

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8263



Introduced by **Representative EVELYN P. MELLANA**

EXPLANATORY NOTE

The Agusan del Sur College of Agriculture and Technology (ASSCAT) is the only higher education institution (HEI) in Agusan del Sur and in the entire Caraga region that is mandated by law to promote agro-industrial development through the implementation of relevant agri-based educational programs as well as research, extension, and production projects.

Since its modest beginnings as a settlement known as Manobo Farm School in 1908, ASSCAT has undergone institutional transformation and structural evolution through the years. It was changed to Bunawan National Agricultural School in 1948, then as the Southern Agusan National Agricultural College in 1969, until it became an independent agricultural state college in 1995.

After more than 110 years since its establishment, ASSCAT continues to develop as an institution of higher learning. Through the years, it constantly remained as a center for agricultural studies in the province and one of the academic institutions in the region recognized for its competence. It currently operates its main campus in the municipality of Bunawan and a satellite campus in the municipality of Trento as it continuously expands to cater to the educational needs of more than four thousand (4,000) students from Agusan del Sur and neighboring provinces such as Surigao del Sur and Compostela Valley. Today, ASSCAT is poised to becoming the premier agro-industrial HEI in the region.

Indeed, the contribution of ASSCAT as a state institution of learning cannot be overemphasized - from championing agricultural education and allied studies to capacity-building within the agricultural sector and the community, from the conduct of agricultural researches to the development of an agri-based local economy. It has complemented the efforts of the provincial government to promote socio-economic progress not only through the provision of quality education, but also in producing labor market-ready graduates.

It is, therefore, high time to upgrade the status of ASSCAT from its present status as a state college and into a state university as an answer to its commitment to the public in contributing to the agro-industrial development, not only in the province, but in the entire Caraga region. Considering the unprecedented and ever-growing demands of the community and the market for specialized and expanded services of ASSCAT in agricultural education and other related fields, it is imperative that ASSCAT be converted into a specialized agricultural state university.

This bill seeks the conversion of ASSCAT including its satellite campus into a state university to be known as the Agusan del Sur State University (ADSSU). This conversion is expected to create ripples of socio-economic benefits for the people of Agusan del Sur and other neighboring provinces through advanced professional and technical instruction, research, extension services, and production activities. It is seen to have greater impact in the rural areas where the campuses are situated as it guarantees affordable and equal access to quality higher education for students from indigent families who cannot afford private university education.

This legislative measure is consistent with the constitutional mandate of establishing and maintaining a complete, adequate, and integrated system of education relevant to the goals of national development.

In view of the foregoing considerations, the immediate enactment of this bill is earnestly sought.



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Introduced by **Representative EVELYN P. MELLANA**

AN ACT CONVERTING THE AGUSAN DEL SUR STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (ASSCAT) IN THE MUNICIPALITY OF BUNAWAN, PROVINCE OF AGUSAN DEL SUR INTO A STATE UNIVERSITY, INTEGRATING THEREWITH THE SATELLITE CAMPUS IN THE MUNICIPALITY OF TRENTO, PROVINCE OF AGUSAN DEL SUR TO BE KNOWN AS THE AGUSAN DEL SUR STATE UNIVERSITY (ADSSU) AND APPROPRIATING FUNDS THEREFORE

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

1 **SECTION 1. *Conversion.*** The Agusan del Sur State College of Agriculture and Technology
2 (ASSCAT) in the Municipality of Bunawan, including its existing satellite campus in the
3 Municipality of Trento, is hereby converted into a state university to be known as the
4 Agusan del Sur State University (ADSSU), hereinafter referred to as the University.
5

6 **SECTION 2. *Coverage.*** This Act shall apply to and cover all colleges and units, academic or
7 non-academic of ASSCAT, now known as ADDSU, including all other campuses that shall be
8 established in the future. The main campus of the ADDSU shall be in Bunawan, Agusan del
9 Sur.
10

11 **SECTION 3. *General Mandate.*** The University shall primarily provide advanced education,
12 higher technological, professional and advanced instruction in the fields of agriculture,
13 agribusiness management, science and technology, teacher education, forestry, engineering,
14 arts and sciences, nontraditional courses, and other relevant fields of study. It shall also
15 undertake research, extension services, and production activities in support of the
16 development of the Province of Agusan del Sur and provide progressive leadership in its
17 areas of specialization.
18

19 **SECTION 4. *Academic Freedom and Institutional Autonomy.*** The University shall enjoy
20 academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5, Article
21 XIV of the 1987 Philippines Constitution.
22

23 **SECTION 5. *Curricular Offerings.*** The University shall offer undergraduate and graduate
24 programs in the fields of agriculture, agribusiness management, science and technology,
25 teacher education, forestry, engineering, arts and sciences, and other courses within its

1 areas of specialization and according to its capabilities as the Board of Regents may deem
2 necessary to carry out its objectives, particularly in meeting the needs of Agusan del Sur,
3 and of Caraga Region.

4
5 The University may operate a reasonably sized laboratory school.

6
7 **SECTION 6. Administration.** The University shall have the general powers of a corporation
8 set forth in Batas Pambansa Blg. 68, as amended, otherwise known as "The Corporation
9 Code of the Philippines." The administration of the University and the exercise of its
10 corporate powers shall be vested exclusively in the Board of Regents and the President of
11 the University.

12
13 **SECTION 7. Board of Regents.** The governing board of the University shall be the Board of
14 Regents, hereinafter referred to as the Board, which shall be composed of the following:

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

35
36 The Board shall appoint the two (2) prominent academicians, and the two (2) private sector
37 representatives based on the recommendation by the search committee constituted by the
38 University President, in consultation with the Chairperson of the CHED and the other
39 members of the Board, based on the normal standards and qualifications for the position.

40
41 The term of office of the President of the federation of faculty associations, the President of
42 the federation of student councils and the President of the federation of alumni associations
43 shall be coterminous with their respective terms of office, as set forth in their respective
44 constitutions and bylaws.

1 The two (2) prominent academicians and the two (2) private sector representatives shall
2 serve for a term of two (2) years from the date of appointment.

3
4 **SECTION 8. Powers and Duties of the Board of Regents.** The Board shall have the
5 following specific powers and duties, in addition to its general powers of administration and
6 the exercise of all the powers granted to the board of directors of a corporation under
7 existing laws:

- 8 (a) To promulgate and implement policies in accordance with the declared State policies
9 on education and other pertinent provisions of the Philippine Constitution on
10 education, agriculture, science and technology, as well as the policies, standards and
11 thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher
12 Education Act of 1994."
13 (b) To promulgate rules and regulations not contrary to law as may be necessary to
14 carry out the purposes and functions of the University;
15 (c) To receive and appropriate all sums as may be provided for the support of the
16 University in the manner it may determine in its discretion, in order to carry out the
17 purposes and functions of the University;
18 (d) To import economic, technical and cultural books and/or publications;
19 (e) To receive in trust, legacies, gifts and donations of real and personal properties of all
20 kinds and to administer and dispose of the same when necessary for the benefit of
21 the University, and subject to the limitations, directions and instructions of the donor,
22 if any;
23 (f) To fix the tuition fees and other necessary school charges such as, but not limited to,
24 matriculation fees, graduation fees and laboratory fees, as the Board may deem
25 proper to impose, after due consultations with the involved sectors. Such fees and
26 charges, including government subsidies and other income generated by the
27 University, shall constitute special trust funds and shall be deposited in any
28 authorized government depository bank, and all interests that shall accrue therefrom
29 shall form part of the same funds for the use of the University.

30 Any provision of existing laws, rules and regulations to the contrary
31 notwithstanding, any income generated by the University from tuition fees and other
32 charges, as well as from the operation of auxiliary services and land grants, shall be
33 retained by the University, and may be disbursed by the Board for instruction,
34 research, extension or other programs/projects of the University: *Provided*, That all
35 fiduciary fees shall be disbursed for the specific purposes for which these are
36 collected.

37 If, for reasons beyond its control, the University shall not be able to pursue any
38 project for which the funds have been appropriated and allocated under its approved
39 program of expenditures, the Board may authorize the use of said funds for any
40 reasonable purpose which, in its discretion, may be necessary and urgent for the
41 attainment of the objectives and goals of the University;

- 42 (g) To adopt and implement a socialized scheme of tuition and school fees for greater
43 access to poor but deserving students;
44

- 1 (h) To authorize the construction or repair of its buildings, machinery, equipment and
2 other facilities, and the purchase and acquisition of real property, including necessary
3 supplies, materials and equipment;
- 4 (i) To appoint upon recommendation of the President of the University, Vice Presidents,
5 deans, directors, heads of campuses, faculty members and other officials and
6 employees of the University;
- 7 (j) To fix and adjust salaries of faculty members and administrative officials and
8 employees, subject to the provisions of the Revised Compensation and Position
9 Classification System and other pertinent budget and compensation laws governing
10 hours of service and such other duties and conditions as it may deem proper; to
11 grant them, at its discretion, leaves of absence under such regulations as it may
12 promulgate, any provision of existing law to the contrary notwithstanding; and to
13 remove them for cause in accordance with the requirements of due process of law;
- 14 (k) To approve the curricula, instructional programs and rules of discipline drawn by the
15 Administrative and Academic Councils herein provided;
- 16 (l) To set policies on admission and graduation of students;
- 17 (m) To award honorary degrees upon persons in recognition of their outstanding
18 contribution in the fields of agriculture, education, public service, arts, science and
19 technology, or in any field of specialization within the academic competence of the
20 University, and to authorize the awarding of certificates of completion of non-degree
21 and non-traditional courses;
- 22 (n) To establish and absorb non-chartered tertiary institutions within the Province of
23 Agusan del Sur as branches and centers in coordination with the CHED, and in
24 consultation with the Department of Budget and Management (DBM), and to offer
25 therein programs or courses, to promote and carry out equal access to educational
26 opportunities as mandated by the Constitution;
- 27 (o) To establish research and extension centers of the University where such will
28 promote the development of the latter;
- 29 (p) To establish professorial chairs in the University and to provide fellowships for
30 qualified faculty members and scholarships to deserving students;
- 31 (q) To delegate any of its powers and duties provided for hereinabove to the President
32 and/or other officials of the University as it may deem appropriate, so as to expedite
33 the administration of the affairs of the University;
- 34 (r) To authorize an external management audit of the University, to be financed by the
35 CHED, subject to the rules and regulations of the Commission on Audit (COA); and to
36 institute reforms, including academic and structural changes, on the basis of the
37 audit results and recommendations;
- 38 (s) To collaborate with other governing boards of the state colleges and universities
39 (SUCs) within the Province of Agusan del Sur or Caraga region, under the supervision
40 of the CHED and in consultation with the DBM, and work towards the restructuring of
41 the University to become more efficient, relevant, productive and competitive;
- 42 (t) To enter into joint ventures with business and industry for the profitable
43 development and management of the economic assets of the University, the
44 proceeds from which shall be used for the development and strengthening of the
45 University;

- (u) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the University;
- (v) 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 or researchers, as the case may be, particularly focused in strengthening the general mandate of the University;
- (w) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open or distance education and community laboratory for the promotion of greater access to education;
- (x) To establish policy guidelines and procedures for participative decision-making and transparency within the University;
- (y) To privatize, where most advantageous to the University, the management of nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities; and
- (z) To extend the term of the President of the University beyond the age of retirement but not beyond the age of seventy (70), whose performance has been unanimously rated by the Board as outstanding based on the guidelines, qualifications and/or standards set by the Board, after unanimous recommendation by the search committee.

SECTION 9. Meetings of the Board. The Board shall regularly convene once every three (3) months. Whenever necessary, the Chairperson of the Board may call, upon three (3) days' prior written notice, a maximum of two (2) special meetings within the same period.

A quorum of the Board shall consist of 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 one's absence, the Chairperson of the CHED shall designate a Commissioner of the CHED as representative 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 the Presiding Officer: *Provided, further,* That this *proviso* notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chair of the Board, 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 able 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 a regular member of the Board.

1 The members of the Board shall not receive any regular salary as such but they shall receive
2 entitlements to actual allowances allowed by law, and reimbursements of actual and
3 necessary expenses incurred, either in conjunction with their attendance to meetings of the
4 Board or in connection with their performance of other official business as members of the
5 Board, duly authorized by the Board through a resolution, subject to existing laws and
6 regulations.

7
8 **SECTION 10. University President.** The University shall be headed by a President, who
9 shall render full-time service and who shall be appointed by the Board, subject to the
10 guidelines, qualifications and standards set by the Board, upon recommendation of a duly
11 constituted search committee. The University President shall have a term of four (4) years
12 and shall be eligible for reappointment for another term: *Provided*, That in order to effect a
13 smooth transition to a state university, the incumbent President of the ASSCAT shall serve
14 as the first President of the University: *Provided, further*, That the Transition President shall
15 only serve for two (2) years and shall not be eligible for reappointment for another term.

16
17 Within six (6) months before the expiration of the term of office of the incumbent President
18 of the University, the Board shall constitute the Search Committee for the Presidency (SCP).
19 The composition of the SCP shall be determined by the Board, taking into consideration
20 representatives from the academic community, a private sector representative not in any
21 way connected or associated with the University, the Philippine Association of State
22 Universities and Colleges (PASUC) representative, and a CHED representative.

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

29
30 The powers and duties of the President of the University, in addition to those specifically
31 provided in this Act, shall be those usually pertaining to the Office of the President of similar
32 universities, and those delegated by the Board.

33
34 The salary of the President of the University shall be in accordance with the Revised
35 Compensation and Position Classification System and shall be comparable to that being
36 received by the Presidents of similar educational institutions.

37
38 The President of the University shall be assisted by a Vice President for Academic Affairs, a
39 Vice President for Finance and Administration, and a Vice President for Research, Extension
40 and Training who shall be appointed by the Board upon recommendation of the President.

41
42 **SECTION 11. Secretary of the Board and University.** The Board, upon the
43 recommendation of the University President, shall appoint a Secretary, who shall serve as
44 such for both the Board and the University.

The Secretary shall keep all official records and proceedings of the University, and the Board, and shall serve upon each member of the Board the appropriate notice of all regular meetings, special sessions and other undertakings of the Board.

SECTION 12. Treasurer of the University. The Treasurer of the Philippines shall be the *ex officio* Treasurer of the University.

SECTION 13. Audit. All accounts and expenses of the University shall be audited by the COA or its duly authorized representative.

SECTION 14. Administrative Council. There shall be an Administrative Council (ADCO) consisting of the President of the University as Chairperson and, with its vice presidents, deans, directors, and other officials of equal rank, as members, whose duty is to review and recommend to the Board appropriate policies governing the administration, management, and development planning of the University.

SECTION 15. Academic Council. There shall be an Academic Council (AC) to be composed of the President of the University as Chairperson, and all academic staff with the rank of at least an 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. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and 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.

SECTION 16. Faculty. No political belief, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That said appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

SECTION 17. Scholarship Program and 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 discriminated against and denied admission to the University by reason of sex, nationality, religion, cultural, political, or community affiliation, or ethnic origin, or physical disability.

SECTION 18. Authority to Loan or Transfer Apparatus/ Equipment/ Supplies and Detail of Personnel. The heads of the bureaus and offices of the national government are

hereby authorized to loan or transfer, upon the request of the President of the University, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgment of the head of the bureau or office, such apparatus, equipment, supplies or services of such employees 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.

SECTION 19. Assets, Liabilities, and Personnel. All assets, real and personal, personnel and records of the ASSCAT, as well as liabilities or obligations, are hereby transferred to the University. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a University shall be respected.

All parcels of land belonging to the government occupied by the ASSCAT are hereby declared to be property of 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 LGU concerned or the Republic of the Philippines, as the case may be.

SECTION 21. Tax Exemptions. The provisions of any general or special law to the contrary notwithstanding:

- (a) All revenues and assets of the University used for educational purposes or in support thereof shall be exempt from all taxes and duties;
- (b) Donations in any form made to the University to be used actually, directly and exclusively by the University shall be exempt from 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 NIRC of 1997, as amended;
- (c) Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books, supplies and materials duly certified by the Board, including scientific and educational computer and software equipment, shall be exempt from customs duties in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;
- (d) The University shall only pay 0% value-added tax for all transactions subject to this tax; and
- (e) All academic awards shall be exempt from taxes.

SECTION 22. Appropriations. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the ASSCAT. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University shall be included in the annual General Appropriations Act.

SECTION 23. 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) Set up its organizational, administrative as well as academic structure, including the appointment of the key officials of the University.

SECTION 24. Annual Report. On or before the fifteenth (15th) day of the second (2nd) month after the opening of regular classes each year, the Board shall file with the Office of the President of the Philippines, through the Office of the CHED Chairperson or the CHED Commissioner serving as Chairperson of the Board, and with both Houses of Congress, through the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education, a detailed report on the progress, condition and needs of the University.

SECTION 25. 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.

SECTION 26. 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, that the institution has complied with the requirements for a university status. The CHED, through its regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the Commission.

The CHED shall designate a panel of experts who shall prepare a recommendation to the Chairperson of CHED, on whether the institution has substantially complied with the requirements for the grant of university status.

The following are the operational requirements for a university:

- (a) Level III accreditation or equivalent under CHED policies for the at least four (4) of its undergraduate programs, one (1) in liberal arts and one (1) in the sciences, and two (2) of its graduate programs;
- (b) Ratio of qualified full-time faculty with requisite degrees to number of students
- (c) Adequate library and laboratories;
- (d) Research and development output of practical and commercial application to the community;
- (e) Relevant linkages and outreach programs that are of service to the community; and
- (f) Relevant academic policies, systems, and processes.

1 The institution shall retain its status prior to the effectivity of this Act, unless in the
2 meantime it is able to comply with the requirements provided therein.

3
4 **SECTION 27. Parity Clause.** All other powers, functions and privileges, responsibilities and
5 limitations to state universities and their officials under existing laws shall be deemed
6 granted to or imposed upon the University and its officials, whenever appropriate.

7
8 **SECTION 28. Implementing Rules and Regulations.** Within sixty (60) days upon the
9 effectivity of this Act, the Board, in consultation with the CHED, shall formulate the
10 guidelines to fully implement the provisions of this Act.

11
12 **SECTION 29. Separability Clause.** If, for any reason, any part or provision of this Act is
13 declared unconstitutional or invalid, such other parts or provisions not affected thereby shall
14 remain in full force and effect.

15
16 **SECTION 30. Repealing Clause.** All laws, decrees, proclamations, executive orders, rules
17 and regulations, or parts thereof, contrary to or inconsistent with the provisions of this Act,
18 are hereby modified or amended accordingly.

19
20 **SECTION 31. Effectivity.** This Act shall take effect fifteen (15) days after its complete
21 publication in the Official Gazette or in a newspaper of general circulation.

22
23 **Approved,**