



PACU NEWSLETTER

A Publication of the Philippine Association of Colleges and Universities

JULY - DECEMBER 2016

VOL. V NO. 1

PACU Inducts New Officers and Board Members

The newly elected Officers and Board of Trustees of the Philippine Association of Colleges and Universities (PACU) were formally inducted into office at Edsa Shangri-La Hotel last September 26, 2016. Senator Paolo Benigno "Bam" Aquino IV, Chairman of the Senate Committee on Education, Culture and Arts, delivered the keynote address and administered the oath-taking rites. PACU is the oldest existing educational association in the Philippines.

Prof. Dhanna Bautista-Rodas, led the board of trustees as the newly elected PACU President. The other officers who were elected during PACU's Organizational Meeting held at the Richmond Hotel Ortigas, Pasig City on July 22, 2016 are the following: Dr. Caroline Marian S. Enriquez, First Vice President; Mr. Anthony Jose M. Tamayo, Second Vice President; Dr. Jose Francisco B. Benitez, Secretary; and Dr. Vicente K. Fabella, Treasurer.

Likewise, following new set of Trustees were also elected to the Board during the PACU members' General Assembly at the Oakwood Premiere Joy Nostalgi Center Manila last June 25, 2016:

1. Rev. Fr. Marcelo V. Manimtim, CM
President, Adamson University
2. Dr. Ma. Cristina D. Padolina
President, Centro Escolar University
3. Dr. Michael M. Alba
President, Far Eastern University
4. Dr. Vicente K. Fabella
President, Jose Rizal University
5. Dr. Reynaldo B. Vea
President, Mapua Institute of Technology



6. Dr. Caroline Marian S. Enriquez
President, Our Lady of Fatima University
7. Dr. Jose Francisco B. Benitez
President, Philippine Women's University
8. Dr. Elizabeth Quirino-Lahoz
President, Technological Institute of the Philippines
9. Dr. Ester A. Garcia
President, University of the East
10. Dr. Patricia Bustos-Lagunda
President, Baliuag University
11. Dr. Peter P. Laurel
President, Lyceum of the Philippines University-Batangas
12. Mrs. Naila E. Leveriza, MBA
President, Manuel S. Enverga University Foundation, Inc.
13. Rev. Fr. Gilbert B. Sales, CICM
President, St. Louis University
14. Prof. Dhanna Bautista-Rodas
President, University of Baguio
15. Mr. Anthony Jose M. Tamayo
President, University of Perpetual Help Dalta
16. Atty. Nuevas T. Montes
President, University of Bohol
17. Atty. Augusto W. Go
President, University of Cebu
18. Dr. Chito B. Salazar
President, University of Iloilo
19. Hon. Eduardo R. Gullas
President, University of Visayas
20. Atty. Casimiro B. Juarez, Jr.
President, Capitol University
21. Dr. Karen Feliciano-De Leon
President, Misamis University
22. Dr. Leo Tereso A. Magno
President, Rizal Memorial Colleges
23. Dr. Guillermo P. Torres, Jr.
President, University of Mindanao

The PACU COMELEC likewise proclaimed the following as Regional Vice Presidents: Regional Vice President for NCR: Rev. Fr. Marcelo V. Manimtim, CM ; Regional Vice President for Luzon: Dr. Patricia Bustos-Lagunda; Regional Vice President for Visayas: Atty. Nuevas T. Montes; Regional Vice President for Mindanao: Dr. Guillermo P. Torres, Jr.

The Officers and Board of Trustees will serve PACU for two (2) years beginning the fiscal year 2016-2017 up to 2017-2018.

It is during this Holiday Season that our thoughts turn gratefully to those who have supported us and made our progress possible.

We wish you and your loved ones health, peace and prosperity throughout the year.

Dhanna Bautista - Rodas
President - PACU





President's Report

MESSAGE OF THE PRESIDENT

Prof. Dhanna Bautista -Rodas

SENATOR BAM, thank you very much for accepting our invitation. We feel privileged that the chairman of the Senate education committee could grant us an hour for our induction.

Founded in 1932, the Philippine Association of Colleges and Universities is the oldest existing educational association in the country. More than a million students are enrolled in its 187 member-schools. These private institutions of higher learning are also one of the biggest sources of employment in the country.

Serving as PACU president has resonance for me both in a professional and personal sense.

Personally, it is an honor for me to follow in the footsteps of my forbears who have served PACU in the same capacity : My grandfather Fernando Bautista in 1969-71, and my uncles Reynaldo served in 1988-90 and Virgilio who is here, served in 2002-04.

I grew up with conversations about PACU concerns and encouraged to attend PACU-related events as often as possible. In grained in my memory were constant discussions about academic freedom, but more relevant were my grandfather's words "apo, if not for education, I would have become a different person". He believed in providing the youth access to education.

Professionally, I am grateful for the opportunity to serve an organization that envisages nation- building through transformative private education in a deregulated environment for the global Filipino. I pledge to promote our mission to be a socially responsible organization that strengthens our members' capabilities as we strive for international recognition and advocate relevant and effective education policies.

I am grateful for the mentoring spirit of the PACU presidents, officers and board members whom I served for the past 10 years and whom I will continue to serve. I would like to especially acknowledge everyone here I worked with including those from other affiliations who have worked closely with PACU in various endeavors especially during reform. We shared many sentiments and advocacies for Philippine education while doing our work not to mention the camaraderie we enjoyed as we did so.

I have witnessed how PACU never ceased to collaborate with all stakeholders especially the government to provide access to education for the Filipino. In spite of knowing through a study that education reform would cause private higher education institutions approximately 30% loss annually for 5 years from 2016-2021, PACU member schools still cooperated to implement the transition because as educators we understood the importance for our Filipino graduates to meet global standards.

PACU supported the move to have grades 11 and 12, even though this meant much investment to develop new programs, curricula, and facilities, not to mention the tremendous expense in shouldering the cost for faculty movement. Simultaneously, PACU continued to assist member schools obtain and maintain quality assurance mandated by CHED and the international education community.

PACU participated in the public-private partnership thrust with government in both infrastructure and scholarships for senior high school. The voucher system proved very effective. Government gave the means for every Filipino student in the public school access to free senior high school education. PACU also collaborated with CHED for faculty development. Grants for research and industry immersion were expanded. While private education institutions struggle and continue to meet the demands of quality assurance to this day, PACU continues to cooperate with government even if this requires much investment.

As these happen, PACU member schools are called upon by various government departments to address other national and

global concerns such as environmental issues, promoting our Filipino cultural heritage, maintaining national security, and risk reduction. Whenever a nation is compelled to move towards certain goals, private education institutions are asked to echo these national concerns. They are asked to give their best in planning and implementing programs for change that will address problems both felt and foreseen. They also often cover the cost in voluntarily assisting the public sector. As educators we strive to deliver no less than quality education, and no matter where we are from, when called to assist the government, we do so without hesitation for the sake of our country and our people.

Today, PACU is working with CHED on policies for internationalization. Despite serious losses our member schools will need assistance for the capacity to create, innovate and implement education programs for internationalization.

In a study published by the Philippine Chamber of Commerce in 2015, Steven proposed that the Philippines can be an education hub with the potential to contribute to the national trade economy by accepting more foreign students and embarking on faculty exchange. To do so, we must be at par with our foreign partners. Private HEIs will need to infuse more investments to prepare for such a scenario in spite of the slump due to education reform in the next 5 years. It would be of great help for government to be our partner. We must engage with all the national departments relevant to this cause.

PACU therefore advocates three points for our member schools: first, government assistance through the tried and tested effective voucher system that will allow access to free college education, second, grants for both research and creative output for all education institutions public and private whether stock or non-stock, and last but not least, a better tax exemption policy for all education related expenses of schools.

Regarding the voucher system, studies have shown that private universities in the Philippines can often deliver quality more efficiently at a cheaper cost. Public funds will

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At the Frontiers

by Rey Vea

Innovation is in vogue.

Some would appear to be lower-hanging than others, as in cool ideas, such as sharing of cars and houses, that need “only” be programmed or coded to be realized. The technologies in these, as in many other software-related innovations, should be within reach of the capabilities of our young Filipino IT students and professionals.

Other science- and engineering-based innovations, however, have to dig very deep into scientific capital that nations work hard at to accumulate and spend efforts at to zealously guard. Michael Porter in his book *The Competitive Advantage of Nations* says that product designs of nations in the investment-driven state of competitiveness, where the Philippine economy, or sections of it anyway, arguably seems to be in, “are at least one generation behind the world’s most advanced ones.” What we want to do is move up to the innovation-driven stage, at which “... firms not only appropriate and improve technology and methods from other nations but creating them...” It all becomes a matter of having our own scientific capital that no one else has.

CHED has rightfully put its authority behind making entrepreneurship part of curricula. DTI has commendably put a big and successful effort behind the setting up of ITSOs in many a school. DOST has increased the maximum amount of R & D grants by leaps and bounds, even allowing for competitive honoraria for research personnel. Schools are setting up fab labs and technohubs and incubators. These are all well and good. However, without cutting-edge R & D and the academic backbone or PhD level programs to support these efforts with new intellectual properties we can only go so far. We need people who have gone and will go to the envelope of knowledge, work there, and be the best in the world at what they do. Not all PhDs will have an inventive mind and entrepreneurial bent, but just imagine if there are a significant few who will. In any case there still has to be a doctoral army to play a support role.

How many white-coat-wearing and pocket-protector-sporting soldiers do we need exactly? It is hard to say. What does it mean after all to say that the UNESCO benchmark for Research Scientist and Engineers (RSEs) is 340 per million of the population? What does it mean to say that we should have R & D spending that should be over 2% of GDP? Is something magical supposed to happen when we do reach those numbers? Is it possible that nations just keep a watchful eye and make sure they do not fall behind all others in the numbers game without anybody having a sure analytical grip on these numbers? Is it possible to do with less?

Whatever the case may be, for sure we still need to invest heavily in order to develop scientific capital. We need to think an order or orders of magnitude higher than we presently are in developing scientific talent. We want results that are different from what we have been getting year-in-year-out! Furthermore, the probability of success increases with the deployment of greater resources. But only if these are programmed and spent wisely. Easier said than done, of course.

President's Report... From page 2

then be used more effectively. In fact, a study revealed “the larger proportion of Centers of Excellence and Centers of Development are in the private sector” and “autonomous HEIs have made more substantial investments in upgrades.” Evidence of this was revealed in the 2012 research of DLSU LIDER entitled “The Role & Contribution of Private Higher Education in the Philippines”.

We sincerely pray for prudence on the matter of Free education per se (without the voucher system). This scenario could result in “a situation where disadvantaged low-income individuals pay taxes that are then drawn out by individuals from rich backgrounds because individuals from rich backgrounds are more likely to go to university so free tuition would mean they would draw a lot of money from the poor”. This is according to Dr. Jerrim, an education and statistics reader at the University College

London Institute of Education who presented data of the Organisation of Economic Cooperation and Development's Programme for International Student Assessment (Pisa). In the data he presented, rich individuals each received on average of a £4,000 subsidy for higher education, while those with low incomes each paid an average net tax contribution of £2,000 (in the pre-1997 funding model).

PACU's mandate therefore, is to ensure that member schools of the association are sustainable enough to overcome the challenges ahead. The PACU board will be at the forefront of policy deliberations with partners in public and private sectors. This term's thrust will concentrate on the sustainability of our member schools. We will work closely with our partners in government to maintain the public-private-partnership in mutual trust so that we can maintain quality assurance in education, develop human



capital efficiently and contribute towards national building.

There is no doubt that we can serve our people best when we work together to keep education institutions sustainable for the future of our country.

As I wrap up my talk, on behalf of the PACU members, we would like to extend our heartfelt gratitude again to the Honorable Senator Bam Aquino, thank you very much for gracing our induction.

My thanks to all here present, most especially my mentors in PACU, my parents BNN and MALU Bautista, my children Nik and Trix, my brother, Dr. Zorba and friends in the education community, especially those who have made this event possible.

Armed with the proper perspective, may we all be guided by the Lord above to do what is right for the good of all.

NEWS BRIEFS

Peter Laurel is 2016 Juran Awardee

Dr. Peter Laurel, former president of PACU and current president of LPU Batangas and Laguna was selected as a 2016 Juran Awardee. The Juran Award is given in recognition of one's achievements in promoting quality and excellence in one's organization and industry.

Under the Presidency of Dr. Laurel, LPU Laguna and Batangas gained unprecedented heights in local and international accreditation and quality certification. LPU became the first and only institution granted the International Accreditation for Tourism and Hospitality Management in the Philippines by International Center of Excellence for Tourism and Hospitality Education (THE-ICE). LPU Batangas became a level II PQA Awardee for

Proficiency in Quality Management System 2016, while LPU Laguna was awarded Level I PQA for Commitment to Quality Management in 2014. Both campuses also became the first schools in the Philippines to be awarded Investors in People Gold. Batangas campus was also awarded various Center of Excellence (COE) and Center of Development (COD) recognitions, with its Hospitality Management being the only COE in the Philippines. LPU Batangas recently achieved Institutional Accreditation under PACUCOA, and has 9 programs already in Level 4, among others.

Dr. Laurel received the Juran Award on November 16, 2016 during the 28th National Quality Forum at the Sampaguita Ballroom, Taal Vista Hotel in Tagaytay City.



PACU Holds First Academic Seminar

The Philippine Association of Colleges and Universities (PACU) held the first installment of its Academic Seminar Series for 2016-2017 last November 24, 2016 at San Lorenzo Multi-Purpose Hall, Our Lady of Fatima University. The seminar dubbed as "Teaching Grades 11 and 12: Content and Pedagogical Approaches" was attended by 172 participants from various schools in the country.



Participants of the Seminar on Accreditation held at Adamson University.

Dr. Erico M. Habijan, Chief of Curriculum and Learning Management Division, Region IV-A Department of Education, discussed some updates on the implementation of the K-12 while Mr. Jose S. Sandoval, Chief Labor and Employment Officer of the Employment Service Policy and Regulation Division of the Bureau of Local Employment of DOLE tackled industry immersion in grade 12.



PACU Seminar on "Teaching Grades 11 and 12: Content and Pedagogical Approaches"

In the second half of the event, Mr. Ryan Bruce, Math Coordinator of the Senior High School Department of Ateneo de Manila University shared the latest trends in teaching math in grades 11 and 12. On the other hand, the executive Director of the High School Department of Far Eastern University, Ms. Maria Regina Sibal, talked about trends in teaching research.

Meanwhile, the Accreditation Seminar by the Quality Assurance & Accreditation Committee was also held last November 25, 2016 in Adamson University. ASEAN Engr. Dexter T. Chua, Managing Partner of CQL Business Systems Consulting discussed International Organization for Standardization (ISO) while Atty. Carmelita Yadao-Sison, OIC of the office of Director IV, Office of Institutional Quality Assurance and Governance (IOQAG) tackled Institutional Sustainability Assessment (ISA).

INTROSPECTING FOR THE NEW YEAR

Prof. Dhanna Bautista-Rodas

2016 is coming to an end, and soon 2017 begins. For PACU, it is time to introspect on education policies that will affect our member schools.

PACU values the role of private higher education in nation-building. In fact during the term of Dr. Patricia Bustos-Lagunda, President of Baliuag University, a study was conducted. PACU member schools were encouraged to get hold of a copy of this study to comprehend how we can collectively contribute to Philippine nation-building.

The proposed free college tuition is one of the most talked about issues in Philippine education today. Who would not want anything for free? Freebies would make it difficult for anyone to complain about things. We forget though, that anything acquired for free loses its value. How would PACU member schools operate on free college tuition? Our quality of education will be compromised. Our mandate to have academic freedom is compromised. What then would be the quality of the Filipino graduate who will be part of the Philippine work force? What would be the quality of the Philippine human capital required to build our nation?

I discovered that there are quite a number of seasoned professors and public servants who are not aware of the fact that increases in tuition of private schools go mostly (70%) to the increase in salaries of the employees. Private higher education institutions are also required to upgrade infrastructure and facilities using 20% of the said increase. The government already regulates 90% of private higher education income.

The Commission on Higher Education uses accreditation results for identifying status and levels of higher education institutions. Accrediting agencies can charge almost as high as half a million to inspect and accredit one program in a private higher education institution. Is the income of non-stock, non-profit accrediting agencies regulated? No. But accreditation is not free. Private schools spend for accreditation. And yet it seems as though private school spending is not recognized at all by the government.

Remember that at first, in the name of education reform in the Philippine education system private schools pledged to cooperate



with government in the name of public-private-partnership (PPP) to support the transition into the Kto12 system. Private schools were expected to fund themselves through the transition. Thankfully a system of allocating vouchers to pay for senior high school education was set in place.

Meanwhile CHED made no moves initially. For a while, educators were left to wonder how to harmonize grade 11 with tertiary education. There was no direction for the effect of transition on the faculty. Eventually when CHED realized the urgency to collaborate with DepEd, a budget was set for faculty development, research and movement. Unfortunately the budget for faculty movement and research was cut by 2B.

Recently, in the 5th time run of a focus group discussion at DepEd, an argument ensued on the meaning of "inclusive education". It is being proposed that ALL public and private schools, be required to create an inclusive environment, accepting students with "diverse" abilities, those with disabilities, the gifted, those with special needs, those with diverse cultures, various religions, out of school youth, students at risk and the like. The argument was that, by the mere fact that one student is identified as different from another in policy means that there is already segmentation in identifying who to deliver education services to. It was underscored that education for all was in fact already inclusive and the rationale for creating such a policy was faulty.

Now, here are the questions. Is the Philippine government ready to fund the education of all students or, are the private

schools expected to run without assistance? Will the government mandate something for free again and then cut the budget of the education sector just to transfer the funds to pockets of friends who may not necessarily spend for education? Moreover, is the Philippine government ready to deploy students with diverse abilities to schools that have no teachers qualified to handle such diverse abilities?

While all these transpire, PACU continues to collaborate and support government institutions for the sake of nation building and absorbing as much students as the infrastructure and academic manpower could. Why would the government that we so passionately work with for the benefit of the stakeholders in education, cut the CHED budget for faculty and research by 2B? Why?

With all these, how then can PACU assist Is it time to ring the bell and make the call?

The end of the year is usually a time to reflect and introspect. The ways of the world have changed. The challenges of negotiating and navigating the world have become more and more difficult. At the end of the day, I hope that we all go on and continue to strive to do what is right for the students we educate. We have to set aside personal opinions and biases, set aside affiliations and connections just to get ahead. Our priority must be to prepare the thousands of students in our institutions for the world they must navigate when we are gone. We must show the way and prepare them for the world.

As we introspect on education policy and sustainability, let us also reflect on truths and teaching truths as educators. May we have a fulfilling year ahead.



Dr. Vicente K. Fabella

The Lure of Free Education

Senate Bill No. 177, "An Act Providing for a Full Tuition Fee Subsidy for Students Enrolled in State Universities and Colleges (SUCs), and Appropriating Funds Thereof," authored by Senator Bam Aquino, has generated much recent discussion in education circles. Central to its theme is that cost is a significant barrier to completing college, with "2 out of 5 high school graduates [not able to]... pursue tertiary education, hindered by the high tuition fees in addition to miscellaneous expenses incurred while studying." This is a major factor to breaking out of poverty, "as families headed by tertiary degree holders earn, on average, two times as much as families who do not have postsecondary education."

SB 177 (and variants filed by other senators) aims to address this by making tertiary education in all State Universities and Colleges free of tuition for its students and fully subsidized by government." The procedure proposed is straightforward: SUCs send their final enrollment lists per semester to CHED, CHED disburses the funds to the SUCs. Monitoring reports are required. An estimated P20 billion is the proposed annual budget for the fund.

Assumptions

Free education has long been a tempting policy goal, and higher education has not been exempt from this desire. There is little debate about the role education plays in national development, whether economic, moral or civic. Many countries have historically embraced this by keeping higher education almost exclusively in the public sphere. Recently, this debate was renewed in the United States, with Bernie Sanders's proposal to make college tuition free, later on adopted by Hillary Clinton as part of her platform.

The logic, at its most basic, states that lowering the cost of education results in more students going into higher education, which is better for the country. Extending this argument means that free education, *ceteris paribus*, will yield the most college graduates.

The second assumption that the bill makes is that such free tuition will naturally benefit more those who cannot afford higher education. The bill observes that "higher education is often only available to middle-income families who

can afford the high tuition fees and extra costs [and] as a result, these families continue to reap the benefits of obtaining a postsecondary education while poor families continue struggling to reach beyond their current economic situation."

The third assumption seems to be that the best way to provide free education is through public universities and colleges. A fourth assumption is that such budgets are available to properly implement this policy.

Position Papers

CHED, COCOPEA, the Philippine Institute for Development Studies, the Philippine Business Education, and the Philippine Association of SUCs are among those who have commented on the bill. Their views show how complex the issues surrounding free higher education are.

The first, and clearly not an area of much debate, is that more money (public and private) needs to go into higher education. The most common metric, higher education spending as a percent of GDP, has long shown the Philippines behind both global averages and more glaringly its ASEAN and Asian countries.

The second is more complicated. If there is a budget for higher education, how should it be used to improve outcomes? Here the papers advocate avoiding a one-size-fits-all approach. Different SUCs have not just different mandates, but also different performance levels. Subsidizing a student going into a "low quality" SUC would not provide value to the student or to the country (when the student—if the student—graduates).

This brings about a third complication: what is the best approach to helping students who cannot afford to go into higher education, but would benefit from it? The papers likewise argue against a one-size-fits-all approach in terms of need. Instead, targeting the very poor students (the lowest 25% of the population in terms of family income) would be the best use of the funds. Because education is more than just tuition (about 30% of the total cost of education, which includes transportation, books and materials, food and boarding), providing free tuition would not likely get poor students into college, as they would still not be able to cover the other costs. This is supported by the current economic makeup of SUC enrollment: only 8% of current enrollees are in the lowest 25% family income bracket. Simply providing tuition subsidies without these qualifications of need would mean that relatively more well-off students would be the ones benefiting, a form of what is often viewed as regressive taxation.

Fourth, there is the argument that such financial support should go to SUCs. Here, increased budgets ideally should be used to

improve all universities and colleges. This can be done through scholarships, tuition subsidies, student loans and grants, given to deserving students, regardless of their choice of public or private institution. PASUC has made the case that private and public institutions need to develop together for the best outcomes. CHED has similarly argued that providing such subsidies to SUCs along would significantly damage private HEIs, and in that process Philippine higher education as well.

Finally, there is the issue of budget. There is no consensus other than it being much higher than the bill's estimate of P20 billion. CHED's preliminary estimates of covering full costs of higher education for the poor exceed P150 billion. To put this in perspective, the total current spend for SUCs is between P50-60 billion.

What's Next?

In many ways, the position papers bring about a consistent set of recommendations:

1. That more money needs to go into higher education, and thus, that the bill is welcome from this perspective;
2. That such monies need to be targeted, towards performing institutions and needy students; and that
3. Such monies must be made eligible to both private and public institutions.

Fortunately, Senator Aquino has shown openness to these recommendations. At the Education Summit last November, he announced that his bill would "possibly include private HEIs," and he has intimated such in separate conversations with PACU. Congresswoman Ann Hofer, head of the Lower House Higher Education Committee, expressed similar support, with an increased preference for targeting the lowest 25% of the population.

Two other points seem to be gaining ground: the distribution should be done through student vouchers, similar to senior high school; and that UNIFAST should be the centralized vehicle for implementing the vouchers. Both Senators Aquino and Congresswoman Hofer were open to UNIFAST, but want to wait until UNIFAST could be better defined by CHED.

It is unclear when or if the bill will get passed. Senator Aquino wants this implemented by June 2017. Congresswoman Hofer feels such a bill will need a lot of study. Given that the Lower House has not yet released its own version of the bill, June 2017 does not seem likely. However, supporting legislation that moves more money into all sectors of higher education, whether this bill happens in 2018, 2019 or 2020, is welcome.

POINT OF INFORMATION

2016 SUPREME COURT CASES AFFECTING EDUCATIONAL INSTITUTIONS

CASE NO. 1: MANILA DOCTORS COLLEGE and TERESITA TURLA vs. EMMANUEL M. OLORES,
G.R. No. 225044, 03 October 2016

Question: May a teacher who changed the grading system for his class, be validly dismissed for serious misconduct? If yes, is he entitled to the payment of wages during the period when the Labor Arbiter ruled in his favor until the NLRC reversal?

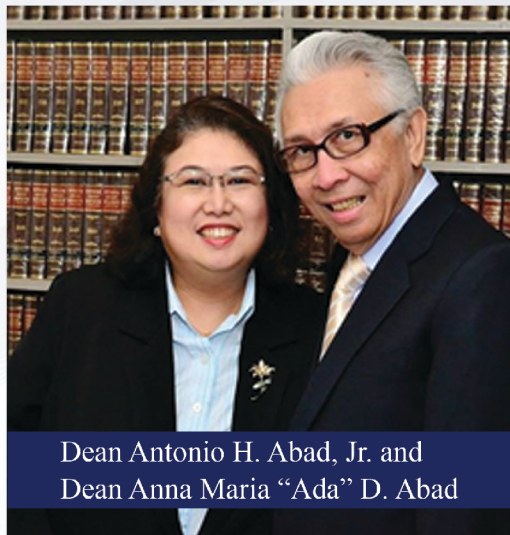
FACTS:

Olores was a faculty member of Manila Doctors College assigned at the Humanities Department of CAS. He was dismissed on 07 June 2010 for "Grave Misconduct, Gross Inefficiency, and Incompetence," after due investigation finding him guilty of employing a grading system that was not in accordance with the guidelines set by MDC. Olores lost no time in filing a case for illegal dismissal, money claims, regularization, damages, and attorney's fees against petition.

How the case went up to the Supreme Court:

The Labor Arbiter ruled in favor of the faculty employee Olores on the grounds that: (a) Olores' act of liberally implementing the guidelines in arriving at his students' final grades did not constitute serious misconduct, as he was not inspired by malice, bad faith, personal gain or outright malice; and (b) that his five (5)-year continuous service as faculty member without any derogatory record belies the charge of inefficiency and incompetence against him. Consequently, the Labor Arbiter ordered the College to reinstate Olores as faculty member under the same terms and conditions of his employment, without loss of seniority rights, but denied payment of backwages on the grounds that: (a) no malice or bad faith attended Olores' dismissal; (b) respondent had showed disrespect to his superior by writing a letter containing disrespectful remarks, and (c) faculty member Olores failed to inform or discuss with said superior his decision to depart from the guidelines in giving grades.

Not satisfied with the Labor Arbiter's Decision, the College appealed the case to the National Labor Relations Commission (NLRC). The NLRC reversed the Labor Arbiter's Decision and found that the faculty member Olores was validly dismissed for serious misconduct when he defied the prescribed grading system and arbitrarily adjusted the grades of his students. Hence, the NLRC ruled that the faculty member is NOT entitled to reinstatement or payment of backwages, but is liable only for the payment of service incentive leave pay for a period of 3 years, considering that the College failed to prove payment thereof.



Dean Antonio H. Abad, Jr. and
 Dean Anna Maria "Ada" D. Abad

Consequently, the faculty member Olores sought to execute his claims for service incentive leave pay PLUS the equivalent wages from the time that the Labor Arbiter found his termination to be illegal, until the time the NLRC ruled for the validity of the termination.

However, the crux of the controversy appears to be the entitlement of Olores to backwages during the time that the Labor Arbiter ruled that he was illegally terminated, until the NLRC ruling that he was validly terminated.

ISSUE:

Is Olores entitled to the payment of wages during the period when the Labor Arbiter ordered his reinstatement, until the time that the NLRC ultimately ruled that he was validly terminated?

Supreme Court Decision:

YES. Olores is entitled to all salaries from the time the Labor Arbiter ordered his reinstatement, until the time that the NLRC decision found that his termination was valid.

Rationale of the Supreme Court decision:

The general rule is that the Labor Arbiter's order of reinstatement is immediately executory, and the College is duty-bound to allow Olores to return to work without need of any motion being filed by the parties, and even if the College had filed an appeal. If the College failed to reinstate Olores to his actual position, it is still liable to pay Olores' salary pending appeal.

The College argued that at the time that it received the Labor Arbiter's decision, it was already in the middle of the semester and as such, it could not possible effect the reinstatement of Olores without prejudicing both the teachers to whom Olores' subjects were assigned, as well as the students enrolled in the subjects.

The Supreme Court said that even assuming that it would be impracticable and detrimental to the students to change teachers in the

middle of the semester, the College should nonetheless have given Olores his new teaching load assignments and schedules at the beginning of the succeeding semester, whether or not he was present during such assignment. Had the College done so, then it would have indicated their sincere willingness to comply with the reinstatement order. But they did not. There was even no proof that the College required Olores to report for assignment of teaching load and schedules. Besides, the College's alleged failure to secure teaching load assignments did not prevent it from simply reinstating Olores in the payroll as an alternative. Sadly, the College also failed to employ the same.

Ada's notes: What should the College have done in this situation?

Ancient the issue of the faculty teacher's act of giving grades not in accordance with the College's guidelines, that this constituted serious misconduct justifying his termination was no longer questioned by the employee itself. Be that as it may, please note that the Supreme Court in similar instances had ruled that the employee's violation should be taken in the context of the circumstances under which it was committed. Considering that this appears to be faculty teacher's first offense and that he had been employed with the College, the penalty of dismissal may have been too harsh under the circumstances.

On the other hand, reinstatement, as a labor law concept, means the admission of an employee back to work prevailing prior to his dismissal; or restoration to a state or position from which one had been removed or separated. This presumes that there shall be no demotion in rank and/or diminution of salary, benefits and other privileges; if the position previously occupied no longer exists, the restoration shall be to a substantially equivalent position in terms of salary, benefits and other privileges.

Inasmuch as the Labor Arbiter's decision is immediately executory, it behooves upon the employer to allow the employee back to work – even if the employer appeals the decision to the NLRC. As such, the employee is entitled to receive wages during all such time as the Labor Arbiter's decision finding that there was illegal termination, is effective. This right to receive wages continues, even assuming that the higher body eventually finds for valid termination, and the employee is NOT under any obligation to return the wages paid, even if the higher court ruled that the termination is valid. (*Felix vs. Enertech Systems Industries, Inc.*, 355 SCRA 680 [2001]; see also: *Roquero vs. Philippine Airlines, Inc.*, 401 SCRA 424 [2003].)

CASE NO. 2: BENJIE B. GEORG represented by BENJAMIN C. BELARMINO, JR., vs. HOLY TRINITY COLLEGE, INC., G.R. No. 190408, 20 July 2016

Question: Whether or not a College may be held liable for contracts entered into by its President, even if the said contracts were not authorized by its Board of Directors?

Answer: Yes, where the Board of Directors implicitly ratified the actions of the President.

FACTS:

The Holy Trinity College Grand Chorale and Dance Company (the Group) was organized by Sr. Madelle, the President of Holy Trinity College in Puerto Princesa City. The Group was invited to perform in Italy, Spain and Germany. They were looking for assistance to finance their plane tickets.

Benjie Georg was the owner of a travel agency who entered into a

Memorandum of Agreement with Deed of Assignment with the Group, represented by Sr. Madelle. Under the agreement, the travel agency will advance the payment of international airplane tickets amounting to P4,624,705.00 in favor of the Group, on the assurance of the Group represented by Sr. Madelle that there is a confirmed financial allocation of P4,624,705.00 from the foundation-grantor, S.C. Roque Foundation (the Foundation). The College thereafter assigned said amount in favor of Georg and her travel agency, for which reason the travel agency paid for the Group's domestic and international airplane tickets.

Georg claimed that the College and the foundation-grantor have not paid, and refused to pay, their obligation under the MOA. Thus, a complaint for sum of money and specific performance was filed. Georg contends that Sr. Madelle affixed her thumbmark in the agreement as the President of HTC, thus the College is bound by the acts of Sr. Madelle, and may be held liable to pay the sum due.

How the case went up to the Supreme Court:

The Regional Trial Court ruled in favor of the petitioner, ordering the College to pay for the advances made by the travel agency. On appeal however, the Court of Appeals released the College of its obligation to pay, and ruling that there was no showing that Sr. Madelle was duly authorized by the College to enter into the subject MOA.

ISSUE:

Is the College is liable to pay Georg and travel agency for the advances made on the travel expenses incurred by the Holy Trinity College Grand Chorale and Dance Company?

SUPREME COURT DECISION:

YES. Sr. Madelle, as President of Holy Trinity, is clothed with sufficient authority to enter into a loan agreement. As held by the trial court, the Holy Trinity College's Board of Trustees never contested the standing of the Dance and Chorale Group, and had in fact, lent its support in the form of sponsoring uniforms or freely allowed the school premises to be used by the group for their practice sessions. Moreover, the Board of Trustees has ratified the actions of Sr. Madelle.

Assuming arguendo that Sr. Madelle was not authorized by the Holy Trinity College Board, the doctrine of apparent authority applies in this case. In this case, Sr. Madelle formed and organized the Group. She had been giving financial support to the Group, in her capacity as President of Holy Trinity College. Sr. Navarro admitted that the Board of Trustees never questioned the existence and activities of the Group.

Thus, any agreement or contract entered into by Sr. Madelle as President of Holy Trinity College relating to the Group bears the consent and approval of respondent. It is through these dynamics that we cannot fault petitioner for relying on Sr. Madelle's authority to transact with petitioner.

(The authors would like to thank our legal researcher Ana Minelle Laxamana for her invaluable help in researching for the 2016 cases).



"What are your preparations for the Grade 12 implementation next year?"

University of the East by Dr. Ester A. Garcia

The University of the East has been preparing extensively for the opening of Grade 12 classes on various fronts. On academics, several meetings, reviews, planning sessions are happening to flesh out the curriculum based on the templates provided by the Department of Education and the available Grade 11 tracks and strands, as well as college courses and majors, offered in UE. Discussions are now on-going with our industry partners for the immersion programs of Grade 12 students.

On infrastructure, existing facilities have undergone upgrading while new ones are being put up in UE Manila and UE Caloocan, other facilities are in the pipeline to accommodate not just the expected addition to the student population but also to conform to the track and strand requirements of UE's pioneer (and succeeding) Grade 12 students.

In terms of manpower, the University's faculty roster continues to be thoroughly assessed to determine whether the school's existing teaching workforce is sufficient to fill the expected need while also promptly scouting for new teacher recruits for subject areas where beclup up of mentoring personnel would be needed. Even before Grade 11 started, UE already held a series of training programs for the tertiary level faculty who were transferring to Senior High School, especially in terms of pedagogy and assessment. Some faculty members underwent special training and certification for the vocational technical subjects that will be offered. Moreover, additional non-teaching personnel have been appointed to assist the principals in running the basic education programs.

Finally, in marketing and promotional front- inquiries made by potential Grade 12 students (including possible transferees) via Internet particularly social media or in person at the UE Admissions Office, are being accommodated on a daily basis, ensuring that students are informed of the expected requirements and other related information, hoping that they are qualified to join the UE community. Online postings and print advertisements have been and will continue to be issued on a periodic and timely basis.

University of Perpetual Help System DALTA

- Retooling of faculty members
- Linkages with companies for immersion
- Procurement of additional books and journals
- On-going construction of additional buildings and laboratories

University of Bohol

- The following are our preparations for the Grade 12 implementation next year:
- Building 33 classrooms for K11 entrants;
 - Refining curriculum map aligned to the school's vision, mission, core values, and goals; and
 - Retooling college teachers for senior high school.

APEC Schools

- Expands into G12 for its ABM-based offering across 20 branches
- Open to new incoming G11
- Opens a new branch in Quezon City

University of Nueva Caceres

- Expands into G12 for its Academic (ABM, STEM, GAS) and TechVoc strands
- Open to new incoming G11
- Open to intake of transfers at G12

Columban College, Inc. - Olongapo City

We are now constructing 12 new rooms for Grade 12 and engaged in the re-tooling of the members of the faculty.

University of Baguio

- Re-aligning of students' strand with their preferred College courses (especially for General Academic Strand)
 - Students' and Parents Re-orientation
 - One-on-one students' evaluation and advising scheduled on December, 2016 (in coordination with Students' Development Office and Academic Coordinators)
 - Preparation/Upgrading of facilities especially for subjects to be offered next semester that require laboratories
 - Revision/Enrichment of TVL Curriculum to satisfy the updated TVL Curriculum issued by DepEd
 - Conduct of trainings and seminars for teachers in preparation for Research and Contextualized subjects
 - Identification of local offices and agencies for Students' OJT
 - Hiring of teachers for specialized subjects.

Central Mindanao Colleges

- Anticipate and plan for the following during the opening of classes: late enrollees; advisers/teachers who are absent; expect monitoring by the Schools Division Office.
- During the first week: conduct an evaluation; finalize school forms; conduct diagnostic tests; continue career counselling; track students; evaluate and make plan adjustments/improvements.
- Identify options for SHS classrooms and facilities for the coming years. If there are construction delays or an unexpected surge in enrollment, we may consider the following adjustments to ensure that there are enough classrooms for all incoming and continuing students:

1. Link up with other nearby SHS providers including private schools, state or local universities and colleges, and Technical-Vocational Institutions;
2. Engage external partners for provision of classrooms and other facilities;
3. Adjust class sizes without compromising the quality of instruction (this should be the last resort!);
4. Review the current class schedules and create new class schedules (Sessions or clusters) then maximize all available resources to be implemented in the next semester or the coming years.

University of Cagayan Valley

1. On-going construction of additional fourteen (14) classroom building for Grade 11.
2. On-going construction of a twenty (20) classroom building for College of Technology and Senior High School.
3. On-going Recruitment of qualified Senior High School Instructors.
4. Requisition of Science laboratory apparatuses.



PACU Induction Ceremony

Edsa Shangri-la, Mandaluyong City
September 26, 2016



Through the Eye of the LENS

PACU Regular Board Meeting

Oakwood Premier Joy-Nostalg Center
Manila, Pasig City
October 28, 2016



PACU Expanded Board Meeting

Adamson University
November 25, 2016



PACU NEWSLETTER

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