

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5910



INTRODUCED BY **REPRESENTATIVE JOSEPH STO. NIÑO B. BERNOS**

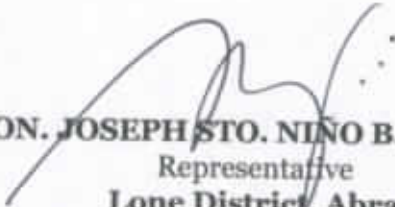
EXPLANATORY NOTE

What is known today as the Abra State Institute of Sciences and Technology (ASIST) in the Province of Abra came from an earlier incarnation of the school called '*Lagangilang Agricultural College*' through Batas Pambansa Blg. 392, which was enacted on May 18, 1983. The said law established ASIST with a purpose, as mentioned in Section 2 of the said law, to provide "technological, professional, technical and vocational education and shall inspire leadership in the field of agriculture, forestry, home technology, agricultural education and industry, through scientific research and extension."

Currently, ASIST has its main campus in the Municipality of Lagangilang and another campus in the Municipality of Bangued, the Province's capital town. It offers undergraduate programs in education, agricultural technology, agribusiness, engineering, industrial technology, and forestry, as well as graduate programs in education, non-degree programs, and basic education programs. It caters to around 4,000 students every year, and their recent enrolment data last Academic Year 2016-2017 recorded 4,784 students in all courses. Among the degree programs ASIST offers, Secondary Education, Elementary Education, and Agriculture have the highest number of enrollees; coincidentally, these courses received Level II accreditation in the entire ASIST system, and are well on their way to attain Level III status.

ASIST is also strongly committed to research and extension services. It conducted the First Abrenian Inter-Agency RDE Conference last August 2016, participated by other higher education institutions (HEIs) and national government agencies that showcased research papers on agriculture, home technology, and cultural studies. Apart from their strong commitment to research and development of the local industries, ASIST is also heavily involved in strengthening the capacities of its libraries, pushing for the modernization of its facilities with emphasis on integration of information technology. ASIST is also engaged in community extension services, conducting forty-one (41) trainings and serving 1,877 beneficiaries in the past year. With all of the achievements of this state college, it will not be a surprise if it will be a candidate for the ISO 9001: 2015 certification, which they are currently working on to obtain.

By transforming the Abra State Institute of Sciences and Technology into a University, it will be given sufficient resources and ample opportunities to strengthen its degree programs to meet the needs of their communities, the Province, and of the entire Cordillera Administrative Region, especially on teacher education, agriculture, industrial technology, and information technology. Through this conversion, the ASIST will be able to facilitate modernization of its facilities pursuant to its mission to primarily provide technological, professional, technical education and shall inspire leadership in the field of agricultural education and industry, through scientific research and extension. In view of the foregoing, the immediate passage of Bill is earnestly sought.



HON. JOSEPH STO. NIÑO B. BERNOS
Representative
Lone District, Abra

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AN ACT

**CONVERTING THE ABRA STATE INSTITUTE OF SCIENCES AND
TECHNOLOGY IN THE MUNICIPALITIES OF LAGANGILANG AND BANGUED,
PROVINCE OF ABRA INTO A STATE UNIVERSITY TO BE KNOWN AS THE
UNIVERSITY OF ABRA AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. *Conversion.* – The Abra State Institute of Sciences and Technology (ASIST) in the Province of Abra, which is composed of the ASIST – Lagangilang Campus in the Municipality of Lagangilang, and the ASIST – Bangued in the Municipality of Bangued, all located in the Province of Abra, is hereby converted into a state university to be known as University of Abra, hereinafter referred to as the University. The main campus of the University shall be in the Municipality of Lagangilang.

SEC. 2. *General Mandate.* – The University shall primarily provide advanced education, higher technological, professional instruction and training in the fields of education, agricultural technology, agri-business management, engineering, industrial technology, forestry, arts and sciences, information technology, and other relevant fields of study. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

SEC. 3. *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. 4. *Curricular Offerings.* – The University shall offer undergraduate, graduate and post-graduate programs and short-term courses in the fields of education,

1 agricultural technology, agri-business management, engineering, industrial technology,
2 forestry, arts and sciences, information technology, and other degree courses within its
3 areas of specialization and according to its capabilities as the Board of Regents may deem
4 necessary to carry out its objectives, particularly in meeting the needs of the Province of Abra
5 and Cordillera Administrative Region (CAR).

6 The existing reasonably sized laboratory high school and elementary school shall
7 continue to operate under the control of the College of Teacher Education of the University
8 to serve in-campus requirements of the students of the College of Teacher Education.

9 SEC. 5. **Administration.** – The University shall have the general powers of a
10 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
11 “*Corporation Code of the Philippines*.” The administration of the University and the
12 exercise of its corporate powers shall be vested exclusively in the Board of Regents and the
13 President of the University.

14 SEC. 6. **Governing Board.** – The governing body of the University shall be the
15 Board of Regents, hereinafter referred to as the Board, which shall be composed of the
16 following:

- 17 a. The Chairperson of the Commission on Higher Education (CHED), as
18 chairperson;
- 19 b. The President of the University, as vice chairperson;
- 20 c. The Chairperson of the Committee on Education, Arts and Culture of the
21 Senate;
- 22 d. The Chairperson of the Committee on Higher and Technical Education of the
23 House of Representatives;
- 24 e. The Regional Director of the National Economic and Development Authority
25 in CAR;
- 26 f. The Regional Director of the Department of Science and Technology in CAR;
- 27 g. The Regional Director of the Department of Agriculture (DA) in CAR;
- 28 h. The President of the federation of faculty associations of the University;
- 29 i. The President of the federation of student councils of the University;
- 30 j. The President of the federation of alumni associations of the University; and
- 31 k. Two (2) prominent citizens from the private sector who have distinguished
32 themselves in their profession or in the fields of specialization; as members.

1 The Board shall appoint the two (2) prominent citizens from among a list of at least
2 five (5) qualified persons in the Province of Abra where the University and its campuses are
3 located, as recommended by the search committee constituted by the President of the
4 University, in consultation with the Chairperson of the CHED and the other members of the
5 Board, based on the normal standards and qualifications for the position.

6 The term of office of the president of the federation of faculty associations, the
7 president of the federation of student councils and the president of the federation of alumni
8 associations shall be coterminous with their respective terms of office, as set forth in their
9 respective constitutions and bylaws.

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

12 **SEC. 7. Powers and Duties of the Board of Regents.** – The Board shall have
13 the following specific powers and duties, in addition to its general powers of administration
14 and the exercise of all the powers granted to the board of directors of a corporation under
15 existing laws:

- 16 a. To promulgate and implement policies in accordance with the declared State
17 policies and the provisions of the Philippine Constitution on education,
18 agriculture, science and technology, as well as the policies, standards and
19 thrusts of the CHED under Republic Act No. 7722, otherwise known as the
20 "*Higher Education Act of 1994*;"
- 21 b. To promulgate rules and regulations not contrary to law as may be necessary
22 to carry out the purposes and functions of the University;
- 23 c. To receive and appropriate all sums as may be provided for the support of the
24 University in the manner it may determine, in its discretion, in order to carry
25 out the purposes and functions of the University;
- 26 d. To import economic, technical and cultural books and publications;
- 27 e. To receive in trust legacies, gifts and donations of real and personal properties
28 of all kinds and to administer and dispose of the same when necessary for the
29 benefit of the University, and subject to the limitations, directions and
30 instructions of the donor, if any;
- 31 f. To fix the tuition fees and other necessary school charges including
32 matriculation fees, graduation fees and laboratory fees, as the Board may
33 deem proper to impose, after due consultations with the involved sectors.
34 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 or projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these 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 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;

- g. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- h. 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;
- i. To appoint upon recommendation of the President of the University, vice presidents, deans, directors, heads of campuses, faculty members and other officials and employees of the University;
- j. 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;
- k. To approve the curricula, instructional programs and rules of discipline drawn by the Administrative Council and Academic Council herein provided;

- 1 l. To set policies on admission and graduation of students;
- 2 m. To award honorary degrees upon persons in recognition of their outstanding
3 contribution in the fields of education, public service, arts, science and
4 technology, agriculture or in any field of specialization within the academic
5 competence of the University; and to authorize the awarding of certificates of
6 completion of non-degree and non-traditional courses;
- 7 n. To establish and absorb non-chartered tertiary institutions within the
8 Province of Abra as branches and centers in coordination with the CHED, and
9 in consultation with the Department of Budget and Management (DBM), and
10 to offer therein programs or courses, to promote and carry out equal access to
11 educational opportunities as mandated by the Constitution;
- 12 o. To establish research and extension centers of the University where such will
13 promote the development of the University;
- 14 p. To establish professorial chairs in the University and to provide fellowships
15 for qualified faculty members and scholarships to deserving students;
- 16 q. To delegate any of its powers and duties provided for hereinabove to the
17 President or other officials of the University as it may deem appropriate, so as
18 to expedite the administration of the affairs of the University;
- 19 r. To authorize an external management audit of the University, to be financed
20 by the CHED, subject to the rules and regulations of the Commission on
21 Audit; and to institute reforms, including academic and structural changes, on
22 the basis of the audit results and recommendations;
- 23 s. To collaborate with other governing boards of the state colleges and
24 universities within the Province of Abra or CAR, under the supervision of the
25 CHED and in consultation with the DBM, and work towards the restructuring
26 of the University to become more efficient, relevant, productive and
27 competitive;
- 28 t. To enter into joint ventures with business and industry for the profitable
29 development and management of the economic assets of the University, the
30 proceeds from which shall be used for the development and strengthening of
31 the University;
- 32 u. To develop consortia and other economic forms of linkages with local
33 government units (LGUs), institutions and agencies, both public and private,

1 local and foreign, in the furtherance of the purposes and objectives of the
2 University;

- 3 v. To develop academic arrangements for institutional capability building with
4 appropriate institutions and agencies, public and private, local and foreign,
5 and to appoint experts or specialists as consultants, part-time or visiting or
6 exchange professors, scholars or researchers, as the case may be;
- 7 w. To set up the adoption of modern and innovative modes of transmitting
8 knowledge such as the use of information technology, the dual learning
9 system, open or distance education and community laboratory for the
10 promotion of greater access to education;
- 11 x. To establish policy guidelines and procedures for participative decision-
12 making and transparency within the University;
- 13 y. To privatize, where most advantageous to the University, the management of
14 nonacademic services such as health, food, building or grounds or property
15 maintenance and such other similar activities; and
- 16 z. To extend the term of the President of the University, whose performance has
17 been unanimously rated as outstanding and upon unanimous
18 recommendation by the search committee, beyond the age of retirement but
19 not beyond the age of seventy (70).

20 **SEC. 8. Meetings of the Board.** – The Board shall regularly convene once every
21 three (3) months. Whenever necessary, the chairperson of the Board may call, upon three (3)
22 days' prior written notice to the members, a maximum of two (2) special meetings within the
23 same period.

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

27 In the absence of the Chairperson of the CHED, a duly designated CHED
28 commissioner shall represent the Chairperson of the CHED in the meeting, with all the
29 rights and responsibilities of a regular member: *Provided,* That during this meeting, the
30 President of the University as vice chairperson shall be the presiding officer: *Provided,*
31 *further,* That this provision notwithstanding, the Chairperson of the CHED is hereby
32 authorized to designate a CHED commissioner as the regular chairperson of the Board, in
33 which case said CHED commissioner shall act as the presiding officer.

1 In case the chairpersons of the Senate Committee on Education, Arts and Culture and
2 House Committee on Higher and Technical Education shall not be able to attend the Board
3 meeting, they may duly designate their respective representatives to attend the meeting, who
4 shall have the same rights and responsibilities as a regular member of the Board.

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

9 SEC. 9. **President of the University.** – The University shall be headed by a
10 President, who shall render full-time service and who shall be appointed by the Board,
11 subject to the guidelines, qualifications and standards set by the Board, upon
12 recommendation of a duly constituted search committee. The President of the University
13 shall have a term of four (4) years and shall be eligible for reappointment for another term:
14 *Provided*, That in order to effect a smooth transition to a state university, the incumbent
15 President of the Abra State Institute of Sciences and Technology shall serve as the first
16 President of the University.

17 Within six (6) months before the expiration of the term of office of the incumbent
18 President of the University, the Board shall constitute the Search Committee for the
19 Presidency.

20 In case of vacancy in the Office of the University President by reason of death,
21 compulsory retirement, resignation, removal for cause or incapacity of the President to
22 perform the functions of the office, the Board shall designate an officer-in-charge of the
23 University within six (6) months from the date of vacancy, pending the appointment of a new
24 President. The successor or the officer-in-charge shall serve only the unexpired portion of
25 the term.

26 The powers and duties of the President of the University, in addition to those
27 specifically provided in this Act, shall be those usually pertaining to the Office of the
28 President of similar universities, and those delegated by the Board.

29 The salary of the President of the University shall be in accordance with the Revised
30 Compensation and Position Classification System and shall be comparable to that being
31 received by the presidents of similar educational institutions.

32 The President of the University shall be assisted by a Vice President for Academic
33 Affairs and a Vice President for Administration, who shall be appointed by the Board upon
34 recommendation of the President of the University.

1 SEC. 10. **Secretary of the University.** – The Board shall appoint a Secretary, who
2 shall serve as such for both the Board and the University and shall keep all records and
3 proceedings of the Board. The Secretary of the University shall serve upon each member of
4 the Board the appropriate notice of the Board meetings.

5 SEC. 11. **Treasurer of the University.** – The Treasurer of the Philippines shall be
6 the *ex officio* Treasurer of the University.

7 SEC. 12. **Administrative Council.** – There shall be an Administrative Council
8 consisting of the President of the University as chairperson, vice presidents, deans, directors
9 and other officials of equal rank as members, whose duty is to review and recommend to the
10 Board the policies governing the administration, management and development planning of
11 the University.

12 SEC. 13. **Academic Council.** – There shall be an Academic Council to be composed
13 of the President of the University, who shall act as chairperson, and all academic staff with
14 the rank of at least assistant professor, as members.

15 The Academic Council shall have the power to review and recommend the curricular
16 offerings and rules of discipline of the University, subject to the approval of the Board. It
17 shall fix the requirements for the admission of students, as well as for their graduation and
18 conferment of degrees, subject to review and approval by the Board through the President of
19 the University. It shall have the disciplinary power over students of the University and shall
20 formulate academic policies and rules and regulations on discipline, subject to the approval
21 of the Board.

22 SEC. 14. **Faculty.** – No political beliefs, gender preference, cultural or community
23 affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in
24 the appointment of faculty members of the University: *Provided*, That the appointment shall
25 be subject to the guidelines, qualifications and standards set by the Board: *Provided*,
26 *further*, That no member of the faculty shall teach for or against any particular church or
27 religious sect.

28 SEC. 15. **Scholarship Program and Admission.** – The University shall provide
29 a scholarship program and other affirmative action programs to assist poor but deserving
30 students who qualify for admission to the University.

31 No student shall be denied admission to the University by reason of sex, religion,
32 cultural or community affiliation or ethnic origin.

33 SEC. 16. **Authority to Loan or Transfer Apparatus, Equipment, Supplies**
34 **and Detail of Personnel.** – The heads of the bureaus and offices of the national

1 government are hereby authorized to loan or transfer, upon the request of the President of
2 the University, such apparatus, equipment or supplies as may be needed by the University,
3 and to detail employees for duty therein when, in the judgment of the head of the bureau or
4 office, such apparatus, equipment, supplies or services of such employees can be spared
5 without serious detriment to public service.

6 The employees so detailed shall perform such duties as required of them by the
7 President of the University, and the time so employed shall be counted as part of their
8 regular services.

9 SEC. 17. ***Assets, Liabilities and Personnel.*** – All assets, real and personal,
10 personnel and records of the ASIST, as well as liabilities or obligations, are hereby
11 transferred to the University. The positions, rights and security of tenure of faculty members
12 and personnel therein employed under existing laws prior to the conversion into a University
13 shall be respected.

14 All parcels of land belonging to the government occupied by the ASIST are hereby
15 declared to be property of the University and shall be titled under that name: *Provided*, That
16 should the University cease to exist or be abolished or should such parcels of land
17 aforementioned be no longer needed by the University, the same shall revert to the LGUs
18 concerned.

19 SEC. 18. ***Tax Exemption on Importation and Donations.*** – The importation
20 of economic, technical and cultural books or publications, which is for economic, technical,
21 vocational, scientific, philosophical, historical or cultural purposes, made by the University
22 upon certification by the CHED, shall be exempt from customs duties in accordance with the
23 provisions of the Tariff and Customs Code of the Philippines, as amended.

24 Donations in any form to the University shall be exempt from the donor's tax and the
25 same shall be considered as allowable deduction from the gross income in the computation
26 of the income tax of the donor, in accordance with the provisions of the National Internal
27 Revenue Code of 1997, as amended.

28 SEC. 19. ***Appropriations.*** – The amount necessary to carry out the provisions of
29 this Act shall be charged against the current year's appropriations of the ASIST. Thereafter,
30 such sums as may be necessary for the continued operation and maintenance of the
31 University shall be included in the annual General Appropriations Act.

32 SEC. 20. ***Development Plan, Management Audit and Academic Structure.***
33 – Within the period of one hundred twenty (120) days after the approval of this Act, the
34 University shall accomplish the following:

- a. Submit a five-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. Set up its organizational, administrative as well as academic structure, including the appointment of the key officials of the University.

SEC. 21. **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 the Office of the President of the Philippines through the Chairperson of the CHED, and with both Houses of Congress, a detailed report on the progress, conditions and needs of the University.

SEC. 22. **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. 23. **Compliance with CHED Requirements.** – The provisions of this Act notwithstanding, the conversion of the institution into a state university, shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a university status based on CHED Memorandum Order No. 46, series of 2012 (Policy-Standard to Enhance Quality Assurance in Philippine Higher Education, through an Outcomes-Based and Typology-Based Quality Assurance); *Provided*, That the panel may issue such recommendation when the institution has substantially complied with the requirements for the grant of university status.

The following operational requirements for a university as established by the CHED shall be complied with:

- a. Faculty members who possess relevant degrees in their areas of specialization as required by the CHED, and who must have participated in research and development activities in their respective disciplines, as evidenced by refereed publications and other scholarly outputs;
- b. A comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;
- c. Viable research programs in specific (disciplinal and multidisciplinary) areas of study that produce new knowledge as evidenced by refereed publications, citations, inventions and patents, among others;

- 1 d. Comprehensive learning resources and support structures (e.g. libraries,
2 practicum laboratories, relevant educational resources and linkages with the
3 relevant disciplinal and professional sectors) to allow students to explore
4 basic, advance and even cutting edge knowledge in a wide range of disciplines
5 or professions;
- 6 e. Active and ongoing linkage and affiliation with other research institutions in
7 various parts of the world that would ensure that the research activities of the
8 university are functioning at current global standards; and
- 9 f. Outreach activities that allow the students, faculty and research staff to apply
10 the new knowledge they generate to address specific social development
11 problems broadly defined.

12 The institution shall retain its status prior to the effectivity of this Act, unless in the
13 meantime it is able to comply with the requirements provided herein, within a period not
14 later than January 1, 2020.

15 SEC. 24. **Parity Clause.** – All other powers, functions and privileges,
16 responsibilities and limitations to state universities and their officials under existing laws
17 shall be deemed granted to or imposed upon the University and its officials, whenever
18 appropriate.

19 SEC. 25. **Implementing Rules and Regulations.** – Within sixty (60) days from
20 the effectivity of this Act, the Board shall, in consultation with the CHED, formulate the
21 guidelines to fully implement the provisions of this Act.

22 SEC. 26. **Separability Clause.** – If any part or provision of this Act is declared
23 invalid or unconstitutional, the remaining parts or provisions not affected shall remain in
24 full force and effect.

25 SEC. 27. **Repealing Clause.** – All laws, presidential decrees, executive orders,
26 rules and regulations contrary to or inconsistent with the provisions of this Act are hereby
27 repealed or modified accordingly.

28 SEC. 28. **Effectivity.** – This Act shall take effect fifteen (15) days after its
29 publication in the *Official Gazette* or in a newspaper of general circulation.

30 Approved,