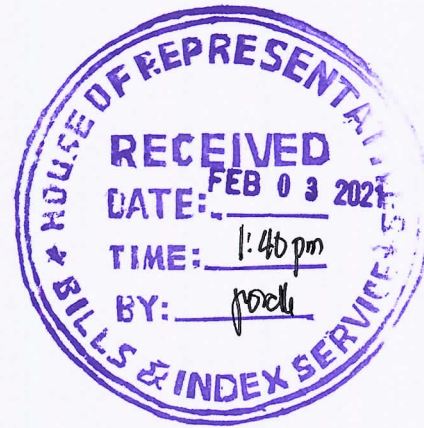




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 8616



Introduced by Representative Leo Rafael M. Cueva

EXPLANATORY NOTE

It has been tested and proven that Education is the best weapon to fight poverty, It is for this reason that the framers of the 1987 Constitution inserted a provision that provides "The State shall protect and promote the right of all citizens to quality education accessible to all" (Article XIV Sec. 1, 1987 Constitution).

Thus, this bill seeks to convert the Northern Negros State College of Science and Technology (NONESCOST) in Sagay City, Negros Occidental to be known as the State University of Northern Negros (SUNN).

The State College was established in 1998 through a Republic Act 8448 authored by the late Congressman Alfredo G. Marañon, Jr. It started as a Barangay High School in the year 1970 with ten students as pioneer graduates. In 1978, it was converted to a Municipal High School and in the same year through the help of Congressman Narciso Monfort, a historical Memorandum of Agreement transforming Old Sagay Barangay High School into an extension of Iloilo State College of Fisheries (ISCOF) campus was made.

Five years later, the passage of B.P. 359 on March, 3, 1983, which was authored and sponsored by then Assemblyman Alfredo G. Marañon, Jr. converted the Municipal High School into the Iloilo State College of Fisheries-Sagay Branch. Prof. Pepito B. Bedia became its first designated Officer-in-Charge. In 1985, the College offered a technical course in fisheries, the Diploma in Fishery Technology. There were ten pioneering students who took their classes in the evening. Four years later, under the officership of Mr. Artmeio A. Violeta, baccalaureate courses were offered, such as, B.S. in Secondary education major in Biology and General Science, and B.S. in Fisheries major in Aquaculture. A year after, additional major fields of specialization, such as Fish Processing Technology, Marine Fisheries and Coastal Resource Management, were added to the degree B.S. in Fisheries. This time, the College was under the leadership of Mrs. Wynne S. Silva who was appointed as Office-in-Charge in 1990.

In 1994, the College started to offer a Graduate Program in Master of Arts in Educational Management major in Vocational Productivity and Master in Public Administration in consortium between the ISCOF Graduate Studies and the Aklan State College of Agriculture (ASCA). The College has also started offering its own graduate program for Master in Fisheries Technology major in Aquaculture along with the offering of a new baccalaureate degree, the Bachelor of Science in Marine Transportation, through the effort of then Congressman Manuel H. Puey and College President Dr. Elpidio A. Locsin, Jr. However in 1996, the ISCOF-ASCA Graduate Studies Consortium Program was terminated but has been continued by the College as its own program. Two years later, a post-graduate program, Doctor in Rural Development with different fields of specialization was offered.

On January 9, 1998 made a special mark on the history of the College. On this day Republic Act 8148 became a law converting the Iloilo State College of Fisheries-Sagay Branch into the Northern Negros State College of Science and Technology by the late Congressman Alfredo G. Marañon, Jr which earned him the distinction the "Father of NONESCOST". Along with him working on for the passage of the law where Hon. Joseph G. Marañon, City Mayor of Sagay, Dr. Elpidio A. Locsin, Jr., President of ISCOF, and some of the men and women who were already then a part of the College. As independent College this time, Dr. Ephraim R. Estacion, Jr. became its first Officer-in-Charge on July 1998. On the following year, Dr. Manuel R. Penachos, Jr. was appointed as officer-in-Charge on June 1999 and eventually became its First President months later. Eleven months after, due to health reasons, Dr. Penachos had to tender his resignation. His resignation paved the way for the succession of Mac Arthur D. Beldia, Ph. D. as Officer-in-Charge of the College in October 25, 2000. On January 25, 2002, the Search Committee for the Presidency (SCP) was convened and after through deliberation, the Board of Trustees unanimously voted Dr. Beldia as the Second President of the College.

As NONESCOST aims to be a leading institution in Northern Negros, all its efforts are geared towards quality and excellence that have greatly impacted the lives of its graduates. To level-up its processes and improve its quality management system in instruction, research, extension, production and governance, making NONESCOST graduates locally and globally more competitive and extending their horizons for more opportunities here and abroad, it is the College administration's desire to convert the College to be horizontally typed as a university.

With the creation of the College of the External and International Office, NONESCOST could promote and encourage the entry of foreign students to study as well as develop the awareness of the Philippine educational system particularly in Western Visayas. With the CHED guidance, it will ensure to offer the placement for international students recognize and implement their responsibilities diligently, efficiently and effectively. The College also aims to produce graduates with 21st century competencies who are able to live and work in a diverse cultural setting and foster closer cooperation and understanding between NONESCOST and other universities and higher educational institution in the world.

Approval of the proposed bill is earnestly requested

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping upward stroke at the end.

LEO RAFAEL M. CUEVA



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HOUSE BILL NO. 8616

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AN ACT
CONVERTING THE NORTHERN NEGROS STATE COLLEGE OF
SCIENCE AND TECHNOLOGY (NONESCOST) IN SAGAY CITY,
NEGROS OCCIDENTAL TO BE KNOWN AS THE STATE
UNIVERSITY OF NORTHERN NEGROS (SUNN), AND
APPROPRIATING FUNDS THEREFOR

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

Section 1. Conversion. - The Northern Negros State College of Science and Technology (NONESCOST) in Sagay City, Negros Occidental including the Laga-an Campus in the Municipality of Calatrava, Negros Occidental, the Escalante Campus in Escalante City, Negros Occidental is hereby converted into a State University to be known as the State University of Northern Negros (SUNN), and hereinafter referred to as the University. The main Campus of the University shall be in Sagay City, Negros Occidental.

Sec. 2. General Mandate. - The University shall provide higher technological, professional, vocational instruction and training in agriculture, arts, biology, business, criminology, education, engineering, fishery, food technology, healthcare, industrial technology, information technology, management and marine sciences. It shall promote research, advance studies, extension work and progressive leadership and governance. It shall contribute to nation-building by providing highly specialized educational experiences to train experts in the various technical and disciplinal areas and by emphasizing the development of new knowledge and skills through research and development. It shall strongly support the goals and objectives of the provincial, regional and national development.

Sec. 3. Curricular Offerings. - The University shall offer undergraduate, graduate and short term programs in the fields of agriculture, arts, biology, business, criminology, education, engineering, fishery, food technology, healthcare, industrial technology, information technology, management and marine sciences and other courses and fields of specialization as the Board of Regents (BOR) may deem necessary. It shall likewise offer short-term technical or vocational courses, provide non formal and undertake vigorous extension and research programs.

Sec. 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.

Sec. 5. The Governing Board. - The governing board of the University shall be the Board of Regents (BOR), hereinafter referred to as the Board which shall be composed of the following:

- (a) The Chairman of the Commission on Higher Education (CHED), Chairman,
- (b) The President of the University, Vice Chairman;
- (c) The Chairman of the Committee on Education of the Senate, Member;
- (d) The Director General of the National Economic and Development Authority (NEDA), Member;
- (e) The President of the Faculty Association of the University; Member;
- (f) The President of the Supreme Student Council of the University; Member;
- (g) The President of the Alumni Association of the College; Member;
- (h) At least two (2) prominent private citizens who have distinguished themselves in their professions or fields of specialization of the University chosen from among a list of at least five (5) qualified persons, as recommended by the search committee constituted by the University President in consultation with the Chairman of the CHED based on the normal standards and qualification for the position; Members;
- (i) The Chairman of the Commission of Higher Education (CHED), the President of the University, the Education Committee Chairman of the Senate and the House; and the Director General of the National Economic and Development Authority (NEDA) shall be an ex officio term of office;

The term of office of the President of the Faculty Association, the President of the Supreme Student Councils and when deemed necessary; the President of the Alumni Association will be coterminous with their terms of office;

The two (2) prominent private citizens shall serve for a term of four (4) years.

In case of vacancy in the Office of the President, the Officer-In-Charge of the College designated by the Board shall serve for the unexpired term only;

The President of the University whose term may be terminated according to this Act shall be entitled to full retirement benefits under existing laws.

Sec. 6: Powers and Duties of the Board. - In addition to its general powers of administration and the powers granted to the Board of Directors of a corporation under existing laws. The Board has the following specific powers and duties;

- (a) Promulgate and implement policies in accordance with the declared state policies and the provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994".
- (b) Approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils hereby provided;
- (c) Appoint, upon the recommendation of the University President, the Vice Presidents, Deans, Directors, Directors of the Campuses, Faculty members and other officials and employees of the University;
- (d) Fix and adjust the salaries of faculty members, administrative officials and employees, subject to the provisions of the 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, 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 remove them for cause in accordance with the requirements of due process of law;
- (e) Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income generated by the University, shall constitute its 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 law, rule or regulation 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 services or other programs and 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) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931, or the "Universal Access to Quality Tertiary Education Act".
- (g) Establish professorial chairs in the University and provide fellowships for qualified faculty members, and scholarship to deserving students;
- (h) 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 function of the University;
- (i) Set the policies on admission and graduation of students;
- (j) Award honorary degrees upon persons in recognition of their outstanding contribution in the field of education, public service, arts, science and technology, agriculture or any field of specialization within the academic competence of the

University, and authorize the awarding of certificate of completion of non-degree and nontraditional courses;

- (k) Establish research and extension centers to promote the development of the University;
- (l) Develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, and local and foreign. And appoint experts/specialists as consultants, part-time, visiting/exchange professors, scholars or researchers, as the case may be;
- (m) Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, dual training system, open distance learning, and community laboratory;
- (n) Collaborate with other governing boards of the State Universities and Colleges (SUCs) under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the University to make it more efficient, relevant, productive and competitive;
- (o) Absorb non-chartered tertiary education within the Province of Negros Occidental as branches as extension/external centers, in coordination with the CHED and in consultation with the DBM and offer therein programs or courses to carry out the Constitutional mandate of providing equal access to educational opportunities;
- (p) 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 institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (q) Develop consortia and other economic forms of linkages with local government units (LGUs), as well as public, private, local and foreign institutions and agencies, in the furtherance of the purposes and objectives of the University;
- (r) Import economic, technical and cultural books and publications;
- (s) 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) Receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and 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;
- (u) Authorize the construction or repair of its buildings, machinery, equipment and other facilities and the purchase and acquisition of real property, including the necessary supplies, materials and equipment;
- (v) Extend the terms of the President of the University beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board: Provided, That the President's performance has been rated by the Board as outstanding and unanimous recommendations has been decided by the search committee;
- (w) Delegate any of its powers and duties provided to the President and other officials of the University, as it may deem appropriate, so as to expedite the administration of the affairs of the University;
- (x) Establish policy guidelines and procedures for participative decision making and transparency within the University;

- (y) Where most advantageous to the University, privatize the management of non-academic services such as health, food, building or grounds or property maintenance; and such other similar activities;
- (z) Promulgate rules and regulations as may be necessary, to carry out the purposes and functions of the University.

Sec. 7. Meetings of the Board. - The Board shall regularly convene once every quarter. The Chairperson of the Board may, however, upon three (3) days prior written notice, call a maximum of two (2) special meetings whenever necessary within the year;

A quorum of the Board shall consists of majority of all its members holding office at the same 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 CHED Chairperson, a Commissioner of the CHED, duly designated by the CHED Chairperson as a representative in the meeting, shall have 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 proviso, notwithstanding , the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case, the said CHED Commissioner, shall act as the Presiding Officer.

In case the Chairperson of the Senate Committee on Education and the House Committee on Higher and Technical Education will not be able to attend the Board meeting, they may designate their respective representatives to attend the meeting, who shall have the same rights and responsibilities as the regular member of the Board;

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

Sec. 8. The University President. - The University shall be headed by a President, who shall render full-time service and shall be appointed by the Board, upon the recommendations of a duly constituted Search Committee. The President shall serve a term of four (4) years and shall be eligible for reappointment to another term: **Provided, that** in order to effect the smooth transition of the NONESCOST to State University in Northern Negros (SUNN), the incumbent President of the NONESCOST, if qualified, shall serve as the first President of the University.

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

The Board shall designate an Officer-in-Charge of the University 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 the office, pending the appointment of a new President: **Provided, that** the OIC shall serve only for the unexpired portion of the term;

The power and duties of the President of the University, in addition to those 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, as modified by Joint Resolution No. 4 dated June 17, 2009, and by such other laws amendatory thereto, which may hereinafter be enacted, and shall be comparable to that being received by the President of similar educational institutions.

The President of the University shall be assisted by a number of Vice Presidents for specific University functions such as but not limited to academic affairs, finance and administration, research and extension depending on the level of the University. Vice Presidents shall be appointed by the Board upon recommendation of the President of the University.

Sec. 9. The University Secretary. - 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 in addition to other duties and responsibilities. The Secretary of the University shall serve upon each member of the Board the appropriate notice of Board meetings.

Sec. 10. Administrative Council. - There shall be an Academic Council consisting of the University President, as Chairperson, and the Vice Presidents, Deans, Directors and other official of equal rank, as members, whose duty is to review and recommend to the Board such policies governing the administration, management and development planning of the University.

Sec. 11. The Academic Council. - There shall be an Academic Council to be composed of the University President, who shall act as its 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 the students, as well as for their graduates and conferment of degrees, subject to the review and approval of the Board through the University President.

It shall have a disciplinary power over the students of the University and shall formulate academic policies, rules and regulations on discipline, subject to the approval of the Board.

Sec. 12. The Campus Directors. - The Campus Directors shall serve as heads or administrators of the University campuses and shall render full time service. They shall be appointed or designated by the Board upon the recommendation of the Search Committee and the President, subject to the guidelines, qualifications and standards set by the Board. **Provided, that** the incumbent Campus Directors of the existing campuses of NONESCOST shall serve as Campus Directors of their respective campuses upon the effectivity of this Act.

Sec. 13. The Faculty. - No political belief, gender preferences, cultural or community affiliation, ethnic origin, nor religious opinion or affiliations shall be a matter of inquiry in

the matter of appointment of faculty members of the University. **Provided that** the appointment shall be subject to the guidelines, qualifications and standard set by the Board; **Provided further, that** a member of the faculty shall not criticize, vouch for, recruit members in behalf of or preach about any particular church or religious sect.

Sec. 14. Academic Freedom and Institutional Anatomy. - The University shall enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2, Section 5 of Article XIV of the Philippine Constitution.

Sec. 15. 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, political, cultural or community affiliation, and ethnic origin.

Sec. 16. 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 transfer, upon the request of the University President, 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 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 by them by the President of the University and the time employed shall be counted as part of their regular service.

Sec. 17. Assets, Liabilities and Personnel. - All assets, real and personal, personnel and records of the Northern Negros State College of Science and Technology (NONESCOST), as well as liabilities and 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 Northern Negros State College of Science and Technology (NONESCOST) and all its campuses, are hereby declared to be the property of the University, and shall be titled under its name. **Provided,** that should the University cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the University, the same shall revert to the LGUs concerned.

Sec. 18. Tax Exemptions on Importations and Exemptions. - The importation of economic, technical and cultural books and publications, which are for economic, technical-vocational, scientific, philosophical, historical or cultural purposes made by the University, upon certification by the CHED, shall be exempted from customs duties in accordance with the provisions of RA No. 10853, otherwise known as the "Customs Modernization and Tariff Act".

All grants, bequests, endowments, donations and contributions made to the University and used actually, exclusively and directly by it, shall be exempted 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 1977, as amended.

Sec. 19. Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Northern Negros State College of Science and Technology (NONESCOST). 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 (GAA).

Sec. 20. Development Plan, Management Audit, Organization/ Administrative/ Academic Structure. - Within a 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 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, and academic structure, including the appointment of key officials of the University.

Sec. 21. Compliance with Commission on Higher Education (CHED) Requirements. - The provision of this Act notwithstanding, the conversion of this 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 Standards to Enhance Quality Assurance) in Philippine Higher Education through the Outcomes-Based and Typology-Based Quality Assurance). **Provided, that** the panel may issue such a recommendation when the institution has substantially complied with the requirements for the grant of University status.

The following requirements for a University, as established by the CHED, shall be complied with:

- (a) Faculty members must possess relevant degrees in their areas of specialization, as required by the CHED, and shall have participated in research and development activities in their respective disciplines, as evidenced by refereed publication and other scholarly outputs;
- (b) The University must offer a comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;
- (c) The University shall have conducted viable research programs in specific discipline and multidisciplinary areas of study, produce new knowledge, as evidenced by refereed publications, citations, inventions, and patents among others;
- (d) The University shall possess comprehensive learning resources and support structures (such as libraries, practicum laboratories, relevant educational resources, and linkages with the relevant disciplinal and professional sectors) so as to allow students to explore basic, advance and even cutting edge knowledge in a wide range of discipline or professions;
- (e) The University must have and maintain linkages with other research institutions in various parts of the world to ensure that the research activities of the other University are functioning at current global standards;

- (f) The University must conduct outreach activities that allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems;
- (g) The CHED, through its regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the Commission;
- (h) The institution shall retain its status prior to the effectivity of this Act until it is able to comply with the requirements provided herein.

Sec. 22. Filing of Annual Report. - On or before the fifteenth (15th) day of the second month after opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines and both Houses of Congress through CHED Chairperson, a detailed report on the progress, conditions and needs of the University.

Sec. 23. Supplementary Application. - The provision of RA No. 8292, otherwise known as the "Higher Education Modernization Act 1997", shall be an integral part of this Act and shall serve as part of the Governing Charter of the University.

Sec. 24. Parity Clause. - All other powers, functions and privileges, responsibilities and limitations to State Universities and their officials under existing laws shall be deemed granted to or imposed upon the University or its officials, whenever appropriate.

Sec. 25. Implementing Rules and Regulations (IRR) - Within sixty (60) days from the effectivity of this Act, the Board, consultation with the CHED shall formulate the rules and regulations to fully implement the provision of this Act.

Sec. 26. Separability Clause. - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts of the provisions not affected shall remain in full force and effect.

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

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

Approved,