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Enhancing Universal Access to Quality Tertiary Education Act Finally Passed by Congress

by Fabian Quitales



1st Row (L-R) Rep. Antonio Tinio, Sen. Bam Aquino, Atty. Joseph Estrada, Sen. Win Gatchalian, Pres. Dhanna B. Rodas, and Dr. Napoleon Imperial; 2nd Row (L-R) Rep. Ben Evandone, Rep. Evelina G. Escudero, Rep. Ann Hofer, Rep. Joey Sarte Salceda, Rep. Celso Lobregat

The swift passage of the bill on the “Universal Access to Quality Tertiary Education” in only a period of four (4) months, will land in the annals of the legislative chambers as one of the fastest—if not the fastest—to have been passed by both Houses of Congress. The deliberation started in January and was finally ratified by Senate & House, on May 29, 2017, by virtue of the endorsement of Pres. Rodrigo Roa Duterte in compliance with his election campaign promise to the Filipino people.

The said bill brought the private education sector – the Coordinating Council of Private Educational Associations (COCOPEA), in general, and the Philippine Association of Colleges and Universities (PACU), in particular, to an even more cohesive stand to try to influence its crafting to preserve the Constitutional mandate of complementarity between public and private education in the country.

The PACU board of trustees has exerted so much time and effort to touch base with their respective representatives and senators. They went around lobbying, advocating and convincing the legislators of the wisdom of supporting the cause of private higher education institutions (HEIs). Dr. Caroline Marian Enriquez, PACU 1st VP, set up a meeting with Cong. Dax Cua; Dr. Willie Torres, Dr. Karen

De Leon, of the University of Mindanao and Misamis University, respectively touched base with Cong. Celso Lobregat and Mr. Anthony Tamayo, 2nd VP, focused on Cong. Joey Sarte Salceda with the help of former Cong. Eduardo Zialcita. Dr. Bernadette Nepomuceno of PERAA, assisted the Board connecting them with Cong. Ann Hofer, the Chairwoman of the House’s Committee on Higher and Technical Education. Ditto, with Enverga University, Pres. Naila Leveriza, who lobbied with Cong. Anna Katrina Enverga, on the issue. Dr. Francisco Benitez of the Philippine Women’s University and the presidents of PACU member-institutions took turns in representing private education in Congress and the Senate to exhibit their solid stand on the free tuition bills.

Dr. Vicente Fabella, Chairman of the PACU Policy Committee, united many brilliant minds in both the private and government sectors to come up with research-based studies on the free college education bill which saw print in the leading papers in the country. Dr. Fabella took the reins of strategizing what to do what in PACU’s approach to the lobbying and advocacy. He too, talked to the leading authors of the bill like, Cong. Ann Hofer, Cong. Joey Salceda, Sen. Ralph Recto, and Sen. Bam Aquino, to explain why the private higher edu-

cation institutions (HEIs) were very concerned about the bill in the original versions it was formulated by its authors.

PACU Pres. Dhanna Bautista-Rodas, was likewise on top of the advocacy activities making sure that the strategies in operationalizing the lobbying strategies and advocacies were acted upon with dispatch. She also joined the meetings with the legislators enumerated above if and when her time allowed it.

One of the highlights of Pres. Rodas’s presidential acts was when she was invited by the House’s Committee on Higher and Technical Education (CHTE) on May 29, 2017 to be a resource person for the Bicameral Conference Committee (BiCam) that ratified the consolidated bill on Free Tuition at the Speaker Villar Hall of the House of Representatives in Diliman, Quezon City. There, she was able to ably assist the legislators in clarifying and validating some points and wordings in the bill before it was ratified.

It was also during that session when the COCOPEA Chairman was agreed upon by both the Senators and the Congressmen to be included in the board of the Unified Student Financial Assistance System for Tertiary Education (UniFAST) of the CHED. But, it was a hard earned success as the other BiCam mem-

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Greetings PACU members!

Important milestones for the education sector have recently unfolded. First, the Universal Access to Quality Education Act was passed on third reading at the Bicameral last May 29, 2017. Second, the Turnover of Chairmanship of the Coordinating Council for Private Educational Associations was held last June 13, 2017 from the Catholic Educational Association of the Philippines to the Association of Christian Schools, Colleges and Universities. The President of CEAP and Ateneo de Davao, Fr. Joel Tabora, S.J. COCOPEA Chairman (2016-2017) transferred the leadership to COCOPEA Chairman Pio Bacong, President of ACSCU and Pilgrim College.

While Philippine education policy constantly develops nationally and internationally, recent PACU presidents, Dr. Vincent K. Fabella, Dr. Peter P. Laurel, Dr. Pat Bustos-Lagunda and Dr. Karen Feliciano-De Leon remain supportive and encouraging. Our regional Vice-Presidents : Rev. Fr. Marcelo V. Manimtim for NCR; Dr. Patricia Bustos-Lagunda for Luzon; Dr. Nuevas T. Montes for the Visayas and Dr. Guillermo P. Torres, Jr. for Mindanao have been in close contact with the officers and board members.

Many members of the board selflessly and voluntarily assist in one way or another towards the successful implementation of quality assurance, research and advocacy to strengthen private higher education institutions. Just last June 19, 2017, we appreciate that Dr. Beth Quirino-Lahoz, President of the Technological Institute of the Philippines offered to host all three PACU committee meetings at their Quezon City campus.

The proposed bill on Free Tuition in State Universities last year set into motion close scrutiny of free access to higher educa-

tion. Kudos to our PACU Public Policy Committee Chairperson, Dr. Vincent K. Fabella who brought together many brilliant minds that unleashed an impetus of research and collaboration to ensure quality education. Dr. Fabella personally studied the unintended consequences of free tuition. A study on the complementarity of public and private higher education institutions is in the pipeline. PACU officers and board members were able to consult legislators and economic managers regarding the implications of universal access. Dr. Bernadette Nepomuceno, PERAA President, also went out of her way to assist the PACU Board. Coordinating Council for Private Educational Associations (COCOPEA) Presidents Fr. Joel Tabora, S.J., CEAP; Dr. Mike Udtohan, ACSCU; Dr. Chichoy Campos, PAPSCU and Dr. Horace

Montefrio, TVSA with their member representatives united with PACU in the advocacy.

PACU participated in the PASUC-COCOPEA CONVERSATIONS. The event was conceptualized and led by two known leaders in education: Fr. Joel Tabora, S.J., Chairperson (2016-17) of the Coordinating Council of Private Educational Associations and Dr. Ric Rotoras, President of the Philippine Association of State Universities and Colleges. From 15 presidents of both public and private higher education institutions who convened in the first meeting, the number of presidents in attendance increased to over 30 in the second meeting. The presidents agreed to work together towards quality assurance, academic freedom and the complementarity of public and private higher education. In the third meeting, research committees were formed. Fortunately, they agreed to represent PACU in the committees: Dr. Francisco B. Benitez in the committee on "Academic Freedom and Self-governance"; Dr. Rey Vea in the committee on "Improving Quality of Higher Education in both SUCs and Private HEIs"; and, Dr. Vincent K. Fabella in the committee on "Universal Access Towards Quality Higher Education". Relevant news to mitigate the impact of the second batch of Grade 11 students this coming

President's Report

MESSAGE OF THE PRESIDENT

Dhanna Bautista-Rodas

school year 2017-2018 concerns many of us regarding the Voucher System. Secretary Briones assured to fast track processing of the vouchers. CHED Chairperson Licuanan and her team have a system in place to process graduate study and research grants to cushion faculty displacement. Private Education Assistance Committee (PEAC) Executive Director Doris E. Ferrer and her team inspect schools for the eligibility of voucher assistance, conduct in-service teacher training and provide research grants. Our PACU representatives to PEAC are Dr. Patricia Bustos-Lagunda for the Assistance to Programs and Initiatives to Reform Education (ASPIRE) Program and Dr. Vincent K. Fabella for the Research and Innovation for Success in Education (RISE) Program.

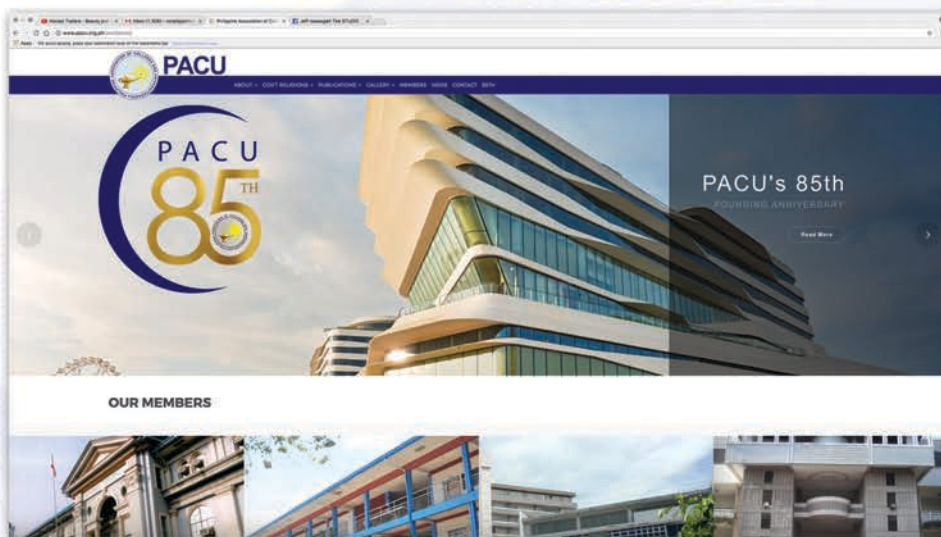
Gearing up for ASEAN integration and internationalization, Dr. Peter P. Laurel President of Lyceum of the Philippines University (Batangas) leads the

PACU Accreditation Committee in conducting the Seminar on International Organization for Standardization (ISO) and Institutional Sustainability Assessment (ISA) Part I & II. Dr. Cristina Padolina President of Centro Escolar University, Dr. Ester Garcia, President of the University of the East and Dr. Elizabeth Quirino-Lahoz President of the Technological Institute of the Philippines were very active in these concerns. The first seminar was held last November for our members in Luzon thanks to the President of Adamson University, Fr. Manimtim who also hosted our Expanded Board Meeting for PACU members at NCR. The same seminar was held last March hosted by President Willie Torres at the University of Mindanao for our members in the Visayas and Mindanao after the Expanded Board Meeting. Upcoming is the PACU Expanded Board meeting for the members in Luzon hosted by Dr. Calingo, President of Holy Angel University.

The Academic-Management Seminar Series done through the PACU Programs Committee led by Dr. Francisco B. Benitez, Philippine Women's University, President conducted several seminars. Last November 2016, Our Lady of Fatima University President Caroline Enriquez welcomed us to, their Valenzuela campus where we had a jam packed session

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PACU LAUNCHES NEW WEBSITE



After three months of planning, designing and testing, the PACU Public Relations Committee headed by Anthony Jose M. Tamayo, recently launched PACU's newly optimized website. The new website aims to provide members and website visitors easy access to PACU information.

Aside from the total makeover of the web page, the updated website has the following new features: 1. Mobile-friendly as the website layout automatically adjusts to mobile screens when accessed via cellular phone. 2. Acts as a

repository for minutes of meeting and other documents that make files readily available for download. 3. Two-tier information hierarchy makes the website more user friendly because of its well-planned information structure. Information were reorganized and properly categorized. 4. Directory of Member Schools, provides link to the schools' websites and integrates social media accounts. 5. Displays current PACU events as banners of the homepage.

Moreover, PACU PR Committee also ad-

hered to the directives of President Dhanna Bautista-Rodas to optimize PACU logo's resolution for digital screens and print. In relation to the logo, a Brand Guideline was also created for PACU so that all materials produced will have a consistent look. The Brand Guideline basically contains a set of rules such as allowable typefaces and styles, color palette, and layout.

"We encourage member schools to visit and tryout the new features of the website. We also welcome any feedback to better improve the site," Anthony Tamayo said.

PACU's new website is optimized by KW-Multimedia Advertising Inc., headed by the couple Marichelle Cabrito and Hermie Cabrito who are in the web development industry for more than 12 years. (R. Morta)



Save the date and Join PACU's 85th Anniversary & National Conference

August 18, 2017 at Forbes Ballroom 3, Conrad Hotel, Pasay City

The Philippine Association of Colleges and Universities (PACU), the oldest educational association of the Philippines, will celebrate its 85th Anniversary on August 18, 2017 at Forbes Ballroom 3, Conrad Hotel, Pasay City.

The event will feature a national conference with the theme "PACU and Education: The Industry that Builds the Nation," launching of the 85th Anniversary Commemorative Book, and the 2017 PACU Person of the Year Award.

Hon. Ann K. Hofer, Chairperson of the Committee on Higher and Technical Education will deliver the opening remarks while Senator Ralph Recto will discuss "Economics of Education" and Melissa Limcaoco, Digital Transformation Head of ABS-CBN will tackle "Fake News: Its Implications on Education."

The hardworking men and women behind PACU's 85th Anniversary the following:

Steering Committee

Chair: Dhanna Bautista-Rodas
Members: Dr. Caroline Marian S. Enriquez
Mr. Anthony Jose M. Tamayo
Dr. Vicente K. Fabella
Dr. Jose Francisco B. Benitez

Finance / Ways & Means Committee

Chair: Dr. Vicente K. Fabella
Members: Mr. Anthony Jose M. Tamayo
Dr. Jose Francisco B. Benitez
Ms. Laurice R. Juarez

Program Committee

Chair: Dr. Jose Francisco B. Benitez
Co-chair: Mr. Anthony Jose M. Tamayo
Members: Dr. Sergio S. Cao
Prof. Giovanna V. Fontanilla
Dr. Vicente K. Fabella

Commemorative Publication

Chair: Dr. Caroline Marian S. Enriquez
Members: Dhanna Bautista-Rodas
Dr. Patricia Bustos-Lagunda
Mr. Anthony Jose M. Tamayo
Dr. Jose Francisco B. Benitez
Dr. Karen Feliciano-De Leon
Dr. Ma. Socorro M. Eala

Public Relations Committee

Chair: Mr. Anthony Jose M. Tamayo
Members: Fr. Marcelo V. Manimtim, CM,
Dr. Caroline Marian S. Enriquez
Dr. Jose Francisco B. Benitez

Search Committee

2017 PACU Person of the Year
Members: Dr. Ester A. Garcia
Dr. Ma. Cristina D. Padolina
Dr. Reynaldo B. Veja

THE ANTI-AGE DISCRIMINATION LAW: SALIENT FEATURES AND RAMIFICATIONS

Anna Maria "Ada" D. Abad
PACU Legal Counsel

During the transition period from the Aquino administration to the Duterte administration, there were twenty nine (29) legislative enactments which were passed by Congress but lapsed into law without the signature of the then President Benigno Aquino III.² Under the Constitution, bills which were not vetoed, or otherwise remain unsigned by the President, automatically lapse into law after thirty (30) days.³

Among those bills which lapsed into law is Republic Act No. 10911, or the Anti-Age Discrimination in Employment Act,⁴ which generally prohibits age-based discrimination against older workers through hiring and termination practices, compensation and other terms and conditions of work.

By this law, the State reaffirms its commitments under the 1987 Constitution to promote full employment and equality of employment opportunities for all.⁵ The law likewise confirms the country's support for International Labor Organization Convention 111, which aims to eliminate to discrimination in employment through promotion of equality of treatment and opportunities.⁶

In her sponsorship speech as well as shown by her answers during the interpellation period, Senator Pia Cayetano expressed that the scope of the bill is on age discrimination. Other forms of employment discrimination as to gender, handicap and the like, are not intended to form part of the coverage of the bill.⁷

Rationale behind the law

The respective sponsorship speeches of Senator Jinggoy Estrada and Senator Pia Cayetano reveal that the true intention of the law is to give equal opportunity and even the playing field to both young and old. More specifically, it is intended that Filipinos may be given opportunity to be employed without being excluded by the reason of their age.

From a practical viewpoint, it means that a jobseeker must be afforded with the opportunity to obtain an employment based on his/her experience, qualifications, competencies and potentials⁸ -- *regardless of age, gender, creed, political or status in life.*⁹

This is in apparent cognizance of the changing demographics in the Philippines¹⁰ where an increasing number of persons who, because of retrenchment or closure of the business, or having worked abroad, have found difficulty finding employment despite their ability and willingness to work due to the employer's preference for younger applicants.¹¹

Thus, Senator Pia Cayetano stated:

*To be discriminated against due to a natural and unstoppable process of aging is to impose another glass ceiling that is just as or even more difficult to break than that of gender. And if one is a woman who offered the prime years of her life looking after the family, the burden of finding work after the age of 40, sometimes even 30, gets even heavier, thus forcing many of our female kababayans to risk their lives and honor as domestic workers in the Middle East.*¹²

Prohibitions imposed by the law and possible ramifications in the employment practices

Age discrimination in employment means setting arbitrary age limits for hiring, promotion, discharge, compensation, working conditions and



benefits, regardless of an individual's actual or potential for job performance.¹³ Age discrimination exists where company rules and regulations are calibrated to establish a disadvantage against older employees or a group of older potential employees. Discrimination against age overlooks the talent, skills and experience that more mature workers possess, which the business industry will need if it is to remain vital and competitive in the global economy.¹⁴

This paper shall limit its discussion to such provisions which affect employers in the exercise of their management prerogatives, especially as regards hiring and termination practices. It shall also explore possible new trends and policies that may be established in compliance with the new legal requirements.

Section 5 (a) of Republic Act No. 10911 provides for seven (7) prohibitions relative to the employer's right to decide who to hire, who to retain, and who to fire, to wit:

- a. Print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age
- b. Require the declaration of age or birth date during the application process;
- c. Decline any employment application because of the individual's age;
- d. Discriminate against an individual in terms of compensation, terms and conditions or privileges of employment on account of such individual's age;

e. Deny any employee's or worker's promotion or opportunity for training because of age;

f. Forcibly lay off an employee or worker because of old age; or

g. Impose early retirement on the basis of such employee's or worker's age;

1. Hiring practices:

As a general rule, an employer can no longer impose an age preference in its hiring practices.

This must be so, because while the law recognizes the employer's prerogative to choose employees who would best fit the company, the exercise of such management prerogative is not absolute. The new law presently tempers such exercise with the principles of fairness and equal opportunity for all.

A paradigm shifting is now mandated to consider ability (skills and experience) – rather than age –¹⁵ as the primordial consideration for hiring of employees.¹⁶

Hence, the employer is now prohibited from publicly requiring, through advertisements in the newspaper, the internet and other forms of media, that only those of a certain age need apply for a particular position. An example of this is the clause: "only those between 18 to 30 years of age, need apply."

This must be so, because the practice of publishing the age requirement hinders the applicant from the beginning, in that they cannot even "go past the security guard to file their resumes," as part of the hiring process.¹⁷ At times, they are prevented from even going up the employer's office to file the application. As such, it is the intention of the law to hold the employer culpable for said discriminatory practices.

Companies are now likewise encouraged to take out the requirement of disclosing the age or the birthdate of the prospective hire in their application forms.

1.1 Bona-Fide Occupational Qualification (BFOQ) as an exception

May the employer still impose an age requirement, in the light of exigencies of the job for which the applicant is to be hired?

Yes, the employer may still impose an age requirement by way of exception, but only in instances where it is reasonably necessary in the normal operation of a particular business or where the differentiation is based on reasonable factors other than age. Thus:

Sec. 6. Exceptions. — It shall not be unlawful for an employer to set age limitations in employment if:



(a) Age is a bona fide occupational qualification reasonably necessary in the normal operation of a particular business or where the differentiation is based on reasonable factors other than age; x x x¹⁸

Simply stated otherwise, the age requirement may be allowed only when there is a valid and justifiable reason for such imposition; or that the job is age-specific, where a younger age is intrinsically necessary for the efficient discharge of one's duties.

This is what is called "bona fide occupational qualification (BFOQ)" which is an express exception under the law. Note again that the general rule is that there should be no discrimination as to employment practices based on age, religion, gender, and race in the workplace.

Bona fide occupational qualifications (BFOQ) are employment qualifications that employers are allowed to consider while making decisions about hiring and retention of employees. The qualification should relate to an essential job duty and is considered necessary for operation of the particular business. The employer is allowed to hire hiring of individuals based on race, sex, age, and national origin if these characteristics are bona fide occupational qualifications.¹⁹

This being the exception, the burden of proof is therefore upon the employer to establish that the age requirement is necessary to the success of the business and that an older employee would be unable to perform the job safely and efficiently.²⁰

For purposes of the foregoing exceptions, the Implementing Rules of the Department of Labor and Employment further provide that an employer who invokes the qualifications (exceptions), shall submit a report prior to its implementation to the DOLE Regional Office which has jurisdiction over the workplace. There is however no indication as to how long a period prior to the implementation within which said report must be submitted.²¹

The submission of the report shall be a presumption that the age limitation is in accordance with these Rules unless proven otherwise by the court.²²

1.2 Examples of a Bona-Fide Occupational Qualification to be a valid and justifiable exception

The framers of the law intentionally did not specify what would constitute for a bona-fide occupational qualification, as such parameters would be best left to the Department of Labor and Employment to determine the same, in consultation with the various industries.

However, a perusal of the proceedings during the interpellation of Senator Pia Cayetano reveal that there were certain jobs which were considered "age-specific", viz., where the age limitation for hiring is valid under the circumstances.

These were jobs which usually and typically require physical strength, as in airline flight attendants, miners, and race jockeys.²³ Other examples would be for pahinantes or cargadores which require strenuous lifting of heavy loads and/or equipment.

Obviously, an employer shall not be compelled to hire a 60-year old as a model for a print or television advertisement on clothes for teenagers.

Other jobs which require good eyesight and hence, age-specific, may likewise fall under the exception, viz., pilots.²⁴

1.3 How to prevent age discriminatory practices in the workplace

Considering that the Anti-Age Discrimination Law is practically lifted

from American law,²⁵ it may be well to look at some practices in the United States workplace for guidance.

Aside from avoiding any specific age requirement in recruitment advertisements and materials, it may be apt to start training human resources personnel in interviewing techniques that elicit the skills and other qualifications that experienced workers bring to a job.²⁶ Note however that an interviewer may legally request for the applicant's birthdate to facilitate a background check, but this should only be requested if actually needed.²⁷

The American Association of Retired Persons (AARP) further suggests that an advisory committee of older workers be created to assess the recruitment process.

2. Retention and operations policies:

Employers are now prohibited from engaging in practices which stereotype employees based on age. This is called "age stereotyping" which automatically attributes characteristics to employees based on their age, and it is acknowledged to be a serious problem in the workplace.²⁸

Stereo-typing manifests in subtle ways, such as an area chairperson's blunt insinuation that a more mature teacher is less enthusiastic or less energetic than their younger colleagues.

Hence, some employers may refuse to give the more mature employees an opportunity for further training or personal development opportunities because of said age stereotype, or that there is a perception that there will be not much in terms of service rebate.

2.1 Bona Fide Seniority System as an exception

The above notwithstanding, distinctions in compensation and benefits relative to a seniority system established in the company, shall still be recognized. Note however that said seniority system is presumed to have been established in good faith, and not purposely for evading the anti-age discrimination law.

2.2 Best practices in the United States.

Under the circumstances, employers are encouraged to rethink their respective policies in the workplace. In the United States, employers are exhorted to create opportunities for employment of older workers, such as offering part-time and flexible schedules, which are more attractive to this particular group.

As intimated earlier, the employer should no longer assume that older workers lack motivation or ability to keep their skills current. Neither should the employer assume that just because the employee or applicant is at a certain age, that he or she plans to retire soon.

Thus, when offering training or other personnel development seminars to employees, the older employees must likewise be given an opportunity to participate therein. Failing to offer an employee a promotion on the presumption that he/she will want to retire early, is likewise discouraged.²⁹

Conversely, it is suggested that by demonstrating that the employer values skills and contributions of older workers as much as those of the younger ones, will motivate employees to do their best and remain loyal to the employer.³⁰

3. Retirement and termination policies:

One of the more controversial issues that has arisen by reason of the

effectivity of the Anti-Age Discrimination Law is in the aspect of retrenchment and retirement. The law provides as follows:

Section 5. (a) It shall be unlawful for an employer to: Xxx

- (6) Forcibly lay off an employee or worker because of old age; or
- (7) Impose early retirement on the basis of such employee's or worker's age.

3.1 On retrenchment policies

There is not much deliberation in Congress regarding the intended effect of the Anti-Age Discrimination law as regards termination for authorized causes.

Social and economic trends, as well as technology, have indubitably brought changes in the workplace that will be affected by the provisions



of the Anti-Age Discrimination Law.

While employers are not required by law to provide health and hospitalization benefits to its employees, some companies have provided the same by way of a voluntary arrangement in the exercise of its prerogatives, or on account of an existing Collective Bargaining Agreement.

For those companies which have provided for insurance, hospital and health coverage for its employees, it is a given fact that premium payments for the coverage of the older workers are more expensive than the ordinary employee.

Taken in conjunction with the principle that any benefit given cannot be diminished unilaterally without the employee's consent,³¹ employers that offer health care benefits may not discriminate against older workers (or retirees) by refusing to cover them, or by reducing their benefits because of age.

The soaring cost of said coverage will indubitably contribute to increased overhead, and in times of financial crisis, employers may thus be constrained to undertake retrenchment programs to address this concern. Even this would be subject to question, if it were proved that the retrenchment program was calibrated to ensure the termination of the older employees precisely on this account.

It is also believed that this particular imposition upon management by virtue the implementation of the Anti-Age Discrimination Law appears to be unreasonable under the circumstances. The same may be considered an undue encroachment of the exercise by the company of its management prerogatives – especially if its financial survival is at stake.

It is therefore altogether possible that in this particular aspect, the Anti-Age Discrimination Law may be foreseen to have a negative impact on the business industry.

3.2 On retirement policies

On the other hand, Republic Act No. 7641, otherwise known as the Retirement Law, provides as follows:

Art. 287. *Retirement.* – Any employee may be retired upon reaching the retirement age established in the collective bargaining agreement or other applicable employment contract. xxx xxx xxx
"In the absence of a retirement plan or agreement providing for retirement benefits of employees in the establishment, **an employee upon reaching the age of sixty (60) years or more**, but not beyond sixty-five (65) years which is hereby declared the compulsory retirement age, **who has served at least five (5) years in the said establishment, may retire** and shall be entitled to retirement pay equivalent to at least one-half (1/2) month salary for every year of service, a fraction of at least six (6) months being considered as one whole year. Xxx."

In fact, it has been stated that "employers are not allowed to force any employee to resign because of old age. In other words, imposing early retirement on older workers is now unlawful."³²

a) Does this mean that employees who reach the optional retirement age of 60 years cannot be made to retire? The answer must be, and always has been, in the affirmative.

Please note that in the absence of any existing company retirement plan, employees who have reached the ages of 60 to 64 years, **may opt to retire**, provided that he has rendered service for at least five (5) years.



Necessarily, this indicates that the employee voluntarily agrees to retire between the ages of 60-64, and that it is not made as an imposition by the employer. If the employee chooses NOT to avail of such option, then the employer cannot force him to retire at that point, and must wait for the mandatory retirement at sixty-five (65) years of age.

b) What is there is an existing company retirement plan which provides for an earlier mandatory retirement age? It is believed that where there is an existing company retirement plan which provides for an earlier mandatory retirement age (as in fact, some companies provide for mandatory retirement at age 60, then the employee may still be retired notwithstanding the law.

This conclusion finds basis in the law itself, as well as the Implementing Rules thereof, as follows:(1) The Anti-Age Discrimination Law enumerates for an exception in relation to the retirement age, viz.: "Section 6. Exceptions. – xxx (c) The intent is to observe the terms of a bona fide employee retirement or a voluntary early retirement plan consistent with the purpose of this Act: Provided, That such retirement or voluntary retirement plan is in accordance with Labor Code."

(2) Section 9 of the DOLE Department Order No. 170 series of 2017, or the Implementing Rules of the Anti-Age Discrimination Law, specifically recognizes the validity of existing CBAs and employment contracts and company policies prior to the effectivity of the law/IRR, and shall be respected as agreed upon by the parties.³³

This must be so, because the Anti-Age Discrimination law is to be applied prospectively, **and not retroactively**. There appears to be no intention on the part of the framers to make for a retroactive application of this particular law. Thus, the interpellation of Senator Franklin Drilon of the sponsor Senator Pia Cayetano reveals this conclusion:

"Asked by Senate President Drilon whether the practice of being separated from service or retired at 40 years old for flight attendants would be rendered illegal if the bill is passed into law, Senator Cayetano (P) replied in the affirmative but she pointed out that the law is not retroactive. She explained that the intention of the bill is to get rid of such discriminatory practices but because of existing CBA and cases, she would have to hold her opinion at the moment. xxx."³⁴

c) Did the Anti-Age Discrimination Law dispense with the mandatory retirement age altogether?

No, it did not. Again, in the same interpellation made by Senator Franklin Drilon, Senator Pia Cayetano indicated that the retirement law shall still apply. Thus:

Asked what the retirement age should be, Senator Cayetano (P) said that it would be according to the regular retirement age as provided by law."³⁵

This is as it should be.

The Anti-Age Discrimination Law pertains to the prohibition on age as a qualification for hiring, promotion, retention and other employment practices. On the other hand, the Retirement Law deals specifically with the age of retirement of employees.

As between a general law and a specific law, the specific law will prevail.³⁶ As such, the provisions of Retirement Law on the optional and mandatory retirement ages, should prevail over the implications of the Anti-Age Discrimination Law, as both laws are deemed valid and not inconsistent with each other.

Laws protecting people from age discrimination potentially have both positive and negative effects. Any law that manipulates free market decisions could have negative impacts on individual firm productivity, in this case preventing employers from making efficient hiring and firing decisions.

In conclusion

The rationale of the Anti-Age Discrimination law intends to eradicate all forms of employment, and level the playing field between younger employees and older employees.

American and European experience has shown that while the intention was noble, it has had only limited benefits and significant costs, and its effects are not still completely understood.

It has been observed that overall productivity in the economy may be increased if the law allows for older potential workers who would have been unproductive in the absence of the law, to become productive members of the society. However, the resources used to monitor and enforce the law may prove to be a drain on the government.³⁷

It has likewise been noted that, culling from American and European experience, the law has been more effective in protecting those with jobs from termination and other negative actions.³⁸ Prohibiting age discrimination in the United States has positive effects on those already employed, but has negative effects on those seeking work.³⁹ However, short of overt discriminatory language, it is almost impossible to detect discrimination on the hiring. Considering the effect of the age discrimination law on the decision relating to termination, companies may not wish to take a chance with a worker who will be difficult to fire.⁴⁰

The transposition of a law which is Western in origin, to the Philippine setting, considering the huge differences in variables of demographics, population, government support and monitoring capability, as well as labor and social legislation laws peculiar to the Philippine labor market, will prove to be a most interesting study in the future.

Footnotes:

¹ Dean, Adamson University College of Law; Managing Partner, Abad Abad & Associates Law Offices. With researches from legal interns Ana Minelle Laxamana, Rupert Alfafara and Napolyn Fernandez. Paper submitted to the Adamson University Law Journal.

² Among the bills that have lapsed into law are the Anti-Distracted Driving Act; New Anti-Carnapping Act of 2016; Road Speed Limiter Act; No Short-Changing Act; AFP Derivative Retirement Pension for Children/Survivors Act of 2016, Anti-Age Discrimination in Employment Act; An Act increasing the prescriptive period for acts of corruption; and the Mimaropa Act. See: Bencito, John Paolo, "29 BILLS LAPSE INTO LAW SANS AQUINO SIGNATURE" posted August 03, 2016 at 12:01 am <http://thestandard.com.ph/news/-main-stories/top-stories/212243/29-bills-lapse-into-law-sans-aquino-signature.html>; Aurea Calica, The Philippine Star, "9 MORE BILLS LAPSE INTO LAW," updated August 2, 2016 - 12:00am; <http://www.philstar.com/headlines/2016/08/02/1609216/19-more-bills-lapse-law>. See also: <http://www.thelobbyist.biz/index.php/policy-matters/607-in-fographic-approved-bills-that-lapsed-into-law>

³ 1987 CONSTI., Article IV, section 27(1).

⁴ Republic Act No. 10911 (Anti-Age Discrimination Law) was passed by the House of Representatives as House Bill No. 6418 on May 23, 2016 and adopted by the Senate as an amendment to Senate Bill No. 29 on May 30, 2016. It lapsed into law on 21 July 2016 without the signature of the President (Benigno Aquino III). DOLE Dept Order No. 170-17, Implementing Rules of RA 10911 was promulgated 02 February 2017.

⁵ 1987 CONSTI., Article XIII, section 3.

⁶ Sponsorship speech of Senator Jose Pimentel "Jinggoy" Ejercito Estrada, Senate Journal Session No. 81, 16th Congress, 1st Regular Session (09 June 2014)

⁷ Sponsorship speech of Senator Pilar Juliana "Pia" Schramm Cayetano, Senate Journal Session No. 81, 16th Congress, 1st Regular Session (09 June 2014)

⁸ Sponsorship speech of Senator Jose Pimentel "Jinggoy" Ejercito Estrada, Senate Journal Session No. 81, 16h Congress (09 June 2014).

⁹ Ibid.

¹⁰ See: <http://countrymeters.info/en/Philippines>. There are now

62,976,623 persons between 15 and 64 years old (31,491,920 males / 31,484,703 females) in the Philippines, which account for 61% of the population at the beginning of year 2017.

The total dependency ratio of population in Philippines is 63.7%. Dependency ratio of population is a ratio of people who are generally not in the labor force (the dependents) to workforce of a country (the productive part of population). The dependent part includes the population under 15 years old and people aged 65 and over. The productive part of population accordingly consists of population between 15 and 64 years. This ratio shows the pressure on productive population produced by the dependent part of population.

What does this value mean? It shows that the dependent part of population is more than a half of the working part. It means that the working population (labor force) in Philippines must provide goods for itself and cover expenditure on children and aged persons (this population is more than a half of working population). The value of more than 50% shows that the pressure on productive population in Philippines is relatively high.

¹¹ Sponsorship speech of Senator Pilar Juliana "Pia" Schramm Cayetano, Senate Journal Session No. 81, 16th Congress, 1st Regular Session (09 June 2014)

¹² Senate Journal Session No. 82, 16th Congress, 1st Regular Session (10 June 2014)

¹³ AARP Age Discrimination: What Employers Need to Know. https://assets.aarp.org/www.aarp.org_/articles/money/employers/age_discrimination.pdf

¹⁴ Ibid., page 7.

¹⁵ "Abilidad – hindi edad" was allegedly made into a coalition movement, per Senator Cayetano's sponsorship speech.

¹⁶ Ibid.

¹⁷ Sponsorship speech of Senator Pilar Juliana "Pia" Schramm Cayetano, Senate Journal Session No. 81, 16th Congress, 1st Regular

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A PACU Primer on the "Universal Access to Quality Higher Education Act"

Dr. Vincent K. Fabella

On May 29, 2017, the Bicameral Committee of Philippine Senate and the House of Representatives submitted to Malacanang the bill known as the "Universal Access to Quality Higher Education Act." The Act, which is expected to be signed into law, has attracted much attention. COCOPEA (and PACU in particular) has become very involved in this bill, and given the bill's final form, are cautiously optimistic of its potential to make a significant difference in higher education.

From a personal perspective, I have seen over the past two decades few areas of educational policy that I felt would significantly and positively impact education -- so-called "game changers." The introduction of autonomy and deregulation, and the K-12 Law are prime examples. I am hopeful this will be another one, and I want to explain why, from the perspective of private higher education.

Let me first do a list of the key features of the bill:

1. Provide qualified Filipino students with equal opportunity and adequate funding to quality tertiary education, in private and public HEIs (Sec. 2);
2. Recognize the complimentary role of public and private HEIs and TVIs in the Philippine educational system (Sec. 2);
3. Provide free higher education in SUCs, LUCs, and state-run TVIs by exempting Filipino students enrolled in these institutions from paying tuition and other school fees (Sec. 4 and 5);
4. Create a Tertiary Education Subsidy (TES), open to Filipino students enrolled in private and public post-secondary programs, administered by the UniFAST Board and with prioritization to the poorest students (Sec. 7);
5. Create a Student Loan Program for Tertiary Education, open to Filipino students in private and public tertiary programs, to be administered by the UniFAST Board (Sec. 8);
6. Create quality standards for SUCs, LUCs, TES and loan programs, through CHED and TESDA, which must be met by the individual institutions before their budgets can be endorsed by CHED and TESDA (Sec. 10); and
7. Include COCOPEA in the UniFAST Board,

among others (Sec. 13).

From a private HEI-perspective, the free education provisions in Sections 4 and 5 (#3 above) are the greatest concerns. The argument given by COCOPEA (and the Secretaries of Finance, the DBM and NEDA) are that unabated, such conditions will result in students flocking to SUCs, damaging private higher education. This is of concern because (1) studies show that the majority of students in SUCs are not among the poor or poorest; (2) the government does not have the budget to handle a large transfer of students from the private sector, without sacrificing standards; (3) these drops in private HEI enrollment would affect their sustainability and increase unemployment; and (4) it is a long-term policy of government that private and public education are complementary, and this goes against that.

Fortunately (we hope), such arguments carried weight. As the bill in its various forms progressed throughout the Senate and the House, complementarity was stressed in the objectives of the bill. House and Senate provisions focusing on the private sector (such as Senator Ralph Recto's insertions and Congressman Joey Salceda's bill) were prioritized. As such, the proper way to read Sections 4 and 5 is:

- That currently enrolled students in SUCs and LUCs, as of the passage of the Act, are covered by exemption from paying tuition and other school fees;
- That new students will also be covered, as long as they meet the entrance criteria of individual SUCs and do not fall into any of the exempt categories mentioned in the Act;
- That SUCs will individually have enrollment maximums, based on their approved budgets from DBM;
- That the enrollment ceilings will be based on quality standards identified by CHED (and TESDA for TVIs), and that CHED should not endorse an SUC or LUC budget to DBM for approval if the standards are not met.

So the standards are a key part of balancing enrollment between public and private institutions. This, for me, is probably the most crucial part of the entire bill, and strikes at the heart of complementarity. PACU and COCO-



PEA have always fought for a level playing field, understanding that public HEIs should follow the same quality standards as private HEIs. CHED -- which has been following a quality-biased policy theme for a while -- now has the mandate to enforce this through budgets. Additionally, the quality standards consistently discussed at House and Senate deliberations concentrated on linking public budgets for more students. A student-faculty ratio standard (the most frequent one cited at the deliberations), for example, would mean that an SUC can only accept more students if it gets new full-time faculty to match the enrollment increase, which means the creation of new plantilla positions and increases in budget, all approved by DBM, all other things equal. Such a ratio would also not be the only standard. Collectively, quality standards make it challenging for SUCs to expand enrollment, because they need to protect the quality standards and because now they would have to convince DBM for an increased budget to fund this.¹ It's therefore critical that the actual quality standards finalized by CHED mirror the discussions in the House and Senate. Properly implemented, they would go a long way to stabilizing enrollment between public and private HEIs.

The second and third "game changers" of the bill are the funding for private higher education: the TES and the Student Loan Program.² It is unclear how they will end up being distributed between the public and private sectors. My guess is the weights will be relatively even for the TES (between public and private) and heavily weighted toward private with the Student Loan Program -- but

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Linkage activities directly involving undergraduate students

- on-the-job training (OJT)
- summer student apprenticeships
- plant visits
- scholarship grants to students
- career talks
- job fairs
- student leadership camps
- industry-sponsored design contests

Linkage activities involving senior-year and graduate students

- industry technical seminars for academics
- academe technical seminars for industry people

Industry-Academe Linkage

- fora to share information on R&D needs and capabilities
- theses based on industry needs
- solution of an industry-related problem in lieu of a thesis (e.g., ESEP Master of Engineering programs)

Other linkages school-to-company level

- Embedded training laboratories
- Exchange of personnel - faculty immersion or internship programs; secondment of faculty members to industry; adjunct professorships
- Professorial Chairs
- Shared R&D Facilities
- Sale of academe-made, technology-infused products to industry
- Testing services by academe
- Consultancy services by academe
- Curriculum improvement through industry involvement on school committees
- Vendor-supported curricular specialization tracks

Linkages at sectoral level

- Industry representation in CHED's Technical Panels;
- Intersectoral dialogue, such as SEIPI and iBPAP on the industry side, and school associations, such as PAES and COCOPEA on the academe side.

Research and technology commercialization linkage activities

- Sponsored or commissioned research
- Technology licensing of the school's intellectual property rights
- Creation of spin-off companies by university faculty, researchers or students
- Technology business incubators
- Technopreneurship bootcamps

Reference:

Industry-Academe Collaboration for R & D, Philippine Institute for Development Studies (PIDS), 2013.

Contributed by Dr. Reynaldo Veja

More PACU Member Schools Earn University and Autonomous Status Until 2019

PACU member schools namely Misamis University (Misamis Occidental), University of Asia and the Pacific (Pasig City), University of Perpetual System-DALTA (Las Pinas City), and Baliuag University (Baliuag Bulacan) have recently been granted autonomous status by the Commission on Higher Education (CHED) until 2019, while Mapua Institute of Technology was granted the university status last May 18, 2017 during CHED's awarding ceremony for higher education institutions on the celebration of the Higher Education Week and CHED's 23rd anniversary.

Autonomous status is given to deserving private higher education institutions with consistent committed service through quality education, research and extension work. Among the benefits of the grant include the prerogative to allow universities to design their own curricula, offer new programs and put up branches or satellite campuses without having to secure permits, confer honorary degrees, and carry out operations without much interference from CHED. Autonomous Status is considered as one of the highest recognitions a college or university can receive from the commission. The autonomous status will be renewed in two years.

On the other hand, Mapua's university status caps a protracted process of quality enhancement in Mapua education and of research capacity building. (R. Morta)



IN REMEMBRANCE OF A PACU STALWART

DR. ALICIA SANTIAGO - BUSTOS Chairman, Baliuag University

Very early in life, Alicia Santiago Bustos was already imbued with the strong spirit of service and intense drive for excellence. Born to educators, the late Domingo B. Santiago Sr. and Consuelo Alejo Santiago, Alicia was an only daughter who grew up in the rustic surroundings of Baliuag, Bulacan with her brothers Edgardo and Domingo. Her late parents were her inspiration, having been involved in education, with her father serving as a Superintendent of Schools and her mother as an elementary school Principal at one point in their lives.

Alicia then pursued her education in Manila, completing her elementary and high school studies at the Holy Ghost College (now the College of the Holy Spirit) in Mendiola. Thereafter, it was at the University of the Philippines where she obtained her Bachelor's and Master's degrees in Education. On the milestone date of her college graduation, she even marched proudly beside her father who, in the same commencement exercises, received his Master's degree in Education.

Shortly after obtaining her Master's degree, Alicia proceeded to pursue further studies at the Miami University in Ohio for a degree in Specialist in Education, and then later at Indiana University for Doctor of Education degree. After completing her doctoral studies, Alicia returned home to pursue what would turn out to be a decade long and fruitful career in education. This career had a simple beginning: as a classroom teacher at the University of Manila and later as a High School principal at the Lyceum of the Philippines. It was an auspicious start though, for in no time, she was appointed head of the Lyceum's College of Education.

From then, Alicia served as one of the key educational figures and prime movers at the University of the East for 25 years. Starting in 1963 as the Chairperson of the Department of the Secondary Education, she rose to become

the Dean of its College of Education. By 1973, she had become Dean of the Graduate School of Education of the University of the East while concurrently serving as Dean of the College of Education.

As a young educator at that time, the management of an institution of learning was a major undertaking that required not only professional competence but strong and unwavering personal commitment. For this, Alicia came adequately prepared, having established a record of leadership in Philippine private education.

In 1987, she became the President of Baliuag Colleges, an institution established in 1925 by her father, Domingo. Yet, it was under her helm that the institution would achieve its vision of becoming a full-fledged university in 2001 and was renamed Baliuag University. Baliuag University would then be recognized as the First Autonomous university in Region 3 during that time. Dr. Bustos looked forward with great expectation and enthusiasm at what Baliuag University could achieve and further contribute to the country's socio-economic, educational and cultural development.

For many years, Dr. Bustos also assumed a leadership role in various notable professional organizations. She was past President of the Philippine Association of Colleges and Universities (PACU), and for 11 years as President of the Philippine Association for Teacher Education (PAFTE). For 15 years, she was Chairman of the Philippines Association of Colleges and Universities Commission on Accreditation (PACUCOA) and twice, she served as President of the Federation of Accrediting Agencies of the Philippine (FAAP). To the end, her advocacy in education lay in excellence in teacher education and accreditation.

Dr. Bustos also authored several textbooks



in teacher education and psychology which to the present time, are still used in a number of colleges and universities. Because of her active involvement in education, she has represented the country in many national and international conferences.

For her contributions to education, Dr. Bustos had been honored with various awards and recognition, both locally and internationally. As one of the outstanding citizens of Bulacan, she received the "Dangal ng Lipi Award" given by its provincial government. The Go Negosyo sa Bulacan thru Bulacan Chamber of Commerce, Inc. (BCCI) awarded her "Most Inspiring Bulakeño Entrepreneur" and Club Bulakeño recognized her as "Huwarang Anak ng Bulacan", in the field of Education. She was also honored by the U.P. Alumni Association with the "Outstanding Teacher Educator Award". The Pi Lambda Theta, an international honor society of women in education, bestowed on her, in Hawaii, U.S.A the "Recognition Award for Outstanding Contribution to Philippines Education."

When asked about how she had achieved all these, Dr. Bustos was always gracious in acknowledging the service and dedication of those whom she had worked with. To many, her professional life reflected such a remarkable and significant sense of accomplishment as a prominent educator. Yet, to her, she acknowledged that it was her family: her late husband, Dr. Jesus G. Bustos, a medical doctor, and their six children – Norman, Patricia, Susan, Monina, Maria Alicia, and Jesse Alan, and her 14 grandchildren that she considered her most cherished accomplishment and her greatest joy.





Dr. Aristotle T. Malabanan, president of Manila Central University (MCU) joined his Creator on June 14, 2017.

"Education is a lifelong endeavor. It should never stop. It is not confined in the four corners of a classroom nor can it be exclusively acquired in a formal school setting. Any event that a person experiences is a lesson. Even if a person did not go through formal schooling there is so much you can learn from him.

MCU PRESIDENT PASSES AWAY AT 59

Never disregard unlettered individuals. You can learn a lot from them if you will only listen. Learning is not merely knowing but also understanding. The purpose of education is to develop professionals and workers who will contribute to the creation of a balanced and harmonious society." Dr. Malabanan once said as he described his dedication in the field of education.

Under his leadership as administrator, the MCU academic programs grew and flourished. He led the MCU quality assurance initiatives such as International Organization for Standardization (ISO) and Institutional Sustainability Assessment (ISA) certification, accreditation and Center for Excellence leading to autonomous status.

Dr. Malabanan equally gave priority to facilities improvement as he spearheaded the construction of the Learning Resource Center and the Purple Owl Complex. The Basic Education Complex, composed of two buildings for High and Grade School and Senior High School, is near completion.

Dr. Malabanan, who was MCU president

from January 2009 up to his passing, served as Executive Vice President and Chief Operating Officer and Vice President for Academic Affairs prior to his appointment as President and Chief Operating Officer.

Dr. Malabanan was born on August 21, 1957 to Dr. Crisostomo Malabanan and Luningning Tanchoco. He finished his doctoral studies in Education, Major in Educational Leadership and Management at De La Salle University and received a gold medal and recognition for graduating with high distinction on October 2008. He completed a Masters in Management program at the Asian Institute of Management in 1990, finished a Doctor in Optometry course in MCU in 1979, High School in San Beda College in 1975, and Grade School also in San Beda in 1971. Aristotle is married to Flordelis Cruz and they have four children, Criselda Marie, Crisa Ann Louel, Cristine Alyssa and Joachim Mikel.

(source: Manila Central University official website- www.mcu.edu.ph/stag/?p=8221)

Enhancing Universal Access to Quality Tertiary Education Act Finally Ratified...

From page 1

bers wanted the COCOPEA Chairman simply as a non-voting member. It was Cong. Celso Lobregat who fought 'tooth and nail' as the saying goes to have the COCOPEA chairman as a full-fledged voting member of the UniFAST, on the rationale that one vote won't matter in a sea of twelve votes.

Atty. Joseph Noel Estrada, the Legal Counsel of COCOPEA and Executive Director of PAPSCU, also helped a lot in the advocacy and lobbying by talking directly with Senators Ralph Recto and Bam Aquino to articulate the sentiments and opinions of COCOPEA on the said bill and at times taking the cudgels to set the meeting appointments with the legislators. Dr. Jose Paolo Campos, President of the Philippine Association of Private Schools, Colleges and Universities (PAPSCU) and Dr. Miguel Udtohan, President of the Association of Christian Schools, Colleges and Universities (ACSCU) likewise joined the advocacy visits to Sen. Ralph G. Recto.

Fr. Joel Tabora, SJ, the COCOPEA chairman and CEAP President, likewise played a very important role in the advocacy by giving the legislators a very solid picture of COCOPEA as an organization to contend with, not just in terms of intellectual know-how on the matter, but more of the association's formidable stand as a unified entity on issues that affect the role of private education in the economic and social development of the

In the Board Meeting of COCOPEA on June 1, 2017 at the Diamond Hotel, Fr. Joel Tabora, SJ, as Chairman and presiding officer, passed a motion commending the collaborative and collective efforts and contribution of PACU towards the passage of the "Act Promoting Universal Access to Quality Tertiary Education by Providing for Free Tuition and Other School Fees in State Universities and Colleges and State-Run Technical-Vocational Institutions, Strengthening the Unified Student Financial Assistance System for Tertiary Education, and Appropriating Funds Therefor." The motion was seconded by Dr. Jose Paolo Campos, PAPSCU President, and was unanimously approved by the board.

Likewise, Pres. Rodas, commended Fr. Joel Tabora, SJ for his creation of the PASUC-COCOEPA Conversations in collaboration and in partnership with Dr. Ricardo

Rotoras, President of the Philippine Association of State Universities and Colleges (SUCs), which having only started sitting down as one body in November 22, 2016 up to April 20, 2017, they have already met three times and came up with several actionable resolutions that will further improve the country's tertiary educational system.

Dr. Campos, also made a motion commending Fr. Joel Tabora, SJ, for his very able chairmanship of COCOPEA in only a year's time, SY 2016-2017, where two big firsts have been achieved in the history of COCOPEA, namely, the historical unification of state universities and colleges (SUCs) under the PASUC-COCOEPA Conversations and the other one is of course, the free college education, which under Fr. Tabora's watch, aced its passage in the BiCam on May 29, 2017.



President's Report... From page 2

of very lively discussions on "Teaching Grades 11 and 12: Content and Pedagogical Approaches". Industry Immersion, Trends in Teaching Math and Research for Grades 11 and 12 were heartily tackled by the speakers and participants. In January 2017, University of the East President Ester Garcia hosted the event at their Caloocan campus where Innovative pedagogical approaches to encourage creative problem solving, interaction and less structured learning outside the classroom were discussed in the seminar on "Thinking Out of the Box : Education Beyond the Classroom". University of Santo Tomas President, Fr. Dagohoy and Ms. Giovanna Fontanilla rolled out the red carpet for PACU last March on "Critical and Creative Thinking". The scientific research method and the artistic therapeutic method were eye-openers for the participants. In spite of the unexpected holiday last April 2017, University President Vincent K. Fabella, welcomed us to Jose Rizal University for a seminar on "Team Teaching Strategies and Industry Collaborations". All participants eagerly discussed academe-industry linkages with the speakers. All events of the Programs Committee were very well attended.

On the research front, Far Eastern University President Michael Alba leads the PACU Research Committee in a study on Critical

Thinking among other research proposals on education.

Speaking of a Labor Market Intelligence system, providing employment for Senior High School graduates and designing a possible industry accreditation system, Dr. Chito Salazar, President of the University of Iloilo leads the PACU Industry Linkage Committee.

He proposed PACU membership in the National Industry Academe Council and partnership with the Philippine Business for Education (PBED) to improve workforce development, teacher quality and basic education.

As we prepare for the coming 85th Anniversary of PACU, University of Perpetual Help President Anthony Tamayo leads the team that is developing the new PACU website while Our Lady of Fatima University President Dr. Carol Enriquez spearheads the Commemorative Book Project.

I am very happy to report that we, the PACU officers, board members and the Secretariat, led by Executive Director, Fabian Quitales, continue to provide updates and activities relevant to our concerns in delivering quality education in our institutions, caring to serve our PACU member schools. May this coming school year flow as smoothly as possible for all of us while we manage the details along the way.

PACU continues to serve its member schools through quality assurance, research and advocacy to strengthen private HEIs

Please be reminded to settle your **Annual Membership Dues and the Public Relations (PR) fee for AY 2016-2017.**

1. The membership dues may be determined based on the foregoing Board Resolution: Resolution (No. 1, 03-04):

"RESOLVED that the annual fee equivalent to Php2.50 per registered student shall be computed and determined based on the total enrollment of the immediately preceding Academic Year.

If your total enrollment is less than 2,000 for this year, your dues will be a minimum of Php5,000.00."

Please use the total number of enrollees (for all levels) in the 1st semester of the immediately preceding school year as the basis for the payment of the current membership dues.

2. The annual PR fee is **Php5,000.00.**

The annual membership dues cover the operational cost of PACU to sustain its over-all viability in the pursuit of its vision and mission. This also includes the production of meeting kits during every Board meeting, containing updates from CHED and DEPED which is sent to each member institution, COCOPEA membership dues and other related expenses. The public relations fee, on the other hand, covers among others, newsletter publication, website maintenance, and advocacy initiatives.

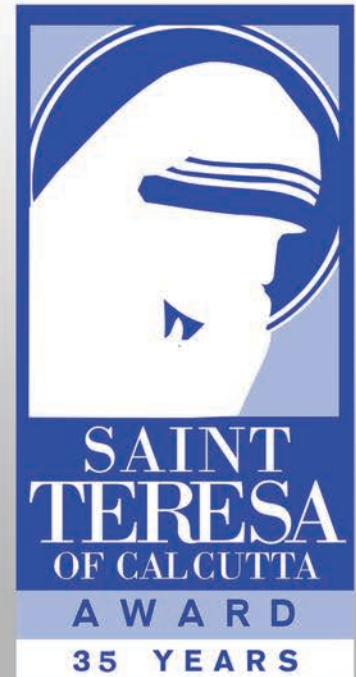
Please make your check payable to the **PHILIPPINE ASSOCIATION OF COLLEGES AND UNIVERSITIES.** You may deposit your payment in our **Security Bank Acct. No. 0381-009093-001.**

To properly identify the funds that we have received, please send us by fax or by email, the deposit slip indicating the name of your institution and the breakdown of your payment.

We would greatly appreciate it if payment is received before the deadline.

Thank you for your usual support and cooperation.

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- Been in service to the poorest of the poor Filipinos
- For 25 years or more

Visit

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Deadline is on July 31, 2017.



The Anti-age Discrimination Law...

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Session (09 June 2014)

¹⁸ Republic Act No. 10911, Section 6.

¹⁹ <https://definitions.uslegal.com/b/bo-na-fide-occupational-qualification/>

²⁰ Ibid.

²¹ Department of Labor and Employment Dept. Order No. 170, series of 2017, Section 5 thereof.

²² Ibid.

²³ Interpellation by Senator Franklin Drilon of Senator Pia Cayetano, Senate Journal Session No. 7, 16th Congress, 1st Regular Session (12 August 2014)

²⁴ Ibid.

²⁵ Ibid.

²⁶ American Association of Retired Persons (AARP) Age Discrimination:

What Employers Need to Know. https://assets.aarp.org/www.aarp.org/articles/money/employers/age_discrimination.pdf, page 12 thereof

²⁷ Ibid.

²⁸ American Association of Retired Persons (AARP) Age Discrimination: What Employers Need to Know. https://assets.aarp.org/www.aarp.org/articles/money/employers/age_discrimination.pdf, page 7 thereof

²⁹ American Association of Retired Persons (AARP) Age Discrimination: What Employers Need to Know. https://assets.aarp.org/www.aarp.org/articles/money/employers/age_discrimination.pdf, page 12 thereof

³⁰ Ibid.

³¹ Article 100, Labor Code. Prohibition against Elimination or Diminution of Benefits. – Nothing in this Book shall be construed to eliminate or in any way diminish supplements or any employee benefits being enjoyed at the time of the promulgation of this Code.

³² <http://businesstips.ph/the-anti-age-discrimination-employment-law-republic-act-10911/>

³³ Section 9, IRR DO170-17. Effects on existing CBAs, Employment Contracts and Company Policies. – All existing individual and/or col-

lective agreements, employment contracts and company policies prior to the effectivity of this law and this IRR shall be respected as agreed upon by the parties. ³⁴ Interpellation by Senator Franklin Drilon of Senator Pia Cayetano, Senate Journal Session No. 7, 16th Congress, 1st Regular Session (12 August 2014), page 121 thereof.

³⁵ Ibid.

³⁶ Liwayway Vinzon-Chato vs, Fortune Tobacco Corporation, G.R. No. 141309, 19 June 2007.

³⁷ Lahey, Joanna N. "International Comparison of Age Discrimination Laws", <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4154604/>

³⁸ Lahey, Joanna N. "How do Age Discrimination Laws Affect Older Workers." http://crr.bc.edu/wp-content/uploads/2007/01/wob_5.pdf

³⁹ Op. cit., International Comparison of Age Discrimination Laws.

Universal Access to Quality Higher Education Act...

From page 9

that is a guess. In either case, the TES and the Loan Program now provide clear major funding mechanisms for students in private higher education.³ This means -- again if properly implemented -- more funding for students at private HEIs, leading to lower attrition, better collections, an increase in investments in education, and improved graduation rates.

PACU, COCOPEA

and other voices

like PBED

have also

long pointed

out that higher education

-- of which 53-55% is private -- cannot grow at the rates of the ASEAN region if investments in higher education are limited by the ability of families to pay. The TES and Student Loan Programs can break through this funding ceiling. That is important.

The last point I want to discuss is appropriations. Section 15 requires the inclusion of the "amounts necessary to carry out the provisions of this Act" in the overall budget of the government. While no amount is mentioned (the House estimated just under P30 billion), the specific language of Section 15 is worth discussing. Senator Recto categorically explained it this way:

• This language means that the budget deliberations every year must fulfill the policy objectives of this bill, which include complementarity, the TES and the Student Loan Program.

• CHED, in justifying its budget, must look at the bill in toto, i.e., funding for everything in the bill, under the angle of complementarity.

• As Senator Recto concluded in our discussion, "there is no other way to read the bill;" you cannot for example have SUCs

"PACU and COCOPEA's roles at this point is to continue to be heavily involved, to ensure that the complementarity enshrined in the Constitution -- and crucial to the development of the country through private education -- remains protected."

funded and the other sections not comparably funded.⁴

At this point, the bill will need its Implementing Rules and Regulations, with many of the details to also be subsequently determined by CHED, TESDA and UniFAST.

These IRR committees and TWGs within CHED and TESDA will take place over the next few months. The successful implementation of the bill will depend heavily on how the provisions above are handled. PACU and COCOPEA's roles at this point are to continue to be heavily involved, to ensure that the complementarity enshrined in the Constitu-

tion and crucial to the development of the country through private education -- remains protected.

Footnotes:

¹ Previously, they could with some flexibility fund increases in enrollment beyond their budgets through the charging of other fees. That flexibility is now effectively restricted.

² The TES discussions frequently brought up the ESC administered by PEAC (FAPE) for

secondary education. The ESC is considered a possible model for the setup of the TES.

³ Some have pointed out that the Student Loan Program is already in the UniFAST Law, so that its inclusion here is not new. To be clear, the UniFAST Law is vague about how to treat student loan programs: whether to create or expand them, or just to consolidate existing loan programs. CHED has been lax in pushing it.

This bill is very explicit: create a student loan program for all Filipino students, have the repayment start when students are gainfully employed and earning (Section 8), and have it funded (Section 15).

⁴ Discussions with Senator Ralph Recto at the Senate, March 7, 2017.

Collaboration with Legislators



Thinking Out of the Box: Education Beyond the Classroom Seminar Series (University of the East, Caloocan City - January 20, 2017)



Critical & Creative Thinking Seminar Series (University of Santo Tomas, Manila - March 2 – 3, 2017)



Expanded Board Meeting and Seminar on International Organization for Standardization (ISO) and Institutional Sustainability Assessment (ISA) – Part II (University of Mindanao, Davao City - March 17, 2017)



3rd Round PASUC-COCOPEA Conversations on Complementarity between Public and Private HEIs (Diamond Hotel - April 20, 2017)



Team Teaching Strategies and Industry Collaboration Seminar (Jose Rizal University, Mandaluyong City - April 27 – 28, 2017)



COCOPEA turnover from CEAP to ACSCU (Diamond Hotel, Pasay City - June 13, 2017)



PACU Execom Meeting (Technological Institute of the Philippines, Quezon City - June 19, 2017)



PACU and PACUCOA Meeting (Tiendesitas, Pasig City - June 23, 2017)



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