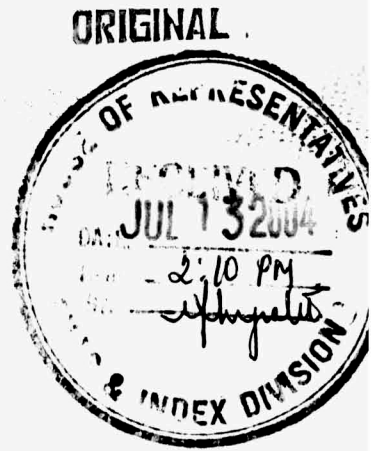


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1371



Introduced by Representative Faysah RPM Dumarpa

EXPLANATORY NOTE

This Bill seeks the establishment of an Islamic State University in the Philippines to be situated in the province of Lanao del Sur.

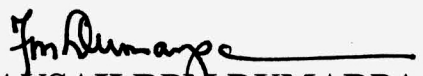
Like many of its counterparts in the Third World Countries, the Philippines is beset by problems in relation to the minorities, oldest among them is the Moro Problem. For centuries, Muslim Mindanao has been ravaged by war, wasted human lives in the process and its growth and development hampered. This century-old war between the military and the Moro Islamic Liberation Front (MILF) is a clear manifestation that there has been no real progress in the peace talks between the Government Reconciliation Panel (GRP) and the MILF and no clear implementation of the fundamental social reforms in Mindanao. To add more injury, the Madaris (school teaching Islam with Arabic as the medium of instruction) has been accused of fostering terrorism and violence to the students, thus taunting it as a training ground for terrorism. In order to appease the "maratabat" of the Muslim Minorities, the Madaris has been integrated in the mainstream of Philippine educational system when Former President Marcos issued LO1 1221 which provided for an accelerated and progressive development of the madrasah (plural of madaris). This was further embodied in the Organic Act of Autonomous Region in Muslim Mindanao. However, despite this integration, faults of terrorism had been thrown against it.

Why is there a need to establish an Islamic University? Education in all its forms is widely accepted as the factor for peace and national development. Many provisions on the Constitution make both explicit and implicit support to education for different people

Jmd

under one government. The constitutional provisions find continuance in the Organic Act establishing the Autonomous Region in Muslim Mindanao. Narrowing it down, the organic act on its educational provisions specifies the integration of madrasah education in the public schools. However, as stated above, this integration did not give full implementation to the provisions of the constitution and the Organic Act. Thus, the establishment of an Islamic State University, aimed at perpetuating Islamic values, ideals, aspirations and orientations, and at developing the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Muslim populace to make them God-fearing, productive, and patriotic citizens, will definitely give the Muslims a complete sense of solidarity and the educational aspirations of the Filipino Muslims can be very well spelled out. They will become conscious of their Islamic values and cultural heritage as well as their Filipino heritage; further inculcating among the students their commitment to the peaceful settlement of disputes and grievances and the avoidance of the use of lawless violence in the Way of Islam. Moreover, the misconceptions about the Madaris can be corrected.

In the light of the above, the early passage of this bill is earnestly requested.


FAYSAH RPM DUMARPA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

ORIGINAL

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1371

Introduced by Representative Faysah RPM Dumarpa

AN ACT
ESTABLISHING AN ISLAMIC STATE UNIVERSITY IN
THE PHILIPPINES

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

Section 1. *Establishment.* - There is hereby established an Islamic State University in the Philippines to be located in the Province of Lanao del Sur.

Section 2. *Objectives/Missions.* - The University shall have the following objectives:

a) Teaching all sciences of the Holy Quran and the Prophetic Sunnah as well as Arabic language and all Islamic and social sciences;

(b) Establishing linkages with universities and institutions of higher education in the country as well as other Islamic universities in the world;

(c) To promote learning from the perspective of the Islamic tradition within a multi- cultural diversified modern society;

(d) To distinguish itself as a University with a diverse, socially responsible learning community of high quality scholarship and academic rigor sustained by a faith that brings justice;

(e) To work for the achievement of harmony, dialogue and balance in life, production and reproduction of knowledge within an Islamic paradigm;

(f) To act as a leading model of an Islamic Institution based on the principles of the integration of knowledge coupled with a comprehensive excellence for the progress of the Filipino Muslim communities;

(g) To re-construct human thought in all its forms on the foundations of Islam;

Jan

(h) To develop Islamic character and personality among the students, teachers and the supporting staff in the University;

Section 3. *Curricular Offerings.* - The University shall offer courses in Islamic Studies, Quran and Quranic Recitations, Shari'a and Arabic Language, and such other courses within the context of Islam.

Section 4. *Administration.* - The University shall have the general powers of a corporation as 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.

Section 5. *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 CHED, chairman
- (b) The president of the University, vice chairman
- (c) Members of the Senate and the House of Representatives, members
- (d) Regional Secretary, Department of Education (ARMM)
- (e) Head, Ulama Council
- (f) President, Faculty Association
- (g) President, Student Councils
- (h) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization in Islamic Theology and Teaching;

The two (2) prominent citizens which shall serve for a term of two (2) years, shall be chosen from among a list of at least five (5) persons qualified in Muslim Mindanao, 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 associations, the president of the student council shall be contemporaneous with their respective terms of office.

Section 6. *Promulgation and Implementation of Policies.* - The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Philippine Constitution on education as well as the policies, standards and thrusts of the CHED under RA 7722 and Organic Act.

Section 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 enact laws and regulations not contrary to law 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 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, 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 computation of the tax of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended; Provided that such donation shall not be disposed, transferred or sold;
- (d) 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 State 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 reason beyond its control, the University, shall not be able to pursue any projects 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;

- (e) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties including necessary supplies, materials and equipment;
- (g) To appoint, upon recommendation of the President of the University, vice presidents, deans, directors, and heads of departments and to appoint faculty members and other officials and employees of the University;
- (h) To fix and adjust salaries of faculty members, administrative officials and employees subject to the provision of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and 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;
- (i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils herein provided;



- (j) To set policies on admission and graduation of students;
- (k) To delegate any of its powers and duties provided herein to the President and/or other officials of the University as it may deem appropriate, so as to expedite the administration of the affairs of the University;
- (l) To authorize an external management audit of the institution, to be financed by the CHED, and to institute reforms, including academic and structural changes, on the basis of audit results and recommendations;
- (m) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the same;
- (n) To develop consortia and other forms of linkages with local government unit, institutions and agencies, both public and private, local and foreign, in furtherance of the purpose and objectives of the University;
- (o) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants or to invite visiting or exchange professors, scholars, researchers, as the case may be;
- (p) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education in conformity with Islamic values;
- (q) To extend the term of the President of the State College beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee; and
- (r) To authorize the Board of Trustees to create or accept feeder madaris within the Mindanao region.

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

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

In the absence of the Chairman of the CHED, a Commissioner of the CHED, duly designated by him, shall represent him in the meeting with all rights and responsibilities of a regular member: Provided, however, that in the said meeting, the President of the University as Vice-Chairman shall be the presiding officer.

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

SECTION 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 recommendation of a duly constituted search committee. He shall hold office for a term of four (4) years, extendible only for another four years.

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 appointment of a new president.

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 University, and those delegated by the Board.

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

SECTION 10. *The Administrative Council.* There shall be an administrative council consisting of the President of the University as Chairman, the vice-president (s), deans, directors and other officials of equal rank whose duty is to implement the policies governing the administration, management and development of the University, as approved by the Board.

SECTION 11. *The Academic Council.* There shall be an academic council with the President of the University as Chairman and all the members of the instructional staff with the rank of not lower than assistant professor, as members. The academic council shall have the power to prescribe curricular offerings, subject to the approval of the Board. It shall fix the requirements for admission to the University, as well as for graduation and the conferring of degrees, subject to review and/or approval by the Board through the President of the University. It shall have disciplinary power over the students and shall formulate academic policies, rules and regulations on discipline. Such policies, rules and regulations shall be approved by the Board.

SECTION 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 notice of meetings.

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

SECTION 14. *The Faculty.* The appointment of faculty members of the University shall be based on affiliation with Islam : Provided, however, that no member of the faculty shall teach against any other religion or shall do any act which would foster terrorism and such other forms of violence that will cause instability.

SECTION 16. *Authority to Loan and Transfer Apparatus/Equipment.* The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the President of University, such vehicles, apparatus, 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. 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.

Jmd

SECTION 17. *Scholarship Programs and Admission.* . The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students for admission to the University.

SECTION 18. *Academic Freedom and Institutional Autonomy.* The University shall enjoy academic freedom and institutional autonomy pursuant to Paragraph 2, Section 5 Article XIV of the Philippine Constitution.

SECTION 19. *Filing of Report.* On or before the fifteenth day of the second month after the opening of the regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, condition and needs of the University.

SECTION 20. *Development Plan, Management Audit, Organizational/Administrative/Academic 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/designation of University key officials ; and
4. Set in motion the establishment of at least four (4) feeder high schools offering primary and secondary courses in Arabic education.

SECTION 21. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Department of Education and the Commission on Higher Education.

As official budgets are always short of meeting the needs and necessities of education, the university can thus embark on promoting its self-resources by establishing some economic institutions for investment purposes.

SECTION 22 . *Incorporation of Republic Act 8292.* The provisions of Republic Act No. 8292, otherwise known as the " Higher Education Modernization Act of 1997", shall form an integral part of this Act and together shall serve as the governing charter of the University.

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

SECTION 24. *Transitory Provisions.* The Board of Trustees of the University shall immediately prepare its programs to operationalize Islamic State University's initial funding needed for the operations of the university. Thereafter, such sums as may be

necessary for the continued operation and maintenance of the University shall be included in the annual general appropriations act.

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

SECTION 26. This Act shall take effect upon its approval.

Approved,

Jmd