

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

Thirteenth Congress
First Regular Session

House Bill No. 2780



Introduced by HON. FRANCIS 'BLUEBOY' L. NEPOMUCENO

EXPLANATORY NOTE

This bill seeks the conversion of the Pampanga Agricultural College in the Municipality of Magalang, Pampanga from a state college to a state university, which shall be known as the State Agricultural University of Pampanga (SAUP).

Pampanga Agricultural College, nestling on 500 hectares of the western slopes of Mt. Arayat was first established in 1885 as an Agricultural Experiment Station known as "La Granja Modelo". It was later named "Estacion Pecuaria" and in 1898 it came to be known as the Magalang Farm School. It was closed in 1898 because of the revolution and resumed operations in 1918. In 1921, the school started to offer a vocational curriculum in the high school level.

In 1938, the Philippines Legislature passed Commonwealth Act 313 renaming the Magalang Farm School to Pampanga National Agricultural School (PNAS).

The war clouds of 1941 forced the school to close again. It was reopened in 1945 but for the third time the school was closed in August 1946 per resolution of the provincial Board because of the Huk rebellion. Resumption of classes began in 1955 after normal conditions were restored.

PNAS was converted into a college in 1965 by virtue of Republic Act No. 4570, "An Act Converting the Pampanga National Agricultural School in Magalang, Pampanga into Pampanga Agricultural College, which was authored by then-Congresswoman Juanita L. Nepomuceno during the fifth Congress, fourth session last June 19, 1965. It started to offer the two-year technical course in agriculture in 1966 and the fourth year agriculture course (BSA) in 1969. It operated as a state college in 1974.

A full university status and additional resources provided to the college will strengthen its capabilities to provide the much needed quality agricultural education in the area that is more responsive, relevant, and innovative. The SAUP shall serve as the fertile ground for the production of graduates who will excel in their fields of training and education.

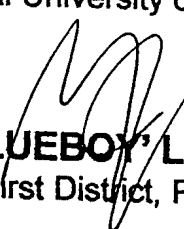
It must also be mentioned that Pampanga, is one of the largest province in Central Luzon but is the only one that does not have a state university. Furthermore, lahar has rendered several schools unusable, some directly damaged and some used as temporary relocation sites, necessitating the establishment of s state university in the province to accommodate displaced students.

The eruption of Mt. Pinatubo brought tons of lahar that buried many towns of Pampanga. The more fertile lowlands were destroyed; hence rice and corn production as well as the production of other crops in the area suffered untold loss. The possible solution to this problem is to rehabilitate the soil by deep plowing, green manuring, cover cropping, and the practice of organic farming. Drip irrigation could be adopted to supply the much-needed water.

Other farming breakthroughs should be discovered and practiced so that total rehabilitation of the damaged farmlands could be made possible. The SAUP could just be the right institution to address these problems since it is strategically located in the heart of the troubled area.

Clark field is now the center of a massive economic development. It is only 12 kilometers away from the college campus. All development efforts need support and assistance, the conversion of PAC into a State University will definitely increase its capacity and capability to assist more effectively and efficiently in the transformation of the area into a more viable economic zone.

In view of the foregoing and pursuant to the constitutional policy of promoting and protecting the rights of all citizens to a good quality education at all levels and make education accessible to all, the conversion of the Pampanga Agricultural College into State Agricultural University of Pampanga (SAUP) is earnestly sought.



FRANCIS 'BLUEBOY' L. NEPOMUCENO
Congressman, First District, Pampanga

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Introduced by HON. FRANCIS "BLUEBOY" L. NEPOMUCENO

AN ACT
CONVERTING THE PAMPANGA AGRICULTURAL COLLEGE IN THE
MUNICIPALITY OF MAGALANG, PAMPANGA INTO A STATE UNIVERSITY TO BE
KNOWN AS THE STATE AGRICULTURAL UNIVERSITY OF PAMPANGA (SAUP),
AND APPROPRIATING FUNDS THEREFOR

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

Section 1. **Conversion.** - The Pampanga Agricultural College in the Municipality of Magalang, Pampanga is hereby converted into a state university to be known as State Agricultural University of Pampanga (SAUP), hereinafter referred to as the University.

Sec. 2. **General Mandate.** - The University shall primarily provide advance instruction and professional training in agriculture, science and technology, education and other related fields, undertake research and extension services, and provide progressive leadership in these areas.

Sec. 3. **Curricular Offerings.** - The University shall offer undergraduate, graduate and short-term technical 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 and the region. *Provided*, That the University shall retain its original mandate as primarily an agricultural institution. *Provided further*, that in the case of graduate courses, the University shall strengthen its Masteral and Doctorate Degree Programs in Agriculture and Allied Courses.

The University shall be allowed to operate and maintain its existing High School, which it shall reduce to a reasonably sized laboratory school for its College of Education. Should the University's Education Program is deemed phased out, the existing High School shall be transferred to the jurisdiction of the Department of Education, Culture and Sports (DECS): *Provided* that a gradual phase out is implemented until the students shall have completed their high school education.

Sec. 4. General Provisions. - 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 body 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 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 Agriculture (DA), 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 who have distinguished themselves in their professions or fields of specialization of the University, chosen from among a list of at least five (5) persons qualified in the Municipality of Magalang or the province of Pampanga, where the University is located, 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, members.

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 co-terminus 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.

Sec. 7. Power 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 rules 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 import duty-free economic, technical and cultural books and/or publications, upon certification by 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 instruction 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 of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended; *Provided, That* such donations shall not be disposed, 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 consultation 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 reason 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 other facilities and the purchase and acquisition of real and personal properties, including necessary supplies and materials and equipment.

h) To appoint, upon recommendation of the President of the University, vice presidents, deans, directors, and heads of departments and the appointments of 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 person in recognition of outstanding contribution in the field of agriculture or any field of specialization within the academic competence of the University and to authorize the awarding of certificate of completion or non-degree and non-traditional courses;

m) To establish and absorb tertiary institutions within the Province of Pampanga as branches, extension centers, stations, off-site campuses or satellites 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 and greater access to educational opportunities mandated by the Constitution;

n) To establish research and extension centers including off-site campuses for specialty and graduate programs of the University within the province or the region subject to existing policies of the subject, where such will promote and provide equal access to educational opportunities and meet the development needs of the province and the region;

- 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 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 institution to be financed by the CHED, 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 Pampanga or the Region, under the supervision of the CHED and in consultation with the DBM, the restructuring or merging of said colleges and universities to become more efficient, relevant, productive, and competitive under terms mutually beneficial to all concerned institutions;
- 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 same. Provided that in the case of land and real assets and research utilization, a sufficient portion shall be set aside for laboratory and research purposes of the academe;
- 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 as outstanding and upon 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 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, he may designate a Commissioner of the CHED to represent him in the meeting with all the 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: *Provided further,* that this provision notwithstanding, the Chairman of the CHED may designate a Commissioner as regular Chair to the Board in which case said CHED Commissioner shall act as the presiding officer.

In the absence of the Chairmen of the Congressional Committees 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 their 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. *Provided,* That in order to effect a smooth transition to a state university, the incumbent President of the Pampanga Agricultural College, if qualified, shall be the first President of the University subject to the provisions of this section under this Act.

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. The officer-in-charge or his successor shall serve the unexpired balance of the incumbent term only until the Board shall have chosen 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 universities, and those delegated by the Board. He shall be entitled to full retirement benefits under existing laws upon expiration or termination of his term according to this Act.

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.

The President shall be assisted by a Vice President for Academic Affairs who shall be appointed by the Board upon his recommendation without prejudice to the appointment of more than one Vice President when so warranted.

Sec. 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.

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 instructional 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 for the appropriate action by the Board. It shall fix the requirements for admission of students, as well as for graduation and the conferment of degrees, subject to review and/or approval by the Board through the President of the University. It shall have the disciplinary power over students of the University and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

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 notice of meetings.

Sec. 13. ***The Treasurer of the University.*** - The Treasurer of the Philippines shall be the ex-officio treasurer of the University. The Commission on Audit (COA) or its duly authorized representative shall audit all accounts and expenses/disbursements of the University.

Sec. 14. ***Faculty.*** - Members of the faculty of the University at the tertiary level shall comply with pertinent requirements of the Civil Service Commission as a requisite for appointment, without prejudice to the other professional requirements or licensure examination the Board may impose to maintain high academic standards.

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 to 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.** - The University shall enjoy academic freedom and institutional autonomy pursuant to the provision of the Constitution on the matter.

Sec. 17. **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.

Sec. 18. **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, 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.

Sec. 19. **Policy on Affiliation/Integration.** - It shall be the continuing policy of the University to accept the affiliation and/or integration within its operation of any existing national school within the province of Pampanga whose programs can contribute largely and effectively to the attainment of its objectives, in coordination with the CHED and in consultation with the DBM. *Provided,* in this particular case, it is understood that all funds, properties and other assets, as well as obligations of the integrated school shall be transferred to the University.

Sec. 20. **Assets and Liabilities.** - All assets, fixed and moveable, personnel and records of the Pampanga Agricultural College, as well as liabilities or obligations, are hereby transmitted to the University.

Provided, however, that the positions, rights and security of tenure of personnel therein employed under existing laws prior to its conversion to a university are not prejudiced.

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 Pampanga Agricultural College are hereby declared property of the University and shall be titled under its name.

Provided, furthermore, that should the University cease to exist or be abolished, or such parcels of land aforementioned are no longer needed by the University, the same shall revert to the Province of Pampanga.

Sec. 21. Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Pampanga Agricultural College, except the sum 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 State Agricultural University of Pampanga shall be included in the annual General Appropriations Act: *Provided,* that to ensure that the University retains its original mandate as an agricultural institution, at least fifty percent (50%) of the appropriations every year shall fund the teaching requirements for agricultural courses and relevant research.

Sec. 22. Development Plan, Management, 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 appropriate recommendation to the DBM;
- b. Undergo a management audit in cooperation with the CHED;
- c. Accordingly set up its organizational, administrative as well as academic structure, including the appointment/designation of university key officials; and,
- d. 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. 23. Incorporation of RA No. 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.

Sec. 24. Imposition of Powers. - All other powers, functions and privileges, responsibilities and limitations to state universities and/or its officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials whenever appropriate.

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. If for any reason any part or provision of this

Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

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

Approved,