



Statement on the accusation that the CHED Chairman uses the UniFAST funds as leverage against CSU president

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This is in response to a published letter in the Manila Times addressed to members of Congress accusing me, among other things, of withholding the funds allegedly due to Cagayan State University (CSU) from RA 10931 or the Universal Access to Quality Tertiary Education law (UAQTE), because I supposedly refuse to recognize the appointment of Dr. Urdujah Tejada as CSU President and appointed an Officer-in-Charge for the University.

The following relevant facts related to the issue are undisputed and must be told:

1. The selection and appointment of all SUC Presidents are governed by CHED Memorandum Order (CMO) No. 16 s. 2009. This CMO is being used by all SUCs even before I was appointed to CHED. As a matter of fact, Tejada's appointment for her first term as CSU President strictly complied with the provision of CMO No. 16 s. 2009. The CSU Board of Regents (CSU BOR), however, disregarded CMO No. 16 s. 2009 and unilaterally reappointed Tejada to a second term.
2. All members of Congress, including House Committee on Higher and Technical Education (CHTE) Chairman Mark Go, who sit in the Board of all SUCs (representing the House of Representatives) nationwide, used CMO No. 16 s. 2009 in selecting SUC Presidents or reappointing them. In the case of CSU, Cagayan 3rd District Rep. Joseph L. Lara (who is merely representing Chairman Go in the CSU BOR) refuses to adopt CMO No. 16 s. 2009 in the reappointment of Tejada.

Clearly, the CSU BOR violated the existing CHED rules in the reappointment of Tejada to a second term. The fact that a majority of the board voted for her reappointment is immaterial.

3. Tejada has no appointment paper signed by the appointing authority under RA 8292 and duly attested by the Civil Service Commission (CSC) as required by the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (2017 ORAOHRA).
4. Notwithstanding the clear language of the 2017 ORAOHRA, Tejada, Mr. Ranhilio Aquino, together with her counsel, insisted under oath and in open court that she doesn't need an appointment paper. She is the only SUC President, if not the only appointed official, who has no appointment paper. The recognition by the CSU BOR of her reappointment via a Resolution cannot excuse Tejada's compliance with the mandatory requirement of an appointment paper.
5. In view of these patent irregularities, the Republic of the Philippines through the Solicitor General has filed a Quo Warranto petition before the Regional Trial Court of Manila questioning her reappointment by the CSU BOR as the CSU President.

6. To address the issues surrounding the implementation of RA 10931, in relation to the pending cases against Tejada's reappointment, the UniFAST Executive Director wrote the CSU BOR asking them if the funds can be moved through the CHED Regional Office so it can be used by CSU for its operations. In response, the CSU BOR insisted that the funds be given to Tejada. The UniFAST Board (and CHED) cannot give funds to a private person and doing so will open the members of the Board (and Commission) to criminal and administrative cases. The Board (and CHED) cannot authorize the transfer of these funds to Tejada until the Quo Warranto case is finally resolved by the court.
7. Be that as it may, while the legitimacy of Tejada's reappointment is pending in the courts and other quasi-judicial agencies, students right under RA 10931 are not affected. In order to ensure the implementation of RA 10931, the UniFAST Secretariat paid the Tertiary Education Subsidy of 1,177 CSU students (amounting to P23,775,400) directly to the students through the CHED Regional Office. TES beneficiaries in CSU have received their TES subsidy.
8. While the Quo Warranto case is being heard, the Board is now exploring ways on how to give these funds to the stakeholders until all legal issues are resolved.

Mr. Aquino has continuously attacked and vilified me in the media and social media and has been sending emails to all SUC Presidents and members of the Board of Regents of SUCs nationwide, questioning the authority of CHED Chairman and the Commission on this issue. This fixation to attack me clearly shows his vain attempt to smokescreen the truth on the illegality of Tejada's reappointment and assumption as CSU's President. I am not the Chairman of the CSU Board of Regents and am not involved in any decision making related to CSU. A CHED Commissioner for CSU has been designated by the Commission En Banc last year and he is the one involved in CSU matters.

Moreover, the CHED Commission En Banc acts as a collegial body. I only have 1 vote in the Commission. It is surprising why I am being singled out in the CSU issues considering that I have already inhibited on all issues relative to the reappointment of Tejada in deference to a Writ of Preliminary Injunction, which is still being questioned until now, issued by the Regional Trial Court in Tuguegarao City.

Considering that all legal issues pertaining to Tejada's reappointment are pending in the courts and other quasi-judicial agencies, Mr. Aquino and all other persons must refrain from talking about it in the media and social media. This is a clear violation of the sub judice rule.

In fine, all of these problems resulted from the actions of the CSU BOR that did not follow basic CHED and Civil Service Rules. The CSU BOR insists their actions are legal. The CHED insists its actions are legal. Let the Courts decide.



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