shall preside over its regular or special meetings.

Section 33. *Secretary of the BOR/BOT* - The President of the local HEI shall appoint the Board Secretary subject to the confirmation of the BOR/BOT. He/She shall serve as Secretary for both the BOR/BOT and the local college or university. Specifically, he/she shall perform the following functions:

- a. prepares the minutes of the meetings of the BOR/BOT;

- b. keeps all the records of the college/university;
- c. provides administrative assistance to the BOR/BOT;
- d. coordinates the schedules of BOR/BOT meetings and takes charge of the release of notices of meetings and other undertakings of the BOR/BOT upon approval of the Chairman and/or the Vice Chairman; and
- e. performs other duties and responsibilities as may be assigned by the BOR/BOT and/or by the President of the local HEI.

RULE X
CONVERSION OF LOCAL INSTITUTIONS ORIGINALLY
ESTABLISHED TO OFFER NON-DEGREE PROGRAMS TO A HIGHER
EDUCATION INSTITUTION

Section 34. Consultation with CHED – The local institution originally established to offer non-degree programs but is now intending to offer degree program shall consult and coordinate with the CHED Regional Office (CHEDRO). The CHEDRO shall assist the local institution to ensure compliance with the CHED standards and requirements prescribed under CMO 10, Series 2005 otherwise known as " Implementing Guidelines on the Offering of New Degree Programs and Curricular Revisions in Local Colleges and Universities (LCUs) and CMO 32, Series of 2006.

Section 35. Submission of Requirements- After the consultation, the local institution shall submit the requirements for the offering of degree programs to the CHEDRO which shall conduct initial evaluation and make appropriate recommendation.

Section 36. Submission to the OPS - The CHEDRO shall forward documents with its recommendation to the OPS which will conduct review and make recommendation for appropriate action of the CEB. If necessary, the OPS may conduct an ocular inspection.

Section 37. Notice of Approval/Disapproval – The Commission shall issue the notice of approval or disapproval to the local institution through the CHEDRO. In case of disapproval, the local institution may consult or seek further assistance from the CHEDRO.

Section 38. Offering of Degree Programs – Upon receipt of the notice of approval, the LGU may provide for the offering of degree program(s) of the local institution through an enabling ordinance. After which the local institution may start offering the degree program(s) on the first semester of a schoolyear.

RULE XI
ELEVATION TO UNIVERSITY STATUS

Section 39. Consultation with CHED – The local HEI proposing to be elevated to a university status shall consult and coordinate with the CHED Regional Office (CHEDRO). The CHEDRO shall assist the local HEI to ensure compliance with the CHED standards and requirements on the conversion of a local college to University status prescribed under CMO 32, series of 2006.

Section 40. Submission of Requirements - After the consultation, the local HEI shall submit to the OPS, Central Office, through the CHEDRO, the following requirements for the grant of University Status:

- a. a four-year program in Arts and Sciences (AB/BS) with at least level II accreditation;
- b. a minimum of four other undergraduate programs with at least level II accreditation, three (3) of which are professional programs or requiring licensure examinations;
- c. at least two (2) graduate-level programs leading to masters and doctoral degrees;
- d. the average passing rate for the immediate past three (3) years in all its professional programs is not lower than the national passing rate;
- e. excellence in the areas of instruction, strong research and extension, and publication of a research journal, preferably refereed or peer- reviewed;
- f. the research program is manned by qualified and competent personnel;
- g. substantial evidence of strength in the Arts, Sciences, Humanities, and Social Science components of each undergraduate courses or discipline;
- h. creditable and functional community extension service program(s); and
- i. compliance with the requirement that of the total faculty at least 20% are with doctoral degrees and at least 35% are with masteral degrees in their respective areas of specialization. Provided that at least 70% of the total faculty are on fulltime

status and provided further that at least 50% of the faculty in Arts and Sciences must be on fulltime status.

Section 41. – Review by the OPS and the Technical Team - The OPS together with a technical team shall conduct immediate review and evaluation of the requirements submitted by the local HEI. It shall conduct an ocular inspection to determine compliance with the requirements. Upon compliance, the OPS shall submit a recommendation to the CEB for the approval of the grant of University Status. In case of non-compliance, it shall inform the local HEI through the CHEDRO of the status of its application. In which case, the local HEI may consult or seek further assistance from the CHEDRO.

Section 42. Notice of Approval – Upon approval by the CEB, the OPS shall issue the Notice of Approval to the local HEI through the CHEDRO of the grant of university status.

Section 43. Amendment of the Ordinance - Upon receipt of the Notice of Approval, the local HEI shall request the LGU to provide for the establishment and operation of the university by amendment of its ordinance.

RULE XII EXISTING LOCAL HEIs WITH THE TITLE UNIVERSITY OR PAMANTASAN

Section 44. Determination of Compliance - A local HEI with the title of University or its equivalent (e.g. Pamantasan, Universidad) before the issuance of this IRR shall be assessed by the OPS through the assistance of a Technical Team organized by CHED. The local university which complies fully with the requirements for university status shall continue to use the title University/Pamantasan/Universidad. If it has not met fully the requirements as provided for in CMO 32, S 2006, it shall be given eight (8) years within which to comply with the same.

Section 45. Re-assessment – Immediately after the lapse of eight (8) years, the OPS with the assistance of the Technical Team shall re-assess the local university. In case of failure to comply fully with the requirements, the Commission shall cause the recommendation to the LGU for a change of status from University to College through an amendment of its ordinance.

RULE XIII TRANSITORY PROVISION

Section 46- Transitory - All existing local colleges and universities shall comply with the requirements on the composition, powers, duties,

and functions of the BOT/BOR within one (1) year from date of effectivity hereof.

**RULE XIV
EXCLUSION CLAUSE**

Section 47. Exclusion Clause-This IRR shall apply to all local colleges and universities duly created by their ordinances enacted for that purpose except for the Pamantasan ng Lungsod ng Maynila (PLM) which was created by RA 4196. However, in so far as faculty qualification, curriculum and instruction, and facilities are concerned, PLM shall be governed by this IRR and other CHED issuances.

**RULE XV
SEPARABILITY CLAUSE**

Section 48. Separability Clause - If any part or provision of this Implementing Rules and Regulations (IRR) shall be held invalid or illegal by competent authority, other provisions thereof, which are not affected thereby, shall continue to be in full force and effect.

**RULE XVI
EFFECTIVITY CLAUSE**

Section 49. Effectivity- This IRR shall take effect immediately upon approval by the Commission and after its publication in the Official Gazette or newspaper of general circulation.

Signed this 22nd day of January 2007, Pasig City, Philippines.


CARLITO S. PUNO, DPA
Chairman