Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 977

Introduced by Honorable Reynaldo S. Uy, M.D.

EXPLANATORY NOTE

Western Samar is a province of the Island of Samar comprising of one (1) city and twenty-five (25) municipalities, yet it still has deficiency in educational institution;

Besides its big population, the province has still no existing University for higher education;

The absence of this institution for higher learning pushes the residents of this province to migrate to other places such as Tacloban City, Cebu City and Metro Manila, in order for them to avail of advanced education and technological programs;

At present Samar has the Tiburcio Tancinco Memorial Institute of Science and Technology based at Calbayog City which is fit to be converted into a Calbayog City State University;

The conversion of the Tiburcio Tancinco Memorial Institute of Science and Technology into the Calbayog City State University will greatly cater to the need of its people for advanced studies and progressive leadership in their chosen field of specialization;

Consistent with the constitutional mandate to give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote total liberation and development (Sec. 17, Art. II), the establishment, operation and maintenance of the Calbayog City State University becomes imperative.

In view of the foregoing considerations, approval of this bill is earnestly recommended.

REYNALDO S. UY, M.D.

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AN ACT
CONVERTING THE TIBURCIO TANCINCO MEMORIAL INSTITUTE OF SCIENCE AND TECHNOLOGY IN CALBAYOG CITY, PROVINCE OF WESTERN SAMAR, INTO A STATE UNIVERSITY TO BE KNOWN AS THE CALBAYOG CITY STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SEC. 1. *Conversion.* The Tiburcio Tancinco Memorial Institute of Science and Technology in Calbayog City, Province of Western Samar, is hereby converted into a State University to be known as the Calbayog City State University, hereinafter referred to as the University.

SEC. 2. *General Mandate.* The University shall primarily provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, science, education, commerce, engineering, forestry, nautical courses and other related fields. It shall also undertake research and extension services, and provide and progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* The University shall offer graduate courses leading to the degree of Doctor of Education, Doctor of Philosophy, Master of Arts in Industrial Education, Master in Public Management, Master in Library Administration, Master of Arts in Vocational Education, Master of Arts in Education, Master in Technician Education; undergraduate courses, particularly those leading to the degree of Bachelor of Science in Civil Engineering, Industrial Engineering, Electrical Engineering, Mechanical Engineering, Marine Engineering, Mining Engineering, Chemical Engineering, Architecture, Commerce, Agriculture, Fishery, Forestry, Nautical and other courses in various fields of specialization and according to its capabilities as the Board of Regents may deem necessary to carry out its objectives in order to meet the needs of the province and the region.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the high school shall be allowed to remain and operate within the campus of the University until the existing students shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school, if it has a College of Education.

SEC. 4. *Administration.* The University shall have the general powers of a corporation set forth in the Corporation Law. The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University insofar as authorized by the Board.

SEC. 5. *The Governing Board.* The Governing Board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

a) The Chairman of the Commission on Higher Education (CHED), Chairman;
b) The President of the University, Vice-Chairman;
c) The Chairman of the Committee on Education, Arts and Culture of the Senate, Member;
d) The Chairman of the Committee on Higher and Technical Education of the House of Representatives, Member;
e) The Regional Director of the National Economic Development Authority (NEDA) where the main campus of the university is located, Member;

f) The Regional Director of the Department of Science and Technology (DOST), Member;
g) The President of the faculty association of the University, Member;
h) The President of the student council of the University, Member;
i) The President of the alumni association of the University, Member; and
j) Two (2) prominent citizens of Calbayog City who have distinguished themselves in their professions or fields of specialization of the University, Members.

The Board of Regents shall appoint the two prominent citizens from among a list of at least five (5) persons qualified in Calbayog City or the Province of Western Samar as recommended by the search committee constituted by the University President, in consultation with the Chairman of the CHED, based on the normal standards and qualifications for the position.

The term of office of the President of the faculty association, the President of the student council and the President of the alumni association shall be contemporaneous with their respective terms of office.

The two (2) prominent citizens shall serve for a term of two (2) years.

SEC. 6. *Promulgation and Implementation of Policies.* The Board shall promulgate and implement policies in accordance with the declared state policies on higher education and other pertinent provisions of the Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994."

SEC. 7. *Powers and Duties of the Board of Regents.* The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

a. To promulgate rules and regulations as may be necessary to carry out the purpose and functions of the University;

b. To receive and appropriate all sums as may be provided, for the support of the University in the manner it may determine, in its discretion, to carry out the powers and functions of the University;

c. To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, as amended;

d. To receive in trust, legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the University, and subject to the limitations, directions and instructions of the donor, if any.

Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC), as amended: *Provided*, That such donations shall not be disposed of, transferred or sold; and

e. To fix the tuition fees and other necessary school charges, such as but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with the involved sectors.

Such fees and charges, including government subsidies and other income generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interest that shall accrue therefrom shall form part of the same funds for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants shall be retained by the University, and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If, for reasons beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose, which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

f. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;

g. To authorize the construction or repair of its buildings, machinery, equipment and facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment;

h. To appoint, upon recommendation of the President of the University, Vice-Presidents, Deans, Directors, Heads of Departments, faculty members and other officials and employees of the University;

i. To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absences under such regulations as it may promulgate, any provisions of existing laws to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

j. To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;

k. To set policies on admission and graduation of students;

l. To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of agriculture, public service, arts, science and technology, education or in any field of specialization within the academic competence of the University, and to authorize the awarding of certificates for completion of non-degree and non-traditional courses;

m. To establish and absorb non-chartered tertiary institutions within the Province of Western Samar as branches and extension centers in coordination with the Commission on Higher Education (CHED) and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal and greater access to educational opportunities mandated by the Constitution;

n. To establish research and extension centers of the University where such will promote the development of the latter;

o. To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;

p. To delegate any of its powers and duties provided for hereinabove to the President or Officer-In-Charge and/or other officials of the University as it may deem appropriate, so as to expedite the administration of the affairs of the University;

q. To authorize an external management audit of the University, to be financed by the CHED, subject to COA rules and regulations; and to institute reforms, including academic and structural changes on the basis of audit results and recommendations;

r. To collaborate with other Governing Boards of state universities and colleges within the Province of Western Samar or the Region, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the University to become more efficient, relevant, productive, and competitive;

s. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds of which shall be used for the development and strengthening of the same.

t. To develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University;

u. To develop academic arrangements for institutional capability-building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part-time or visiting or exchange professors, scholars, researchers, as the case may be;

v. To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning or distance education, community laboratory, etc., for the promotion of greater access to higher education and graduate studies, as the case may be;

w. To establish policy guidelines and procedures for participative decision-making and transparency within the University;

x. To privatize, where most advantageous to the University, the management of non-academic services such as health, food, building, grounds or property maintenance and such other similar activities; and

y. To extend the term of the President of the University beyond the age of retirement, but not later than the age of seventy (70), whose performance has been unanimously rated by the Governing Board as outstanding, after unanimous recommendation by the search committee.

SEC. 8. *Meetings of the Board.* The Board shall regularly convene at least once every quarter. However, the Chairman of the Board of Regents may, upon three (3) days prior written notice, call a special meeting whenever necessary.

A quorum of the Board of Regents shall consist of a majority of all members holding office at the time the meeting: *Provided, however*, That the Chairman of the Board or the President of the University is among those present in the meeting.

In the absence of the of the Chairman of the CHED, a Commissioner of the CHED, duly designated by him shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however*, That during this meeting, the President of the University as Vice-Chairman shall be the Presiding Officer: *Provided, further*, That this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a Commissioner as the regular Chair of the Board of Regents in which case said CHED Commissioner shall act as the Presiding Officer.

In the absence of the Chairpersons of the Congressional Committee on Education, they may designate their respective representatives who shall attend the said meetings with all the rights and responsibilities of a regular member.

The members of the Board shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in attendance to meetings of the Board or in connection with their official business authorized by resolution of the Board, subject to pertinent existing laws and regulations.

SEC. 9. *The University President.* The University shall be headed by a President who shall render full-time service. He shall be appointed by the Board upon the recommendation of a duly constituted Search Committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term.

The President shall be assisted by a Vice-President for Academic Affairs and a Vice-President for Administrative Affairs, who shall be appointed by the Board upon his recommendation without prejudice to the appointment of more than two Vice-Presidents, when warranted.

In case of vacancy in the office of the President by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the President to perform the functions of his office, the Board shall have the authority to designate an Officer-in-Charge of the University pending, the appointment of a new President.

In case of vacancy in the office of the President as mentioned in the immediately preceding paragraph, his successor or the Officer-in-Charge shall hold office for the unexpired term only.

The President of the University, whose term may be terminated according to this Act, shall be entitled to full retirement benefits under existing laws upon expiration or termination of his term.

The powers and duties of the President of the University, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the President of similar universities, and those delegated by the Board.

The salary of the President of the state University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by the Presidents of similar educational institutions of like standing.

SEC. 10. *The Administrative Council.* There shall be an Administrative Council consisting of the President of the University as Chairman, Vice President(s), Deans, Directors and other officials of equal rank as members, whose duty is to implement the policies governing the administration, management and development of the University, as approved by the Board.

SEC. 11. *The Academic Council.* There shall be an Academic Council with the President of the University as Chairman and all the members of the academic staff with the rank of not lower than Assistant Professor as members.

The Academic Council shall have the power to review and recommend the curricular offerings and Rules of Discipline of the University, subject to the approval of the Board of Regents. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board of Regents through the President of the University. It shall have the disciplinary power over the students of the University and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board of Regents.

SEC. 12. *The Secretary of the University.* The Board shall appoint a secretary, who shall serve as such for both the Board and the University and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board the notices of meetings.

SEC. 13. *The Treasurer of the University.* The Treasurer of the Philippines shall be the ex-officio Treasurer of the University.

SEC. 14. *Faculty.* No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. *Scholarship Program/Admission.* The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the University.

No student shall be denied admission to the University by reason of sex, religion, cultural or community affiliation or ethnic origin.

SEC. 16. *Academic Freedom and Institutional Autonomy.* The University shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

SEC. 17. *Authority to Loan or Transfer.* The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the President of the University, such apparatus, supplies, equipment, or supplies as may be needed by the University, and to detail employees for duty therein, when in the judgment of the bureau or office, such apparatus, equipment, supplies, or services of such employees can be spared without serious detriment to the public service.

The employees so detailed shall perform such duties as required of them by the President of the University, and the time so employed shall be counted as part of their regular services.

SEC. 18. *Assets, Liabilities and Personnel.* All assets, fixed and movable, personnel and records of the Tiburcio Tancinco Memorial Institute of Science and Technology, as well as liabilities or obligations, are hereby transferred to the University: *Provided, however*, That the positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a University are not impaired: *Provided, further*, That the incumbents of the positions, if qualified under the new qualification standards of the University, shall remain under the same status until otherwise provided for by the Board.

All parcels of land belonging to the government occupied by the Tiburcio Tancinco Memorial Institute of Science and Technology are hereby declared to be property of the Calbayog City State University and shall be titled under that name: *Provided*, That should the University cease to exist or be abolished, or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the local government unit concerned.

SEC. 19. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Tiburcio Tancinco Memorial Institute of Science and Technology, except the sums needed to continue the operations of the existing high school. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Calbayog City State University shall be included in the Annual General Appropriations Act.

SEC. 20. *Development Plan, Management Audit, Organizational / Administrative / Structure.* Within the period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

1. Submit a five (5) year development plan, including its corresponding program budget to the CHED, for appropriate recommendation to the DBM;

2. Undergo a management audit in cooperation with the CHED;

3. Accordingly set up its organizational, administrative as well as academic structure, including the appointment of university key officials; and

4. Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another, at the graduate level.

SEC. 21. *Filing of Report.* On or before the fifteenth (15^{th}) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines through the Chairman of the CHED, and with both Houses of Congress, a detailed report on the progress, condition and needs of the University.

SEC. 22. *Inclusion Clause.* The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997", shall be an integral part of this Act and shall serve as part of the Governing Charter of the University.

SEC. 23. *Imposition of Powers.* All other powers, functions and privileges, responsibilities and limitations to State Universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials whenever appropriate.

SEC. 24. *Implementing Rules and Regulations.* The Commission on Higher Education (CHED) shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 25. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 26. *Effectivity.* This Act shall take effect upon its approval.

Approved,