

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

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2211

Introduced by **Representative SIMEON L. KINTANAR**

EXPLANATORY NOTE

This bill seeks the conversion of the Cebu State College of Science and Technology (CSCST) System including its Satellite Colleges in the Province of Cebu into a State University to be known as the Cebu University of Science and Technology (CUST).

The present CSCST System in Cebu provides special program in promoting services in the field of research, extension and graduate studies for progressive leadership. The Satellite Colleges of the CSCST System provide higher educational opportunities in Agriculture, Forestry, Fishery Technology and Teaching Education. These are the College of Fisheries at the Municipality of Moalboal; Agro-Industrial and Forestry College at the Municipality of Argao; Polytechnic College at the Municipality of Tuburan; College of Fisheries at the Municipality of Daanbantayan; Fishery and Industrial College at the Municipality of Camotes; College of Fisheries Technology at the Municipality of Carmen; Abellana College of Arts and Trades/Abellana National School in the **Cities of Mandaue and Cebu**; College of Industrial Technology in Danao City; College of Agriculture at the Municipality of Barili; Main Campus at R. Palma Street in Cebu City, Agricultural Experimental Station at the Municipality of Sibonga and CUST Malabuyoc Campus.

The conversion of the Cebu State College of Science and Technology System will have greater technological impact on the rural areas where it is located and where the Satellite Colleges are strategically situated. This will greatly enhance simultaneous economic growth in all districts of the province of Cebu.

Consistent with the constitutional mandate which provides that the State must establish and maintain a complete, adequate and integrated system of education relevant to the goals of national development, this bill becomes imperative.

This bill was previously passed during the 12th Congress but was not acted upon by the Senate. We are therefore constrained to refile this bill. In view of the forgoing, approval of this bill is highly recommended.


SIMEON L. KINTANAR

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HOUSE BILL NO. 2211

Introduced by **Hon. SIMEON L. KINTANAR**

AN ACT CONVERTING THE CEBU STATE COLLEGE OF SCIENCE AND TECHNOLOGY SYSTEM IN THE CITY OF CEBU, AND ITS SATELLITE COLLEGES NAMELY: THE COLLEGE OF FISHERIES IN THE MUNICIPALITY OF MOALBOAL, THE AGRO-INDUSTRIAL AND FORESTRY COLLEGE IN THE MUNICIPALITY OF ARGAO, THE POLYTECHNIC COLLEGE IN THE MUNICIPALITY OF TUBURAN, THE COLLEGE OF FISHERIES IN THE MUNICIPALITY OF DAANBANTAYAN, THE FISHERY AND INDUSTRIAL TECHNOLOGY IN THE MUNICIPALITY OF SAN FRANCISCO, THE COLLEGE OF INDUSTRIAL TECHNOLOGY IN THE MUNICIPALITY OF DANAOG, THE COLLEGE OF FISHERIES TECHNOLOGY IN THE MUNICIPALITY OF CARMEN, THE ABELLANA COLLEGE OF ARTS AND TRADES IN THE CITY OF MANDAUE, THE COLLEGE OF AGRICULTURE IN THE MUNICIPALITY OF BARILI (PREVIOUSLY LOCATED IN SUDLON, LAHUG OF CEBU CITY), THE EXPERIMENTAL STATION IN THE MUNICIPALITY OF SIBONGA AND THE NEW CAMPUS TO BE CREATED IN THE MUNICIPALITY OF MALABUYOC, ALL MUNICIPALITIES LOCATED IN THE PROVINCE OF CEBU INTO A UNIVERSITY TO BE KNOWN AS THE CEBU UNIVERSITY OF SCIENCE AND TECHNOLOGY (CUST) AND APPROPRIATING FUNDS THEREFOR.

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

1 SECTION 1. Conversion - The Cebu State College of Science and Technology System in the City of Cebu, together with its satellite campuses namely: the College of fisheries in the Municipality of Moalboal, the Agro-industrial and Forestry College in the Municipality of Argao, the Polytechnic College in the Municipality of Tuburan, the college of Fisheries in the Municipality of Daanbantayan, the Fishery and Industrial

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College in the Municipality of San Francisco, the College of Industrial Technology in the Municipality of Danao, the College of Fisheries Technology in the Municipality of Carmen, the Abellana College of Arts and Trades in the City of Mandaue, the College of Agriculture in the Municipality of Barili (Previously located in Sudlon, Lahug of Cebu City), the Experimental Station in the Municipality of Sibonga and the new campus to be created in the Municipality of Malabuyoc, all Municipalities located in the Province of Cebu, is hereby converted into a State University to be known as the Cebu University of Science and Technology (CUST) , hereinafter referred to as the University.

The satellite campuses shall be known respectively as the CUST College of Fisheries – Moalboal Campus, the CUST Agro-Industrial and Forestry College – Argao Campus, the CUST Polytechnic College – Tuburan Campus, the CUST College of Fisheries – Daanbantayan Campus, The CUST Fishery and Industrial College – San Francisco Campus, the CUST College of Industrial Technology – Danao Campus , the CUST College of Fisheries Technology – Carmen Campus, the CUST Abellana College of Arts and Trades – Mandaue City Campus, the CUST College of Agriculture – Barili Campus, the CUST Experimental Station – Sibonga Campus and CUST – Malabuyoc Campus. The main campus shall be in Cebu City.

SEC. 2. *General Mandate.* - The University shall primarily provide advanced professional and technical instruction for special purposes, advanced studies in industrial trade, agriculture, fishery, forestry, aeronautics and land-based programs, arts and sciences, health sciences, information technology and other related fields of study. It shall also undertake research and extension services, and provide progressive leadership its areas of specialization.



SEC. 3. *Curricular offerings.* – The university shall offer undergraduate and graduate studies in the fields of agriculture, fishery, forestry, industrial trade, arts and sciences, aeronautics, information technology, health sciences, nontraditional courses, and other degrees/courses within its areas 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 of Cebu and the Region.

The existing high school/s shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the high school/s 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.

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), as chairman;
- (b) The president of the University, as vice chairman;
- (c) The Chairman of the Committee on Education, Arts and Culture of the Senate, as member;



(d) The Chairman of the Committee on Higher Technical Education of the House of Representatives, as member;

(e) The Regional Director of the National Economic and Development Authority (NEDA), as member;

(f) The Regional Director of the Department of Science and Technology (DOST), as member;

(g) The President of the Federation of Faculty Associations of the University, as member;

(h) The President of the Federation of Student Councils of the University, as member;

(i) The President of the federation of Alumni Associations of the University, as member; and

(j) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the University, as members.

The Board of Regents shall appoint the two (2) prominent citizens from among a list of at least five (5) persons qualified in the Province of Cebu, as recommended by the search committee constituted by the University president, in consultation with the Chairman of the CHED and the other members of the Board, based on the normal standards and qualifications for the position.

The term of office of the President of the Federation of Faculty Associations, the President of the Federation of Student Councils and the President of the Federation of Alumni Associations shall be coterminous with their respective terms of office, as set forth in their respective constitutions and by-laws.

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The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment.

SEC. 6. *Promulgation and Implementation of Policies.* - The Board shall promulgate and implement policies in accordance with the declared State policies as education and other pertinent provisions of the Philippine Constitution on Education, Agriculture, Science and Technology, as well as the Policies, standards and thrust 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 specifics 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 purposes 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, in order to carry out the purposes and functions of the University;

© To import duty-free economics, 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 of 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 for 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;

(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 interests 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 purposes for which they are collected.



If, for reasons beyond its control, the University shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorized 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 other facilities, and the purchase and acquisition of real property, including necessary supplies, materials and equipment;

(h) To appoint, upon recommendation of the President of the University, Vice Presidents, Deans, Directors and Heads of campuses, 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 absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with there requirements of due process of law;

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

(k) To set policies on admission and graduation of students;

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

(m) To establish and absorb non-chartered tertiary institutions within the Province of Cebu as branches and centers in coordination with the 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 access to educational opportunities as 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 herein above 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;

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

® To collaborate with the governing boards of the State Colleges and Universities within the Province of Cebu 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 from which shall be used for the development and strengthening of the University;

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

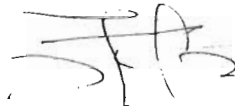
(u) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part time or visiting or exchange professors, scholars or researchers, as the case may be;

(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 and community laboratory for promotion of greater access to education;

(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, management of non-academic services such as health, food, building or 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, based on the guidelines, qualifications and/or standards set by the Board, after unanimous recommendation by the search committee.

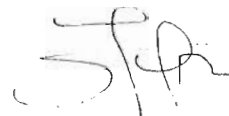
SEC. 8. *Meetings of the Board.* -- The Board shall regularly convene at least once every quarter. However, the chairman of the Board may, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary.

A quorum of the Board shall consist of a majority of all its members holding office at the time of 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 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, further,* That this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner as the regular chair of the Board of Regents, in which case said CHED Commissioner shall act as the presiding officer.

In case the Chairpersons of the Congressional Committees on education shall not be liable to attend the Board meeting, they may duly designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as regular member of the Board.

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 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, subject to the guidelines, qualifications and/or standards set by the Board, upon 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*, That in order to effect a smooth transition to a State university, the incumbent president of Cebu State College of Science and Technology System, if qualified, shall serve as the first president of the University.

Within six (6) months before the expiration of the term of office of the incumbent president of the Cebu University of Science and Technology, the Board shall constitute the search committee for the presidency (SCP).

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 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, the officer-in-charge or the newly appointed president shall hold office for the unexpired term only.

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 University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that received by the presidents of similar educational institutions.



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.

SEC. 13. *The secretary of the University* – The Board shall appoint a secretary, who shall serve 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 14. *The Treasurer of the University.* – The Treasurer of the Philippines shall be the *ex officio* treasurer of the university.

SEC. 15. *Faculty.* – No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That the said appointment shall be subject to the guidelines, qualifications and/or standards set by the Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 16. *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 affiliations or ethnic origin.

SEC. 17. *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. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of the bureaus and offices of the national government



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are hereby authorized to loan or transfer, upon the request of the President of the university, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgment of the head of 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. 19. *Assets, Liabilities and Personnel.* -- All assets, fixed and movable, personnel and records of the Cebu State College of Science and Technology System and its satellite campuses, namely: the College of Fisheries in the Municipality of Moalboal, the Agro-Industrial and Forestry College in Municipality of Argao, the Polytechnic College in the Municipality of Tuburan, the College of Fisheries in the Municipality of Daanbantayan, the Fishery and Industrial College in the Municipality of San Francisco, the College of Industrial Technology in the Municipality of Danao, the College of Fisheries Technology in the Municipality of Carmen, the Abellana College of Arts and trades in the City of Mandaue, the College of Agriculture in the Municipality of Barili, the Agricultural Experimental Station in the Municipality of Sibonga and in the Malaboyoc Campus, 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.

All parcels of land belonging to the government and occupied by the Cebu University of Science and Technology System are hereby declared to be the property of



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the 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/s concerned.

SEC. 20. *Appropriations.* -- The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Cebu University of Science and Technology System, the College of Fisheries (Moalboal), the Agro-Industrial and Forestry College (Argao), the Polytechnic College (Tuburan), the College of Fisheries (Daanbantayan), the Fishery and Industrial College (San Francisco), the College of Industrial Technology (Danao), the College of Fisheries Technology (Carmen) the Abellana College of Arts and Trades (Mandaue City), the College of Agriculture (Barili), Experimental Station (Sibonga) and the Malaboyoc Campus except the sums needed to continue the operations of the existing high school/s. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Cebu University of Science and Technology shall be included in the annual General Appropriation Act.

SEC. 21. *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:

- (a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;
- (b) Undergo a management audit in cooperation with the CHED; and
- (c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the University key officials.



SEC 22. *Filing of Report* – On or Before the fifteenth (15th) day of the second (2nd) month after the opening of the regular classes each year, the Board shall file 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, conditions and needs of the University.

SEC. 23. *Supplementary Application*. – 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. 24. *Parity Clause*. – 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. 25. *Implementing Rules and Regulations*. – The Board of Regents, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 26. *Repealing Clause*. – All laws, Presidential decrees, Executive Orders, Rules and Regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

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