

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

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 1510

Introduced by Honorable Alfonso V. Umali, Jr.

EXPLANATORY NOTE

This Bill seeks to establish the Oriental Mindoro State University System in the Province of Oriental Mindoro through the integration of the Mindoro State College of Agriculture and Technology (MINS CAT) in the Municipality of Victoria; Polytechnic College of Calapan (PCC) in Calapan City; and the Bongabong College of Fisheries (BCF) in Bongabong, Oriental Mindoro.

Institutions of higher Education have grown significantly in number and in size. Majority of these institutions are concentrated however, in highly urbanized cities and the more affluent provinces in the country. In fact, the most expensive university buildings with well-equipped facilities and the most extensive curriculum are found in Manila and the adjoining cities and provinces in the National Capital Region.

The situation limits the educational opportunities available for poor but deserving Mindoreños for they cannot afford the expensive private tertiary education offered in those schools. In fact, education for Mindoreños is fast becoming the exclusive privilege of those who can afford to pay the fees and other expenses in living in the cities or places outside of their own province.

While it is true that the State Universities in Manila, Laguna and Batangas provided refuge for these students, not all impoverished families of Mindoro can afford the collateral expenses that a university education entails outside the province of Oriental Mindoro. The distance, rigors of travel, choice of safe boarding houses or dormitories, food and transportation allowances, and other miscellaneous expenses have made State University education outside the province unattractive to the poorest of the poor constituents who equally deserve quality education. Furthermore, private tertiary institutions in Oriental Mindoro exact tuition fees almost close to what is being charged by their counterparts in Manila.

To respond therefore, to the needs of the poor Mindoreños for a quality and affordable tertiary education and their clamor for the creation of a State University System right in the heart of the province, with the hope that the expanded curricular offerings and reduced cost of education be made available to them as well as other students in the neighboring provinces, it is proposed that the oriental Mindoro State University System (OMSUS) be established.

In the light of the foregoing, immediate approval of this Bill is earnestly sought.



ALFONSO V. UMALI, JR.

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AN ACT

CREATING THE ORIENTAL MINDORO STATE UNIVERSITY SYSTEM (OMSUC) THROUGH THE INTEGRATION OF THE POLYTECHNIC COLLEGE OF CALAPAN (PCC) IN CALAPAN CITY, THE MINDORO STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (MINSCAT) IN VICTORIA, AND THE BONGABONG OF FISHERIES (BCF) IN BONGABONG AND FOR OTHER PURPOSES.

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

SECTION 1. Title.- This Act shall be known as "The Oriental Mindoro State University System Act (OMSUS) of 2001"

SEC. 2. Declaration of Policy.- It is hereby declared the policy of the State to provide relevant quality education to all qualified citizens, the poor and the underprivileged in particular, at all levels of education; promote desirable cultural, moral, and spiritual values in a changing world; develop utmost human potentials with adequate skills and competencies; and tap these human resources for maximum participation in sustainable development.

SEC. 3. Objectives.- This Act aims to accomplish the following objectives:

(a) offer undergraduate, graduate, and post graduate programs including short-term courses within its areas of specialization, according to its capabilities, specifically, but not limited to, the fields of agriculture and forestry; fishery and environmental studies; information and computer technology; arts and sciences; education and such other fields as the Board of regents may approve;

- (b) provide quality and affordable instruction, research, production, and extension services; and
- (c) produced highly skilled professionals fit for global competition;

SEC. 4. Integration and Creation.- For purposes of carrying out and effecting the aforementioned policy and objectives, the present Mindoro State College of Agriculture and Technology (MINSCAT) in the Municipality of Victoria, the Polytechnic College of Calapan (PCC) in Calapan City, and the Bongabong, College of Fisheries in the Municipality of Bongabong, all in the Province of Oriental Mindoro, are hereby integrated and created into Oriental Mindoro State University System (OMSUS), hereinafter referred to as the University.

SEC. 5. The University Campuses.- The campuses of the University is composed of the following:

(a) *The Administrative Campus.-* The administrative campus of the University shall be established within the four-hundred-hectare (400) area of the mother campus, the present Mindoro State College of Agriculture and Technology (MINSCAT) in Victoria, Oriental Mindoro, headed by the incumbent President, subject to the criteria set forth by the Commission on Higher Education (CHED).

(b) *The Autonomous Campuses.-* The autonomous campuses shall be composed of and known as: 1) Oriental Mindoro State University in Calapan City, specializing in science and technology, and 2) Oriental Mindoro State University in Bongabong, specializing in fisheries and environmental studies.

(c) *The Mother Campus.-* The mother campus shall be known as the Oriental Mindoro State University in Victoria, specializing in Agriculture and forestry, technology and industrial courses.

SEC. 5 The Board of Regents.- The governing body of the University shall be the Board of Regents, hereinafter referred to as the Board.

(a) *Composition.*- The composition of the Board of Regents in accordance with Republic Act No. 8292, otherwise known as the Uniform Composition and Powers of the Governing Boards and Appointment of Term of Office of the President of Chartered Universities and Colleges, shall be as follows:

1. Chairman of the Commission on Higher Education (CHED), as Chairman
2. President of the University, as the Vice Chairman;
3. Chairman of the Committee on Education, Culture and Sports of the Senate, as Member;
4. Chairman of the Committee on Higher Education of the House of Representatives, as Member;
5. Regional Director of the National Economic Development Authority (NEDA), as Member;
6. Regional Director of the Department of Science and Technology (DOST), as Member;
7. President of the Federation of Faculty Associations of the University campuses, as Member;
8. President of the Federation of Students Councils of the University campuses, as Member;
9. President of the Federation of the Alumni Associations of the University campuses, as Member;
10. One prominent citizen in the field of education in Calapan City, Bongabong and Victoria as may be chosen from a list of three (3) qualified persons as recommended by the search committee constituted by the President in consultation with the Chairman of the CHED based in the normal standards and qualifications for the position, as Member;
11. Chairman of the Committee on Education, Chairman of the Committee on History, Arts and Culture, and the Presiding Officer of the Sangguniang Panlalawigan, as Honorary Members;
12. The Governor of the Province of Oriental Mindoro, as Honorary Member;
13. The Representatives of the First and Second Congressional District of the Province of Oriental Mindoro, as Honorary Members.

The voting power for the decisions concerning the policies of the University is vested exclusively on the regular members of the Board. For purposes of the provision of this section, the associations of faculty, alumni and student councils in each branch of the University shall organize themselves to form respective federations, which in turn shall elect their federation officials. The presidents of the Federation of Faculty Associations, Alumni Associations, and Students Council shall sit in the Board until their terms of office expire in their respective capacities. The term of office of the private sector representative shall be for the period of six (6) years unless sooner revoked or terminated for just cause. In Case of vacancy in the office of the President, the officer-in-charge of the University as designated by the Board shall be a member of the Board and shall serve for the unexpired term only.

(b) *Powers and Duties.* The Board shall promulgate and implement policies in accordance with the declared standards and other pertinent provision of the Philippine Constitution on education, science and technology, art, culture and sports, as well as the policies, standards and trust of the CHED under Republic Act No. 8292.

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 all the powers shall be vested exclusively in the Board of Regents and the President of the University in so far as authorized by the Board.

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:

1. enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;
2. receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, its discretion, to carry out the purposes and functions of the University;
3. receive in trust, legacies, and donations of real and personal properties of all kinds and 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;

4. fix 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 there from shall form part of the same fund 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 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.

5. authorize the construction and repair of its building, machinery, equipment and facilities, and the acquisition of real and personal properties, including necessary supplies, materials and equipment;

6. appoint faculty members and other official, subject to the provisions of (h), Section 4 of Republic Act No. 8292, and in accordance with revised Compensation and Position Classification system, draw up a position classification and compensation plan for its faculty and staff; fix and adjust the salaries and benefits of the faculty members and other employees; determine their hours of service, and such other terms and conditions as it may deem proper; grant to them, in its discretion, leave of absence under such regulations as it may promulgate, any other provisions of law contrary notwithstanding; and remove them for causes as provided by law after investigation and proper hearing;

7. approved the curricula, institute programs and rules of discipline drawn by the administrative and academic councils of the University as herein provided;

8. set policies on admissions and graduation of students;

9. award honorary degrees upon persons in recognition of outstanding contributions in the fields of education, public service, arts, science and technology or in any fields of specialization within the academic competence of the University and traditional courses;

10. establish the research and extension centers where such will promote the development of the University;

11. establish chairs in the University and provide fellowship for qualified faculty members and scholarships to deserving students;

12. delegate any of its powers or duties as provided for herein above to the President and other officials of the University as it may deem appropriate so as to expedite the administration of the affairs of the University;

13. institute reforms including academic and structural changes;

14. collaborate with other governing boards of state colleges and universities within the province or region, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM) the restarting of the University to become more efficient, relevant, productive and competitive;

15. enter into joint ventures with business and industry for profitable development and management of economic assets of the University; the proceeds from which to be used for the development and strengthening of the University;

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

17. develop academic arrangement for the University's capability building with appropriate public, private, foreign and local agencies, and appoint experts/specialist as consultants, on visiting or exchange professors, scholars, researchers, as the case may be;

18. set up adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, for the promotion of greater access to higher education,

19. establish policy guidelines and procedures for participative decision making and transparency within the University;

20. privatize, where most advantageous to the University's management, non-academic services such as health; food; building, grounds and property maintenance, and other similar activities;

21. 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, and unanimously rated as outstanding, and upon unanimous recommendation by the search committee for the President of the institution concerned; and

22. absorb within the University non-chartered State Colleges and CHED supervised institutions after prior consultation and agreements with the heads of these institutions and their respective constituencies, in accordance with the CHED guidelines and in consultation with the DBM, and offer therein needed programs or courses.

c) *Meetings.* - The Board shall regularly convene at least once every quarter. The Chairman of the Board may call a special meeting whenever necessary: *Provided*, that the members are notified in writing at least three (3) days prior to the said meeting.

In the absence of the Chairman, a CHED commissioner, duly designated by him, shall represent him in the meeting. *Provided* further, that during the meeting, the President of the University, as Vice Chairman shall be the presiding officer.

The members of the Board shall not receive compensation but shall be reimbursed for the necessary expenses incurred in their attendance of meetings, or in connection with their official business authorized by the Resolution of the Board.

A majority of all members holding office shall constitute a quorum for Board meetings. *Provided*, ~~that~~ the Chairman of the CHED, who is also the Chairman of the Board, or the President of the University is among those present in meeting.

SEC. 6. The Office of the President.- The Administration of the University shall be vested in the President of the University who shall be appointed by the Board of Regents, 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: *Provided however*, that this proviso notwithstanding, in order to effect smooth transition to the University, the incumbent President of the Mindoro State College of Agriculture and Trade (MINDSCAT) shall serve as interim president. In case of Vacancies in the Office of the President, his successor shall hold office for the unexpired portion of the term.

The powers and duties of the President of the University, in addition to those specifically provided for under this section, should be those equally pertaining to the office of the President of a similar University.

SEC. 7. Heads of the University and the Autonomous Campus.- The University shall be headed by the President. The incumbent president and administrators shall be headed by the integrated colleges, and the superintendent of the CHED- supervised institutions shall become the first chancellors of the respective autonomous campuses.

SEC. 8. The University Administrative Council.- There shall be a University Administrative Council consisting of the President of the University as Chairman, the chancellors, 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.

SEC. 9. The University Academic Council.- There shall be a University Academic Council with the President of the University as Chairman and all members of the instructional staff with the rank not lower than assistant professor as members, who shall have the power to prescribe curricular offerings, subject to review and approval of the Board through the President of the University. It shall also have the disciplinary powers over the students.

SEC. 10. Secretary of the University. The Secretary to the University shall be appointed by the Board upon the recommendation of the President of the University. He or she shall also be the Secretary of the Board who keeps such records of the University and the Board.

SEC. 11. The Treasurer of the University.- The treasurer of the Republic of the Philippines shall be the ex-officio treasurer of the University.

SEC. 12. Admission.- No students shall be denied admission to the University by reason of gender, nationality, religious or political affiliation.

SEC. 13. Academic Freedom. Pursuant to Paragraph 2, Section 5 of the Article XIV of the Constitution of the Republic of the Philippines, the University shall enjoy and pursue academic freedom.

SEC. 14. Filing of Report. On or before the thirtieth (30th) 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 chairperson of the CHED and both Houses of Congress, a detailed report on the progress, conditions and needs of the University.

SEC. 15. Transfer of Assets, Liabilities, Personnel, and Records.

All assets fixed and movable, personnel and records of the PCC, MINSCAT, and BCF as well as their liabilities or obligations are hereby transferred in the name of the University, and shall remain for the continuous use of the respective campuses: *Provided*, that the positions, right and security of tenure of the personnel therein employed under the existing laws prior to absorption shall remain in the same status unless otherwise provided for the Board.

All properties belonging to the government that may be presently used by the PCC in Calapan City; MINSCAT in Victoria, and BCF in Bongabong, Oriental Mindoro are hereby declared as properties of the University, and shall be titled under that name: *Provided, furthermore*, that should be the University cease to exist or be abolished, or such real properties be no longer needed by the University, the same shall respectively revert to the Province of Oriental Mindoro as the case may be.

SEC. 16. Commission on Audit. All accounts and expenses of the University shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 17. Authority to Loan or Transfer Equipment.- The heads of the Bureaus and offices of the National Government are hereby authorized to loan or transfer, upon the request of the President of the University, such apparatus, equipment, supplies as may be needed by the University and to detail employees therein whom in judge of the bureau or office, such apparatus, equipment, supplies or services of such employees are spared without serious detriment to public service.

SEC. 18. Tax Exemptions. The provisions of any general or special law to the contrary notwithstanding:

- a. All profits and income generated by the University derived exclusively from its fundamental function as an education institution are exempt from the income tax imposed on every corporation;

b. Gifts and donations of real and personal properties of all kinds are exempt from the donor's tax and are considered as allowable deductions from the provisions of the National Internal Revenue Code as amended; and

c. Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books or publications are exempt from taxes and duties upon certification by the Department of Education, Culture and Sports (DECS) that such imported books or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provision of the Tariff and Customs Code as amended.

SEC. 19. Appropriations. The amount necessary to initial implement the provisions of this Act shall be charged against the current year's appropriations of the PCC in Calapan City, MINSCAT in Victoria, and BCF in Borjaboroj, Oriental Mindoro. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University shall be included in Annual General Appropriations Act.

SEC. 20. Implementing Agency. The CHED shall issue such implementing regulations to carry out the provisions of this Act.

SEC. 21. Separability Clause. If, for any reasons, any part or provisions of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 22. Repealing Clause.- All laws, presidential decrees, executive orders, rules and regulations or issuances contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 23. Effectivity Clause.- This Act shall take effect upon approval.

Approved,