

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. No. 707



Introduced by: REPRESENTATIVES SHERNEE A. TAN-TAMBUT AND SAMIER A. TAN

EXPLANATORY NOTE

The Constitution explicitly provides that the State shall give priority to education, science and technology, arts and culture, and sports, and accelerate social progress. Notwithstanding this expressed Constitutional mandate, there is an apparent unequal distribution of educational resources among local government units.

Most of the educational institutions of higher learning, be it private or state universities, are located in urban areas but not in far-flung provinces like the Province of Sulu where they are badly needed. For which reason, the people in our province felt neglected and this situation gave rise to rebellious attitude towards the government. It must be recalled that during the Spanish Regime, the guiding philosophy of our national hero, Dr. Jose Rizal to fight for reforms against the colonizers was enlightenment in order to educate the so called Indios. This proved to be an effective tool as it aroused the spirit of discontent over brutality, oppression, and inhumanity. Even if this occurred centuries ago, Rizal's political philosophy is very much applicable to the present time in our province. Instead of spending hundreds of millions of pesos for armaments to stop the local war that never ends, why not spend portion of the budget that will give golden opportunity to let people pursue higher education.

The political leaders of the Province of Sulu has been pushing hard, since two (2) decades ago for the conversion of the Sulu State College into a State University but up to the present time, no action has been taken favourably on this matter.

It is therefore the paramount objective of this measure to pursue the ultimate dream and aspiration of the people, particularly the youth, in the Province of Sulu and its neighboring Provinces of Tawi-tawi and Basilan, to have a state university by converting the existing Sulu State College into Sulu State University.

The foregoing reasons warrant the approval of this important piece of legislation.



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Introduced by: REPRESENTATIVES SHERNEE A. TAN-TAMBUT AND SAMIER A. TAN

AN ACT
CONVERTING THE SULU STATE COLLEGE IN THE MUNICIPALITY OF JOLO, PROVINCE OF SULU
INTO A STATE UNIVERSITY TO BE KNOWN AS THE SULU STATE UNIVERSITY 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 Sulu State College in the Municipality of Jolo, Province of Sulu is hereby converted into a State University to be known as the Sulu State University hereinafter referred to as the University.

SEC. 2. *General Mandate.* - The University shall primarily provide advanced education, higher technological, professional instruction and training in the fields of agriculture, education, engineering, forestry, arts and sciences and other related fields. It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* – The University shall offer undergraduate and graduate courses in the fields of agriculture, education, engineering, forestry, arts and sciences, and other degrees/courses within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, in order to meet the needs of the Province of Sulu and the Region.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, that the high school shall be allowed to remain and operate within the campus of the University until the existing students shall have completed their Senior year education: *Provided, further*, that the University may operate reasonably-sized laboratory school if it has a College of Education.

SEC. 4. *Administration.* – The University shall have the general powers of a corporation as set forth in the Revised Corporation Code. 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, hereinafter referred to as the Board, which shall be composed of the following:

- a. The Chairman of the Commission on Higher Education (CHED), as the Chairman;
- b. The President of the University, as Vice-Chairman;
- c. The Chairperson of the Committee on Education, Arts and Culture of the Senate, as Member;
- d. The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, as Member;
- e. The Chairperson of the Committee on Higher Education-BARMM, as Member;
- f. The President of the Faculty Association of the University, as Member;
- g. The President of the Student Council of the University, as Member;
- h. The President of the Alumni Association of the University, as Member; and
- i. Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the University, as Members.

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

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

The term of the President of the Faculty, Association, the President of the Student Council, and the President of the Association shall be co-terminus with their respective terms of office as set forth in their respective Constitution and By-laws.

SEC. 6. *Promulgation and Implementation of Policies.* – The Board shall promulgate and implement policies in accordance with the declared state policies on education and other pertinent provisions of the Constitution on education, agriculture, science and technology as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722 otherwise known as the “Higher Education Act of 1994”.

SEC. 7. *Power and Duties of the Board of Regents.* – The Board shall have the following 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 as may be necessary to carry out the purposes and functions of the University;

- b. To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine in its discretion, 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, 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 of the donor in accordance with the provisions of the National Internal Revenue Code (NIRC), 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 consultation 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 they 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 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 school fees for greater access to poor but deserving students;
- g. To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including necessary supplies, materials and equipment;
- h. To appoint upon recommendation of the President of the University, Vice Presidents, Deans, Directors, and heads of 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 causes 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 any field of specialization within the academic competence of the University, and to authorize the awarding of certificates of completion of non-degree and non-traditional course;
- m. To establish and absorb non-chartered tertiary institutions within the Province of Sulu 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 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 COA rules and regulations, and to institute reforms, including academic and structural changes on the basis of the audit results and recommendations;
- r. To collaborate with other governing boards of the state colleges and universities within the Province of Sulu or the Region under the supervision of the CHED and in consultation with the DBM and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;
- s. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds 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, institutions and agencies, both public and private, local or foreign, in the furtherance of the purposes and objectives of the University;
- u. To develop academic arrangements for institution 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;

- v. To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, or distance education 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, the management of non-academic services such as health, food, building or ground 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 later than 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.

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

A quorum of the Board shall consist of a majority of all its members holding office at the time of the meeting: *Provided*, however, that the Chairman of the Board or President of the University is among those present in the meeting. In the absence of the Chairman of the CHED, a Commissioner of the CHED duly designated by him shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided*, however, that during the meeting, the President of the University a Vice-Chairman shall be the Presiding Officer.

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

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

SEC. 9. The University President. – The University shall be headed by a President who shall render full time service. He or 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 or 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 President of the Sulu State College, 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 President of the Sulu State College, the Board shall constitute the Search Committee for the Presidency (SCP).

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

In case of vacancy in the office of the President as mentioned in the immediately preceding paragraph, his successor or officer-in-charge shall hold office for the unexpired term only.

The powers and duties of the President of the University shall be in accordance with Republic Act No. 6758 or the Revised Compensation and Position Classification Act of 1989, 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 the being received by the Presidents of similar educational institutions.

SEC. 10. *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 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. 11. *The Treasure of the University.* - The Treasure of the Philippines shall be the ex officio treasurer of the University.

SEC. 12. *Administrative Council.* – There shall be an Administrative Council consisting of the President of the University, as Chairperson, and the vice-presidents, deans, directors, and other officials 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. 13. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the University, 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 students, as well for their graduation and conferment of degrees, subject to review and approval of the Board thru the President of the University.

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

SEC. 14. *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.

SEC. 15. *The Faculty.* – No political belief, gender preference, cultural or community affiliation, ethnic origin, nor religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That the appointment shall be subject to the guidelines, qualifications and standards 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. 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, political, cultural or community affiliation, and ethnic origin.

SEC. 17. *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 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 the by the President of the University, and the time so employed shall be counted as part of their regular service.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the Sulu State College as well as liabilities or obligations, are hereby transferred to the University: *Provided*, that the positions, rights and security of tenure of the faculty members and personnel therein employed under existing laws prior to the conversion into a University shall be respected: *Provided*, further, That the positions of the incumbent shall remain in the same status until otherwise provided for by the Board: *Provided*, finally, That should the University cease to exist or be abolished or should aforementioned parcels of land be no longer needed by the University, the same shall revert to the concerned LGU or to the Republic of the Philippines, as the case may be.

SEC. 19. *Tax Exemption.* – 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 exempt from customs duties in accordance with the provisions of Republic Act No.10863 otherwise known as the “Customs Modernization and Tariff Act (CMTA)”. All grants, bequests, endowments donations and contributions, made to the University to be used actually, exclusively and directly by it, 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 National Internal Revenue Code of 1997, as amended.

SEC. 20. Appropriations. – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Sulu State College. 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.

SEC. 21. Development Plan, Management Audit, and Organization/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 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, and academic structure, including the appointment of key officials of the University.

SEC. 22. Filing of Annual Report. - On or before the fifteenth (15th) day of the second (2nd) month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines and both Houses of Congress, through the CHED Chairperson, a detailed report on the progress, conditions and needs of the University.

SEC. 23. Supplementary Application. – The provisions of Republic Act No. 8292 otherwise known as the "Higher Education Modernization Act of 1997" 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 official, whenever appropriate.

SEC. 25. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with the CHED, shall formulate the rules and regulations to fully implement the provisions 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 or provisions not affected shall remain in full force and effect.

SEC. 27. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,