

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 431



Introduced by Rep. Alfredo "Albee" B. Benitez

EXPLANATORY NOTE

More than 50 years since its establishment, the Carlos Hilado Memorial School (CHMSC) has grown to become a leading institution in higher and continuing education in the field of arts and sciences, agriculture, engineering, education, accountancy, business administration, public administration, fishery technology, and other relevant fields of study. CHMSC also now boasts of three campuses: two are located in Bacolod City (Alijis Campus and Fortune Towne Campus) and one in the Municipality of Binalbagan, Negros Occidental.

CHMSC is one of the most recognized learning institution in the Province of Negros Occidental because of its culture of excellence among its management, faculty and students. This is proven with the continuous growth of the institution and the quality of graduates that CHMSC produces. Its conversion into a state university would allow the institution to upgrade its facilities, branch out its course offerings to other fields of knowledge, and broaden its academic services including research and development. In addition, it would also contribute to the improvement of the education indicators in the Province of Negros Occidental as it would provide a valuable opportunity to extend what CHMSC is offering to more students not only in the province but in the entire region as well.

In view of the foregoing, the approval of this Bill is earnestly requested.


ALFREDO "ALBEE" B. BENITEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session

HOUSE BILL NO. _____ **431**

Introduced by Rep. Alfredo "Albee" B. Benitez

**AN ACT CONVERTING THE CARLOS HILADO MEMORIAL STATE COLLEGE
IN THE CITY OF TALISAY, NEGROS OCCIDENTAL, INTO A STATE UNIVERSITY TO BE
KNOWN AS THE CARLOS HILADO STATE UNIVERSITY
AND APPROPRIATING FUNDS THEREFORE**

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

SECTION 1. Conversion. – The Carlos Hilado Memorial State College in the City of Talisay, Negros Occidental, including its campuses namely: Carlos Hilado Memorial State College – Alijis Campus in Bacolod City, Carlos Hilado Memorial State College – Fortune Town Campus in Bacolod City, and Carlos Hilado Memorial State College in Binalbagan, all located in the province of Negros Occidental, is hereby converted into a state university to be known as the Carlos Hilado State University. The main campus shall be located in the City of Talisay, Negros Occidental.

SEC. 2. General Mandate – The University shall primarily provide advanced education, higher technological, professional instruction and training in the field of arts and sciences, engineering and technology, education, accountancy and business administration, public administration, fisheries and agriculture, and other relevant fields of study. It shall also promote and undertake research, extension services and provide progressive leadership in its areas of specialization.

SEC. 3. Curricular Offerings – The University shall offer undergraduate and graduate studies in the fields of arts and sciences, engineering and technology, education, fisheries and agriculture, accountancy and business education, public administration, and other relevant fields of study. It shall also promote and undertake researches along education, engineering, industrial technology, information systems, hotel and restaurant management, fisheries, industrial technology, information technology, business administration, office administration, entrepreneurship, accounting technology, criminology and other degrees within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives and in order to meet the needs of the Province of Negros Occidental.

The University shall maintain and operate a reasonably-sized laboratory school, under its College of Education in the main campus.

SEC. 4. Administration. – The University shall have the general power of a corporation set forth in Batas Pambansa Blg. 68, as amended otherwise known as the "Corporation Code of the Philippines." The administration of the University and the exercise of its corporate power 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 Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- a. The Chairperson of the Commission on Higher Education (CHED), as chairperson;
- b. The President of the University, as vice chairperson;
- c. The Chairperson of the Committee on Education, Arts and Culture of the Senate, as member;
- d. The Chairperson of the Committee on Higher and Technical Education of the House of the Representatives, as member;
- e. The Regional Director of the Economic and Development Authority (NEDA), as member;
- f. The Regional Director of the Department of Science and Technology (DOST), as member;
- g. The Regional Director of the Department of Agriculture (DA), as member;
- h. The President of the Federation of Faculty Associations of the University, as member;
- i. The President of the Federation of Student Councils of the University, as member;
- j. The President of the Federation of Alumni Associations of the University, as member; and
- k. Two (2) prominent citizens 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 Negros Occidental, as recommended by the search committee constituted by the University President, in consultation with the Chairperson of (CHED), and the other members of the Board, based on the normal standards and qualifications for the position set by the Board.

The Term of Office of the President of the Federation of Faculty Associations, the President of the Federation of Alumni Associations, and the President of the Federation of Student Councils shall be conterminous with their respective terms of office, as set forth in their respective Constitutions and By-Laws.

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 on education and other pertinent provision of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994."

SEC. 7. Powers and Duties of the Board of Regents. – The Board shall have the following specific powers and duties in addition to its general powers of the 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 to carry out the purposes and functions of the University;
- c. To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the tariff and customs code, as amended;
- d. To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the University and subject to limitations, directions and instructions of the donor if any;
- 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 banks, and all interest that shall accrue there from shall form parts of the same funds for the use of the University.

Any provision of the 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 instructions, 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 projects for which the funds have been appropriated and allocated under its approved programs 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 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 the 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 the requirements of due process of law;

j. To approve the curricula, instructional programs and rules and discipline drawn by the administrative and academic councils herein provided;

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

l. To award honorary degrees upon persons in recognition of 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 non-traditional courses;

m. To establish and absorb non-chartered tertiary institutions within the Province of Negros Occidental as branches and extension center in coordination with the CHED, and in consultation with the Department of Budget and Management (DBM), and to offer therein programs of courses, to promote and carry out equal access to educational opportunities mandated by the constitution;

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

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

p. To delegate any of its powers and duties provided hereinabove 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 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;

r. To collaborate with other government boards of the state of colleges and universities within the Province of Negros Occidental or the region, under the supervision of the CHED and its consultation with the DBM, and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;

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

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

u. To develop academic arrangement for institutions-capability building with appropriate institutions and agencies public and private local foreign, and appoint experts/specialist 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, community laboratory, etc. for the 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 property maintenance and such other similar activities; and

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

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

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

In the absence of the Chairperson of the CHED, a commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting with all the rights and responsibilities of a regular member: Provided, however, That during this meeting, the president of the University as vice chairperson shall be presiding officer: Provided further, That this provision notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as a regular chair of the Board of Regents, in which case said CHED Commissioner shall act as the Presiding Officer.

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

The member of the Board shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in the attendance to meeting 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/She shall be appointed by the Board, upon recommendation of the duly constituted search committee. He/She 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 Carlos Hilado Memorial State College, if qualified, shall be the first president of the University.

Within six (6) months before expiration of the term of office of the incumbent President of the University, 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/her office, the Board shall have the authority to designate the 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 immediate preceding paragraph, his/her successor or the officer-in-charge 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 colleges, and those delegated by the Board.

The salary of the president of the University shall be in accordance with Revised Compensation and Position Classification System as modified by Joint Resolution No. 4 dated June 17, 2009 and by such other law amendatory thereto which may hereinafter be enacted and shall be comparable to that being received by the president of similar educational institutions.

SEC. 10. Heads of University Campuses.– Each extension campus namely: Alijis Campus in Bacolod City, Fortune Town Campus in Bacolod City and Binalbagan Camus in Binalbagan, Negros Occidental shall be referred to as the University Campus.

A Campus Administrator shall head each University Campus and he/she shall render full-time service. He/She shall be appointed by the Board upon recommendation of the search committee and the President of the university, subject to the guidelines, qualifications and/or standards set by the Board: Provided, That the incumbent College Administrator of an extension campus shall serve as its Campus Administrator.

SEC 11. The Administrative Council. – These shall be an administrative council consisting of the president of the University as chairperson, vice president, deans, directors, and other officials of equal ranks as members, whose duty is to review and recommend to the Board the policies governing the administration, management and development planning of the University.

SEC. 12. The Academic Council. – There shall be an academic council with the president of the University as chairperson and all members of the academic staff with the rank or not lower than assistant professor as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the University, subject to the approval of the Board of Regents. It shall fix the requirements for the admission of students, as well as for graduation and conferment of degrees, subject to review and/or approval by the Board of the Regents 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 of Regents.

SEC. 13. The Secretary of the University. – The Board shall appoint a secretary, who will serve as such for both Board and the University and shall keep all records and proceedings of the Board. He/She shall communicate to each member of the Board notice of meetings.

SEC. 14. The Treasurer of the University. – The treasurer of the Philippines shall be ex officio treasurer of the University.

SEC. 15. Faculty. – No political belief, gender, preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be matter of inquiry in the appointment of the 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. 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 students shall be denied admission to the University by reason of sex, religion, cultural or community affiliation 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 national government 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 employee for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employee can be spared without serious detriment to 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, real and personal, personnel records of the Carlos Hilado State University, as well as liabilities or obligations, are hereby transferred to the University. The position, right and security of tenure of the faculty members and personnel therein employed under existing laws shall be respected.

All parcels of land belonging to the government and occupied by the Carlos Hilado Memorial State College are hereby declared to be property of the Carlos Hilado State University and shall be titled under that name: Provided, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the LGUs concerned.

SEC.20. Tax Exemption on Importation and Donations. – The importation of economic, technical and cultural books and/or publications, which are for economic, technical-vocational, scientific, philosophical, historical or cultural purposes made by the Central Philippine State university, upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended.

All donations of any form to the Carlos Hilado State University shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National internal Revenue Code of 1997, as amended.

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 Carlos Hilado Memorial State College. Thereafter, such sums as may be necessary for the continued

operation and maintenance of the Carlos Hilado State University shall be included in the annual General Appropriations Act.

SEC. 22. Development Plan, Management Audit Organization/ Administrative/Academic Structure. – Within the period of one hundred twenty (120) days after the approval of the Act, the University shall accomplish the following:

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

SEC 23. Filing of Report. – On before the fifteen (15th) day of the second (2nd) 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 with both House of Congress a detailed report on the progress conditions and needs of the University.

SEC 24. Supplementary Application – The provisions of Republic Act No. 8292, otherwise known as “Higher Education Modernization Act of 1997” shall be an integral part of this Act and shall serve part of the Governing Charter of the University.

SEC. 25. Parity Clause. – All 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.

SEC. 26. Implementing Rules and Regulations – The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 27. Separability Clause. – 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 28. 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. 29. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved: