

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7199



Introduced by Representative Joseph Gilbert F. Violago

EXPLANATORY NOTE

The physical change impacted by technological advancement and the fast progressive thinking and imagination of this generation whose awareness has become more dynamic, have truly inspired the Nueva Ecija University of Science and Technology (NEUST) to provide more meaningful lifelong learning experiences and opportunities to its students.

The University with two of its primary campuses, which are the General Tinto Street Campus and Sumacab Campus, are located in the most established and economically progressive city of the province, which is Cabanatuan City. Nueva Ecija has a total population of 2,310,134 and has a strong, economically active workforce, 64.54% of which are either engaged into small or medium enterprise or employed in the public and private institutions in the province. The addition of two satellite campuses by virtue of law to the six satellite campuses which are already existing for decades, serve as conduits of development for the province of Nueva Ecija by providing inclusive and accessible quality education, reaching out to the indigenous peoples and other marginalized sector within the province and beyond.

The proposed conversion of NEUST into a comprehensive university aims to provide competence and skills not only in science and technology but to offer new programs and develop other professionals needed in the country and by the global labor market. The University also desires to nurture the hearts and minds of students to enable them to seek for solutions to the challenges posed by environmental degradation and promote the formation of a sustainable society.

Moreover, this proposal seeks to harmonize the creative abilities of the youth in the arts with the technical knowledge through science and technology. This will further allow the University to become more responsive and relevant to the diverse needs of the community, the province, and the country.

The availability of vast information thru the web has influenced the youth with various beliefs and practices, thereby exposing them to the challenges of the world. The University shall provide access to students with a wider range of skills and talents both based on the academic and non-academic learnings and experiences. Thus, once

converted into a comprehensive university, NEUST shall offer a wide range of disciplines that will ensure that graduates shall become well-rounded individuals not only in their chosen fields of study but even beyond.

In view of the foregoing, the passage of this bill is earnestly sought.



JOSEPH GILBERT F. VIOLAGO

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AN ACT

**CONVERTING THE NUEVA ECIJA STATE UNIVERSITY OF SCIENCE
AND TECHNOLOGY INTO A COMPREHENSIVE UNIVERSITY TO BE
KNOWN AS NUEVA ECIJA STATE UNIVERSITY, EXPANDING AND
RATIONALIZING ITS CURRICULAR OFFERINGS, AND
STRENGTHENING ITS GOVERNING BOARD, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. *Conversion.* — The Nueva Ecija State University of Science and Technology (NEUST) located in the City of Cabanatuan, province of Nueva Ecija, with its campuses in Gabaldon, San Isidro, Fort Magsaysay and State at Palayan City, and Barangay Sumacab and Quezon District (Gen. Tinio St.) at Cabanatuan City, Sto. Domingo, and Nampicuan, is hereby converted into a comprehensive university system to be known as the Nueva Ecija State University (NESU), hereinafter referred to as the “University System.”

SEC. 2. *Integration.* — The Main Campus of NESU shall be in Sumacab Campus, Cabanatuan City, where an integrated management system shall be operated.

SEC. 3. *General Mandate.* — The University shall primarily provide advanced instruction and professional training in arts, sciences, agriculture, engineering, technology, education, health, business, communications and other related fields and disciplines deemed as priority by CHED; undertake research, extension, and production activities; and provide progressive leadership in these areas. Provided, that for efficient use of resources, the offerings of curricula in the campuses shall be rationalized.

SEC. 4. *Curricular Offerings.* — As a comprehensive university system, the NESU shall offer post graduate, graduate, undergraduate, and short-term technical courses within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary, to carry out its mission, particularly in order to meet the needs of the country and the global community.

The University shall be allowed to operate a reasonably-sized laboratory high school, within the campuses of the University, provided, that the University has a College of Education.

SEC. 5. *Administration.* - The University shall have the general powers of a corporation set forth in the Corporation Law. The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents.

SEC. 6. *The Governing Board Composition.* — The governing body is hereby vested in the Board of Regents which shall be composed of the following:

- i. Chairperson of the Commission on Higher Education (CHED) as Chairperson. The CHED Chairperson may designate a CHED Commissioner as the regular Chairperson to the Governing Board;
- ii. President of the University System, as the Vice Chairperson;
- iii. Chairperson of the Committee on Higher, Technical and Vocational Education of the Senate of the Philippines, as member;
- iv. Chairperson, of the Committee on Higher and Technical Education of the House of Representative, as member;
- v. Regional Director of the National Economic and Development Authority (NEDA) where the main campus of the University is located, as member;
- vi. Regional Director of the Department of Science and Technology (DOST) where the main campus of the University is located, as member;
- vii. Regional Director of the Department of Agriculture (DA) where the main campus of the University is located, as member;
- viii. President of the Faculty Association, as member;
- ix. President of the University Student Government, as member;
- x. President of the recognized Alumni Association of the University, as member; and
- xi. Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization as recommended by the search committee constituted by the University President in consultation with the Chairman of the Board, based on the criteria and qualifications identified by CHED for the position.

The private sector representatives shall be appointed by the Board of Regents upon recommendation of a duly constituted search committee.

b. Term of Office

- i. The Terms of Office of the Faculty Alumni and Student Regents shall be coterminous with their respective terms of office as President of their respective sectoral associations.
- ii. The prominent citizens shall serve for a term of two (2) years.

- iii. In case of vacancy in the Office of the University President, the Officer-in-Charge of the University designated by the Board shall serve for the unexpired term only.
- iv. 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. 7. Powers and Duties of the Governing Board. — The Comprehensive University System shall be headed by a President, who shall render full-time service. The President shall be appointed by the Board, subject to the guidelines, qualifications and standards set by the Board, upon recommendation of a duly constituted search committee: Provided, That in order to effect smooth transition to a comprehensive university system, the incumbent President of the NEUST shall serve as the first President of NESU.

SEC. 8. Promulgation and Implementation of Policies. — The governing board shall promulgate and implement policies in accordance with the declared state policies on higher education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports; as well as the policies, standards and thrusts of the CHED under existing relevant laws.

SEC. 9. Powers and Duties of the Governing Board. — The governing 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:

- a. Enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;
- b. Receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, and in accordance with its discretion, to carry out the purposes and functions of the University;
- c. Receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the University, subject to limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;
- d. Fix the tuition fees and other necessary school charges, such as but not limited to, matriculation fees, graduation fees and laboratory fees, as they 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 there from shall form part of the same fund 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 of Regents for instruction, research, extension or other programs/projects of the University: Provided, That all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If, for reasons beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board of Regents 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;

- e. Adopt and implement the prevailing tuition fee standards and school fees for greater access to poor but deserving students;
- f. Authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the University through the Board of Regents shall be exempt from all taxes and duties;
- g. Appoint, upon the recommendation of the President of the University, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;
- h. 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 provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- i. Approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- j. Set policies on admission and graduation of students;
- k. Award honorary degrees upon persons in recognition of outstanding contribution in the fields of education, public service, arts, science and technology or in any field of specialization within the academic competence of the University, and to authorize the award of certificates of completion of non-degree and non-traditional courses;
- l. Absorb non-chartered tertiary institutions within their respective provinces in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein needed programs or courses to

promote and carry out equal access to educational opportunities mandated by the Constitution;

- m. Establish research and extension centers of the University to promote development;
- n. Establish Chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;
- o. Delegate any of its powers and duties provided for 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;
- p. Authorize an external management audit of the University, to be financed by the CHED, subject to Commission on Audit (COA) rules and regulations and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- q. Collaborate with other governing boards of state universities within the province or the region, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;
- r. 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;
- s. Develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University;
- t. Develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign. and to appoint experts and specialists as consultants, or visiting or exchange professors, scholars, or researchers, as the case may be;
- u. Adopt modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, flexible learning, smart campus, and other relevant and similar modes for the promotion of greater access to higher education;
- v. Establish policy guidelines and procedures for participative decision-making and transparency within the University;
- w. Privatize, where most advantageous to the University, management and non-academic services such as health, food, building or grounds or property maintenance and other similar activities, subject to existing rules and regulations; and
- x. To extend the term of the incumbent President of the University beyond the age of retirement, but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the evaluation committee.

SEC. 10. *Quorum.* — The Board of Regents shall regularly convene at least once every quarter. However, the Chairman of the Board of Regents may, upon three (3) days prior written notice, call a special meeting whenever necessary.

A quorum of the Board shall consist of majority of all members holding office at the time of the meeting: Provided, however, that the Chairperson of the CHED or his appointed CHED Commissioner as the Chairperson of the Board or the President of the University is among those present in the meeting.

No regular or special meetings of the Governing Board shall be held without the presence of the Chairperson of the Board. The GB Chairperson may, however, waive his participation in writing as may be warranted by the situation. In such case, the University President shall preside over the regular meeting or special meeting.

The members 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 resolution of the Board, subject to pertinent existing laws and regulations.

SEC. 11. *The Administration.* — The administration of the University shall be vested in the President of the University who shall render full-time service. He shall be appointed by the Board of Regents, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: This provision shall take effect upon the end of the term of the incumbent President.

The President shall be assisted by a number of Vice Presidents, who shall be appointed by the Board upon the former's recommendation.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the President to perform the functions of his office, the Board shall have the authority to designate an officer-in-charge 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 successor shall hold office for the unexpired term.

SEC. 12. *Administrative Council.* — There shall be an administrative council consisting of the President of the University as chairperson, the vice president(s), deans, directors and other officials of equal rank as members, and whose duty is to review and recommend to the Board of Regents policies governing the administration, management and development planning of the University for appropriate action.

As a comprehensive university system, a Campus Administrative Council for its constituent campuses shall be established. Provided, that these constituent campuses shall have equal representation in the University Administrative Council.

SEC. 13. *Academic Council.* — There shall be an academic council with the President of the University as chairperson and all members of the instructional staff with the rank of not lower than assistant professor as members.

The academic council shall have the power to determine, review and recommend the curricular offerings and rules on student discipline of the University subject to appropriate action of the Board of Regents. It shall fix the requirements for admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Regents through the President of the University.

SEC. 14. *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 shall communicate notice of meetings to each member of the Board.

SEC. 15. *The Treasurer of the Philippines.* — The Treasurer of the Philippines shall be the ex officio treasurer of the University.

SEC. 16. *Faculty.* — No religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the State University. Provided, however, that no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 17. *Scholarships and Admission.* — The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to 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.

SEC. 18. *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. 19. *Filing of Report.* — On or before the fifteenth day of the second month after the opening of the regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, conditions and needs of the University, if there is any.

SEC. 20. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and Detail of Personnel.* — The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon 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 bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. 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 service.

SEC. 21. *Affiliation.* — The University may accept the affiliation and/or integration within its operation of any existing national school within the province whose programs can contribute largely and effectively to the attainment of its objectives, in coordination with the CHED and in consultation with the DBM: Provided, That funds, properties and other assets, as well as obligations of the integrated school, shall be transferred to the University. Provided further that, the school to be integrated into the System complies with the policy requisites of the University which has the right to allow a particular curricular program that can only be offered by said school.

SEC. 22. *Assets, Liabilities and Personnel.* — All assets, fixed and movable, records and personnel of the Nueva Ecija University of Science and Technology, as well as liabilities or obligations, are hereby transferred to the Nueva Ecija State University: Provided, however, that the positions, rights and security of tenure of personnel therein employed under existing laws prior to its absorption by the University are not impaired: Provided, further, that the incumbents of the positions shall remain in the same status until otherwise provided for by the Board. All parcels of land belonging to the government, occupied by the Nueva Ecija University of Science and Technology are hereby declared to be the property of the Nueva Ecija State University and shall be titled under that name: Provided, finally, 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 government.

SEC. 23. *Appropriations.* — The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Nueva Ecija University of Science and Technology. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Nueva Ecija State University shall be included in the annual General Appropriations Act.

SEC. 24. *Parity Clause.* — All other powers, functions and privileges, responsibilities and limitations to state universities and/or its officials under relevant and existing laws shall be deemed granted to or imposed upon the University and/or its officials 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 thereby shall remain in full force and effect.

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

SEC. 28. *Effectivity*. — This Act shall take effect upon its approval.