

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 6500



Introduced by: **REP. PROSPERO A. PICHAY, JR.**

EXPLANATORY NOTE

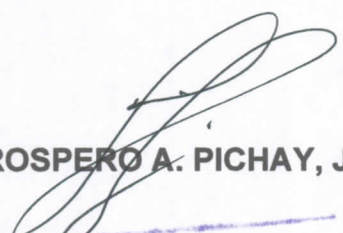
This bill seeks the conversion of the Surigao del Sur State University (SDSSU) in the province of Surigao del Sur into North Eastern Mindanao State University (NEMSU).

Republic Act 9998 was legislated on February 22, 2010 establishing the Surigao del Sur State University in the province of Surigao del Sur. It is formerly the Surigao del Sur Polytechnic State College and is composed of nine (9) campuses within the province.

SSDSU is the biggest state university in Caraga region. It undertakes research and extension services, and provide progressive leadership in its areas of specialization. SSDSU offers undergraduate, graduate and post-graduate programs as well as short-term courses in various fields of studies and expertise.

SSDSU aims to cater more students from the different parts of Caraga region. However, students outside of Surigao del Sur are shying away to enroll in the University because they thought that given its name Surigao del Sur State University, it is exclusive to Surigao del Sur residents only.

In order to curb this notion of exclusivity, the approval of this bill is earnestly sought.


PROSPERO A. PICHAY, JR.

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AN ACT
CONVERTING THE SURIGAO DEL SUR STATE UNIVERSITY (SDSSU) IN THE
PROVINCE OF SURIGAO DEL SUR INTO NORTH EASTERN MINDANAO STATE
UNIVERSITY (NEMSU) AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion* – The Surigao del Sur State University (SDSSU) in the Province of Surigao del Sur, composed of SDSSU-Tandag Campus in Tandag City, SDSSU-Cantilan Campus in the Municipality of Cantilan, SDSSU-Lianga Campus in the Municipality of Lianga, SDSSU-Tagbina Campus in the Municipality of Tagbina, SDSSU-San Miguel Campus in the Municipality of San Miguel, SDSSU-Cagwait Campus in the Municipality of Cagwait, SDSSU-Bislig Campus in the City of Bislig, SDSSU-Marihatag Campus in the Municipality of Marihatag and SDSSU-Hinatuan Campus in the Municipality of Hinatuan is hereby converted into Northeastern Mindanao State University (NEMSU), hereinafter referred to as the University. The main campus of the University shall be in the City of Tandag, Surigao del Sur.

SECTION 2. *General Mandate* – The University shall primarily provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, science, education, commerce, engineering, forestry, nautical courses, medicine, nursing, midwifery and its allied sciences, social work, criminology, aeronautics and aviation sciences, mining and geo sciences and other related fields. It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

SECTION 3. *Curriculum Offerings* – The University shall offer undergraduate, graduate and post-graduate programs and short-term courses in the fields of agriculture and environment studies, fishery, marine biology, marine transportation, engineering, forestry, industrial technology, education, law, medicine, nursing, midwifery and other health-related programs, social work, criminology, aeronautics and aviation sciences, mining and geo sciences, information technology, arts and sciences, public

administration, business administration and other business courses, and other degree courses 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 Northeastern Mindanao provinces and the nation for socioeconomic and sustainable development and competitiveness.

SECTION 4. *Administration* – The University shall have the general powers 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 powers shall be vested exclusively in the Board of Regents and the President of the University.

SECTION 5. *The Governing Board* – The governing board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- a. The Chairperson of the Commission on Higher Education (CHED) – Chairperson
- b. The President of the University – Vice Chairperson
- c. The Chairperson of the Committee on Education, Arts and Culture of the Senate – Member
- d. The Chairperson of the Committee on Higher and Technical Education of the House of Representatives – Member
- e. The Regional Director of the National Economic and Development Authority (NEDA) – Member
- f. The Regional Director of the Department of Science and Technology (DOST) – Member
- g. The President of the federation of faculty associations of the University – Member
- h. The President of the federation of student councils of the University – Member
- i. The President of the federation of alumni associations of the University – Member, and
- j. Two prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization of the University members.

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

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

The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment without prejudice to re-appointment for another term.

SECTION 6. *Promulgation and Implementation of Policies* - The Board shall promulgate and implement policies in accordance with the declares State policies on education and other pertinent provisions of the Philippine Constitution 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".

SECTION 7. *Powers and Duties of the Board of Regents* - The Board of Regents shall have the 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 promulgate 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, in order 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 of the Philippines, as amended;
- d. To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the University, and subject to the limitations, directions and instructions of the donor, if any.

Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions 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 (NIRC) of 1997, as amended; *Provided*, That such donations shall not be disposed of, transferred or sold;

- e. To fix the tuition fees and other necessary school charges such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with the involved sectors.

Such fees and charges, including government subsidies and other income generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same funds for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and

other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for instruction, research, extension or other programs/projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which 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;

- f. To adopt and implement a socialized scheme of tuition and other 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, Heads of campuses, Faculty members, and other officials and employees of the University;
- i. To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with 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 herein provided;
- k. To set policies on admission and graduation of students;
- l. To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the University; and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;
- m. To establish and absorb nonchartered tertiary institutions within the Province of Surigao as branches and centers in coordination with the CHED, and in consultation with the Department of Budget and Management (DBM) and to offer therein programs or courses, to promote and carry out equal access to educational opportunities as mandated by the Constitution;
- n. To establish research and extension centers of the University where such will promote the development of the latter;
- o. To establish professional 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 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 the rules and regulations of the Commission on Audit (COA); 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 the state colleges and universities within Northeastern Provinces, under the supervision of the CHED and in consultation with the DBM and other regulatory agencies, and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;
- s. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;
- t. To develop consortia and other 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;
- 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 learning system, open or distance education and community laboratory 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 nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities; and
- y. To extend the term of the President of the University beyond the age of retirement but not 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 recommendations by the search committee.

SECTION 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 whenever necessary.

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 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 the meeting, the President of the University as Vice Chairperson shall be the Presiding Officer; *Provided, further,* That the *proviso* notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chair of the Board of Regents, in which case said CHAIR 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.

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

SECTION 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, subject to the guidelines, qualifications and/or standards set by the Board, upon recommendation of a 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 Surigao del Sur State University, if qualified, shall serve as the first President of the Northeastern Mindanao State University.

Within six (6) months before the 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 an Officer-in-Charge of the University pending the appointment of a new President.

In case of vacancy in the Office of the President as mentioned in the immediately preceding paragraph, his/her successor or the Officer-in-Charge shall serve only the unexpired portion of the term.

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

The salary of the President of the University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by the Presidents of similar educational institutions. The President of the University shall be assisted by the Vice President/s, who shall be appointed by the Board upon recommendation of the President.

SECTION 10. *Heads of University Campuses* – Campus Directors shall head the University campuses and they shall render full-time service. They shall be appointed by the Board upon recommendation of the search committee and the University President, subject to the guidelines, qualifications and/or standards set by the Board; *Provided*, That the incumbent University Administrators of the campuses shall serve as Campus Directors of their respective campuses.

SECTION 11. *The Administrative Council* – There shall be an Administrative Council consisting of the President of the University as Chairperson, Vice Presidents, Deans, Directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board the policies governing the administration, management and development planning of the University.

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

SECTION 13. *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/She shall serve upon each member of the Board the appropriate notice of the Board meetings.

SECTION 14. *The Treasurer of the University* – The Treasurer of the Philippines shall be the ex-officio Treasurer of the University.

SECTION 15. *The Faculty* - No political beliefs, 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/or standards set by the Board; *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

SECTION 16. *Scholarship Program/Admission* – The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the University.

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

SECTION 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.

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 judgement of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. The employees so detailed shall perform such duties as required of them by the President of the University, and the time so employed shall be counted as part of their regular services.

SECTION 19. *Assets, Liabilities and Personnel* – All assets, real and personal, personnel and records of the Surigao del Sur State University, as well as liabilities or obligations, are hereby transferred to the Northeastern Mindanao State University (NeMSU). The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into NeMSU shall be respected.

All parcels of land belonging to the government occupied by the SSDSU are hereby declared to be property of the NeMSU, 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 national government.

SECTION 20. *Appropriations* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of Surigao del Sur State University. Except the sums 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 Surigao del Sur State University shall be included in the annual General Appropriations Act.

In addition to the regular appropriations and increases for the University under the annual GAA, a University modernization program fund, hereinafter referred to as the Fund, shall be appropriated in the amount of Two Hundred Million Pesos (P 200,000,000.00) per year for a period of five (5) years, and for creation of one hundred (100) Faculty positions and thirty (30) Non-teaching positions to commence in the year after the approval of this Act, which shall likewise be included in the annual GAA. The Fund shall be used for the construction and improvement of University structures and facilities, including the University thereafter mentioned in Section 19 of this Act.

SECTION 21. *Development Plan, Management Audit, Organizational/Administrative/Academic Structure* – Within the period of one hundred

twenty (120) days after the approval of this Act, the University shall accomplish the following:

- a. Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;
- b. Undergo a management audit in cooperation with the CHED; and
- c. Accordingly set up its organizational, administrative as well as academic structure³, including the appointment of the key officials of the University.

SECTION 22. *CHED Monitoring and Evaluation* – The CHED shall conduct regular monitoring and evaluation to determine continuing compliance with the requirements on University status. In the event that the Commission finds that the University does not maintain compliance thereof, it shall submit the appropriate recommendation for the revocation of the University status to the Senate Committee on Education, Arts and Culture, and the House Committee on Higher and Technical Education.

SECTION 23. *Filing of Report* – On or before the fifteenth (15th) 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.

SECTION 24. *Suppletory 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 25. *Parity Clause* – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials whenever appropriate.

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

SECTION 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.

SECTION 28. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,