

RULES AND REGULATIONS

RULES AND REGULATIONS ON STUDENT CONDUCT AND DISCIPLINE

(Approved by the Board of Regents at its 876th Meeting, 2 September 1976)

For the guidance of all concerned, the following rules and regulations on the conduct and discipline of students are hereby promulgated:

Section 1. Basis of Discipline.—Students shall at all times observe the laws of the land and the rules and regulations of the University.

No disciplinary proceedings shall be instituted except for conduct prohibited by law or by the rules and regulations promulgated by duly constituted authority of the University.

Section 2. Specific Misconduct.—A student shall be subject to disciplinary action for any of the following acts:

- (a) Any form of cheating in examinations or any act of dishonesty in relation to his studies;
- (b) Carrying within University premises any firearm, knife with a blade longer than 2 1/2 inches, or any other dangerous or deadly weapon, *provided*, that this shall not apply to one who shall possess the same in connection with his studies and who has a permit from the dean or director of his college or school;
- (c) Drinking alcoholic beverages, or drunken behavior, within the University premises;
- (d) Unauthorized or illegal possession or use of prohibited drugs or chemicals, such as LSD, marijuana, heroin, or opiates in any form within the University premises;
- (e) Gambling within the University premises;
- (f) Gross and deliberate discourtesy;
- (g) Creating within the University premises disorder, tumult, breach of peace, or serious disturbance;
- (h) Intentionally making a false statement of any material fact, or practising or attempting to practice any deception or fraud in connection with his admission or registration in, or graduation from the University;
- (i) Any other form of misconduct.

Section 3. Rules and Regulations Promulgated by Deans or Directors of Units.—Deans or directors of various units may, after due consultation with the Faculty Student Relations Committee, promulgate rules on conduct and discipline of peculiar application to their respective units, subject to the written approval of the President or Chancellor and to the rules on circularization and date of effectivity, as herein provided.

Section 4. Student Disciplinary Tribunal.—There shall be a student Disciplinary Tribunal composed of a chairman, who shall be a member of the Integrated Bar of the Philippines, and two (2) members to be appointed for a period of one (1) year, from among the faculty and other staff of the University. In any disciplinary case before the tribunal, a respondent may request that two (2) students be appointed to sit with the tribunal.

The Chairman and non-student members shall render full-time service in the tribunal. They shall receive month-

ly honoraria in the amount of P300.00 and P200.00, respectively.

The tribunal shall be under the supervision of the Dean of Students, who shall designate, whenever requested, the student members to sit with the tribunal.

Autonomous units shall set up their own student disciplinary tribunals in accordance with these rules.

Section 5. Jurisdiction.—All cases involving discipline of students under these rules shall be subject to the jurisdiction of the student disciplinary tribunal, except the following cases which shall fall under the jurisdiction of the appropriate college or unit:

- (a) Violation of college or unit rules and regulations by students of the college, or
- (b) Misconduct committed by students of the college or unit within its classrooms or premises or in the course of an official activity;

Provided that Regional units of the University shall have original jurisdiction over all cases involving students of such units.

Section 6. College Investigation.—Investigation of cases falling under the jurisdiction of a college shall be conducted by a committee of three (3) members appointed by the dean, one of whom shall be a student of the college.

Section 7. Filing of Charges.—A disciplinary proceeding shall be instituted *motu proprio* by the appropriate authority or upon the filing of a written charge specifying the acts or omissions constituting the misconduct and subscribed to by the complainant or upon submission of an official report of any violation of existing rules and regulations. Upon the filing of said charge or report with the student disciplinary tribunal or the office of the Dean, as the case may be, an entry shall be made in an official entry book kept for the purpose, specifying the person or persons charged, the complainant or complainants, his witnesses, if any, the date of filing, and the substance of the charge.

Section 8. Preliminary Inquiry.—Upon receipt of the complaint or report, the tribunal or the Dean of the College, as the case may be, shall determine whether such complaint or report is sufficient to warrant formal investigation. In all cases where the complaint or report is found sufficient, formal charge or charges shall be drawn up and served upon each respondent. In every case, the parents or guardians of the students charged shall be furnished with a copy of the same.

Section 9. Answer.—Each respondent shall be required to answer in writing within three (3) days from receipt of the charge or charges. Formal investigation shall be held on notice as provided below.

Section 10. Hearing.—Hearings shall begin not later than one (1) week after receipt of the respondent's answer or after the expiration of the period within which the respondent should answer.

Section 11. *Duration of Hearing.*—No hearings on any case shall last beyond two (2) calendar months.

Section 12. *Notice of Hearing.*—All parties concerned shall be notified of the date set for hearing at least two (2) days before such hearing. Notice to counsel of record or duly authorized representative of a party shall be sufficient notice for the purpose of this section.

Section 13. *Failure to Appear at Hearing.*—Should either complainant or respondent fail to appear for the initial hearing after due notice and without sufficient cause, this fact shall be noted and the hearing shall proceed *ex parte* without prejudice to the party's appearance in subsequent hearings.

Section 14. *Postponement.*—Application for postponement may be granted for good cause for such period as the ends of justice and the right of the parties to a speedy hearing require.

Section 15. *Committee Report.*—The college investigating committee shall forward to the dean concerned within fifteen (15) days after the termination of the hearing the complete record of the case, with its report and recommendation. The recommendation signed by a majority of the members of the Committee shall state the findings of fact and the specific regulations on which it is based.

Section 16. *Action by the Dean.*—The Dean shall, within ten (10) days from receipt of the Committee report transmit the report, together with his decision or recommendation, to the President of the University or the Chancellor of an autonomous unit, as the case may be.

Section 17. *Decision of the tribunal.*—The tribunal shall decide each case within fifteen (15) days from final submission. The decision shall be in writing and signed by a majority of its members. It shall include a brief statement of the findings of fact and the specific regulations on which the decision is based.

Section 18. *Finality of decision.*—Any decision of the tribunal or of a Dean, other than expulsion, permanent disqualification from enrollment, or suspension for more than thirty (30) calendar days, shall become final and executory after fifteen (15) days from receipt of the decision by the respondent unless within five (5) days from receipt thereof a motion for reconsideration of the same is filed, in which case the decision shall be final after fifteen (15) days from receipt of the action on the motion for reconsideration.

Section 19. *Appeal to the President or Chancellor.*—In all cases in which final decision is not conferred on a Dean or the tribunal, the respondent may file an appeal with the President or the Chancellor within ten (10) days from receipt of the decision.

Section 20. *Action by the President or Chancellor.*—Action of the President or Chancellor on recommendation coming from the Dean on appeal from the decision of a Dean or the Tribunal shall be rendered within ten (10) days after receipt of the appeal. In all cases of expulsion, the President or Chancellor shall consult the Executive Committee. Decisions of the President or Chancellor in cases specified in the next succeeding section may be ap-

pealed to the Board of Regents, within ten (10) days after respondent receives a copy of such decision.

Section 21. *Action by the Board of Regents.*—The Board may review on appeal decisions of the President or Chancellor when the penalty imposed is expulsion, suspension for more than one (1) academic year, or any other penalty of equivalent severity.

Section 22. *Rights of Respondents.*—Each respondent shall enjoy the following rights:

- (a) Not to be subjected to any disciplinary penalty except upon due process of law;
- (b) To be convicted only on the basis of substantial evidence, the burden of proof being with the person bringing the charge;
- (c) To be convicted only on evidence introduced at the proceedings or of which the respondent has been properly apprised;
- (d) Pending final decision on any charge, to enjoy all his rights and privileges as a student, subject to the power of the Dean or the tribunal to order the preventive suspension of the respondent for not more than fifteen (15) days where suspension is necessary to maintain the security of the college or the University;
- (e) To defend himself personally, or by counsel, or representative of his own choice. If the respondent should desire but is unable to secure the services of counsel, he should manifest that fact two (2) days before the date of hearing, and request the tribunal or the investigating committee to designate counsel for him from among the members of the University constituency.

Section 23. *Effect of Decision.*—Decisions shall take effect as provided in these rules. However, final decisions of suspension or dismissal within thirty (30) days prior to any final examination, shall take effect during the subsequent semester, except when the respondent is graduating, in which case the penalty shall immediately take effect.

Section 24. *Records.*—All proceedings before any tribunal or Committee shall be set down in writing by a competent stenographer. Original records pertaining to student discipline shall be under the custody of the Dean of Students. Such records are hereby declared confidential and no person shall have access to the same for inspection or copying unless he is involved therein, or unless he has a legal right which cannot be protected or vindicated without access to or copying of such records. Any University official or employee who shall violate the confidential nature of such records shall be subject to disciplinary action.

Section 25. *Sanctions.*—

- (a) Disciplinary action may take the form of expulsion, suspension from the University, withholding of graduation and other privileges, exclusion from any class, reprimand, warning, or expression of apology. The gravity of the offense committed and the circumstances attending its commission shall determine the nature of the disciplinary action or penalty to be imposed.

- (b) The Dean or Director of the unit may impose the penalty of suspension for a period not exceeding one (1) calendar year. If he deems suspension for a longer period or expulsion warranted he shall so recommend to the President or Chancellor, who shall refer the case to the Executive Committee, for final decision.
- (c) Any disciplinary action taken against a student shall be reported to his parents or guardians.
- (d) Refusal to submit to the jurisdiction of the University by any student not enrolled at the time a charge against him is filed shall prejudice his future enrollment in any unit of the University.

Section 26. *Summary Actions.*—Notwithstanding the provisions of the foregoing sections a Dean may proceed summarily against students of a college in the following cases:

- (a) Violation of rules and regulations issued by the Dean of the unit in accordance with section three of these rules;
- (b) Misconduct committed in the presence of a faculty member or any official of the University within the classrooms or premises of a college, or in the course of an official function sponsored by the college.

The respondent shall be summoned to appear before the Dean of the unit, informed of the charge against him, and afforded the opportunity to present his side.

Decisions taken under this section shall be in writing, stating the grounds for which disciplinary penalty is imposed. Such decisions shall be final and executory upon the issuance of the order. The penalty imposed shall not exceed suspension for fifteen (15) days.

Section 27. *Definitions.*—The following terms shall have the meaning set forth below for purposes of these regulations:

- (a) "Autonomous unit" refers to such universities or units of the University of the Philippines System which have been declared autonomous by law or by the Board of Regents;
- (b) "Regional unit" refers to units outside of Diliman and Manila which are not autonomous;
- (c) "Students" shall include any person enrolled in any academic unit of the University on a regular or part-time basis at the time of the commission of the offense, regardless of whether or not he is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceeding against him;
- (d) "Laws of the land" shall refer to general enactments in force in the Philippines;
- (e) "Official Report" shall include any report duly submitted in writing to any proper authority in the University by a faculty member, any member of the University security force, any officer of a college or unit, or any officer of the University administration.

Section 28. These rules shall supersede all previous rules on student discipline and shall take effect upon approval. Amendments to these rules shall be circularized within ten (10) days after approval and shall take effect fifteen (15) days after circularization, unless a specific date has been set, which date shall in no case be within five (5) days after its approval.

TRANSITORY PROVISION

Within thirty (30) days from the effectivity of these rules, all cases pending before inter-college disciplinary committees shall be transferred to the student disciplinary tribunal. To effect the transfer each committee shall transmit the full records of the case together with a statement of the transfer and the exact stage of the proceedings at the time.

HISTORICAL PAPERS AND DOCUMENTS

POLICY ON EXTENSION OF SERVICES BEYOND COMPULSORY RETIREMENT AGE OF 65

Republika ng Pilipinas
(Republic of the Philippines)
KAGAWARAN NG EDUKASYON AT KULTURA
(DEPARTMENT OF EDUCATION AND CULTURE)
Manila

June 28, 1976

DEPARTMENT ORDER
No. 40, s. 1976

POLICY ON EXTENSION OF SERVICES BEYOND COMPULSORY RETIREMENT AGE OF 65

To:

Bureau Directors
Regional Directors
Chiefs of Services and
Heads of Units
Coordinator, State Colleges and
Universities
Schools Superintendents

1. Inclosed is a copy of a Memorandum from the Office of the President dated June 22, 1976, on the new policy regarding the services of government officials and employees who attain the retirement age of 65.

2. Conformably to this Memorandum, particularly paragraph 3 thereof, this Office will review the reasons for the extension of the services of those who have previously been extended beyond their 65th birthday. Should there be no absolute necessity for their continuing in the service, they shall be advised to retire, their retirement to be effective the last day of the month following receipt of the retirement advice.

3. Effective immediately, all officials and personnel who are due for compulsory retirement should file their applications for retirement at least a month before date of retirement, i.e. their 65th birthday. This Office reserves the right to recommend extension of service of those who are considered absolutely necessary in the interest of the public service.

4. Immediate dissemination of this Department Order is desired.

(SGD.) JUAN L. MANUEL
Secretary of Education and Culture

(Inclosure to Department Order No. 40, s. 1976)
OFFICE OF THE PRESIDENT
of the Philippines
Malacañang

June 22, 1976

MEMORANDUM

FOR : Secretary Juan Manuel

D E C

FROM: The Presidential Executive
Assistant

We wish to advise you that it is now the policy of the President that the services of officials or employees who

attain the compulsory retirement age of 65 years shall not be extended unless the extension of the services of these officials or employees is absolutely necessary in the interest of the public service.

This policy shall not apply to the members of the Cabinet and undersecretaries of department whose tenure of office is at the pleasure of the President.

In view of this policy, it is now desired that the reasons for the extension of the services of those officials and employees whose services have been extended be reviewed, and unless there is absolute necessity for their continuing in the service, they should now be retired.

Kindly report compliance with this policy.

(SGD.) JACOBO C. CLAVE
Presidential Executive Assistant

REVISED COMPOSITION OF THE NATIONAL BOARD OF EDUCATION

PRESIDENTIAL DECREE NO. 983

**AMENDING PART XII, CHAPTER I, ARTICLE III,
SECTION 2 OF THE INTEGRATED REORGANI-
ZATION PLAN APPROVED UNDER PRESIDEN-
TIAL DECREE NO. 1, DATED SEPTEMBER 24,
1972**

By virtue of the powers vested in me by the Constitution, I, FERDINAND E. MARCOS, President of the Philippines, do hereby amend Part XII, Chapter I, Article III, Section 2 of the Integrated Reorganization Plan approved under Presidential Decree No. 1, dated September 24, 1972, to read as follows:

PART XII—EDUCATION

**CHAPTER I—DEPARTMENT OF EDUCATION
AND CULTURE**

Article III—National Board of Education

"Section 2. The National Board of Education shall have the Secretary of Education and Culture as the Chairman and the following as members: the Director-General of the National Economic and Development Authority; the Commissioner of the Budget; the President of the University of the Philippines; the Chairman of the National Science Development Board; the Undersecretary of Education and Culture; and three prominent citizens, at least one of whom shall represent

non-governmental educational institutions. The prominent citizens appointed to the Board shall serve part-time for a period of six years: *Provided*, That in the first appointments, the appointment of one member shall be for two years, the second member for four years, and the third member for six years. The Director of the Bureau of Elementary Education, the Director of the Bureau of Secondary Education, and the Director of the Bureau of Higher Education shall also sit in the Board as non-voting members. The Chairman and members may receive per diems for actual attendance at meetings.

"Whenever a member of the Board is unable to attend Board meetings owing to illness, absence or other causes, he may designate a representative to attend Board meetings who may participate in the deliberation of the Board, but shall not have voting rights."

This Decree shall take effect immediately.

Done in the City of Manila, this 18th day of August, in the year of Our Lord, nineteen hundred and seventy-six.

By the President:

(SGD.) JACOBO C. CLAVE
Presidential Executive Assistant

(SGD.) FERDINAND E. MARCOS
President
Republic of the Philippines

**LETTER FROM PRESIDENT FERDINAND E. MARCOS
ON POLICY DIRECTIONS OF THE CIVIL SERVICE COMMISSION**

MALACANANG
Manila

September 5, 1976

The Chairman and Commissioners
Civil Service Commission
Quezon City

Sirs:

I think it is clear that by fully constituting the membership of the Civil Service Commission, I wish to em-

phasize that its leadership is needed to improve and maintain the standards of the public service so that it would eminently carry out national policies and be in a position to be constantly responsive to the needs of our people.

Please take note of the policy directions that shall guide the Civil Service Commission in fulfilling its responsibilities.

As the central personnel agency of the government, the Civil Service Commission is the principal instrument for the recruitment of manpower for the various administra-