



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila



**Twentieth Congress**  
Second Regular Session

House Bill No. 10945

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Introduced by Representative **FRANCISCO PAOLO P. ORTEGA V**

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**AN ACT**  
**ESTABLISHING THE OPEN UNIVERSITY OF THE DON MARIANO MARCOS**  
**MEMORIAL STATE UNIVERSITY IN THE CITY OF SAN FERNANDO, PROVINCE**  
**OF LA UNION AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

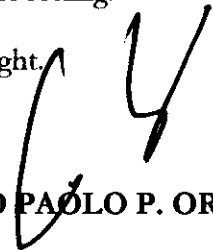
The *Don Mariano Marcos Memorial State University* (DMMMSU) was created by virtue of Presidential Decree No. 1778, which was signed by President Ferdinand E. Marcos on January 15, 1981. It is the lone state university in La Union that offers quality and accessible world-class education to the residents of La Union and nearby provinces.

The DMMMSU Open University System (DOUS), located in the City of San Fernando, La Union, is the distance education arm of the Don Mariano Marcos Memorial State University in Northern Philippines. It provides distance learning to people who have no access to schools, colleges, and universities or for those who cannot avail themselves of the conventional mode of instruction.

As has been the experience during the pandemic, online learning became the major instrument for students to continue their education despite the challenges imposed by the virus. The DOUS has been offering this service and this experience was tapped in pushing for online learning throughout DMMMSU. As we move forward with the new normal, the DOUS will continue to push innovations in learning that will help not only those who are near universities but also those who are in the far corners of the country and even the world.

Since the DOUS plays an important role in the education of the future generation, its funding needs to be made certain, available, and secure. This bill seeks to establish the Open University of Don Mariano Marcos Memorial State University to provide accessible and high-quality instruction, research and extension outside the conventional school setting.

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

  
**FRANCISCO PAOLO P. ORTEGA V**



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

**SECTION 1. *Establishment.*** There is hereby established the Don Mariano Marcos Memorial State University (DMMMSU) – Open University (DOU) in the City of San Fernando, La Union. It shall operate as an autonomous academic unit of the University.

**SEC. 2. *General Mandate.*** The DMMMSU Open University, hereinafter referred to as the “DOU” shall primarily provide distance education to people who have no access to schools, colleges, and universities or to those who, for one reason or another, cannot avail themselves of the conventional mode of instruction. The paramount goal of the system is to strengthen the competence of highly qualified professionals for research and consultancy, managerial positions, outcome-effective human resource development trainers and cooperate with various local and international agencies to produce a transformational educational leadership through the use of ICT and complementary resource management. It shall also undertake research, extension services, and production activities in support of the socio-economic development of the Province of La Union and provide progressive leadership in its areas of specialization in the Province of La Union and in Region I.

**SEC. 3. *Curricular Offerings.*** The Campus shall offer degree and non-degree programs to include undergraduate, graduate, post-graduate and continuing professional education courses within its areas of competency and specialization and as the DMMMSU Board of Regents of DMMMSU, hereinafter referred to as the “Board”, may deem necessary to carry out its objectives, and those which respond to meet the human resource development needs of the Province of La Union and Region I.

**SEC. 4. *Governance.*** Being an academic unit within the DMMMSU System, the governance of the Campus shall continue to be vested in the Board, whose powers are defined under Presidential Decree No. 1778, otherwise known as “Establishing the Don Mariano Marcos Memorial State University by Merging the Don Mariano Marcos Memorial State College; the Southern Ilocos Polytechnic State College, the La Union School of Arts and Trades and the La Union Community College and likewise Integrating the Sapilang Elementary School into the State University: Providing a Chapter for this Purpose and Appropriating Funds Thereof”, and other applicable laws and regulations, unless otherwise provided or amended elsewhere in this Act.

**SEC. 5. *Administration.*** The administration of the Campus shall be vested in the Chancellor of the DOU insofar authorized by the Board and the President of the University.

**SEC. 6. *The Chancellor.*** The Campus shall be headed by a Chancellor who shall be designated by the Board, subject to its guidelines on qualifications and standards, and based on the recommendation by the University President, following a process of consultation with the constituents of the Campus. The Chancellor shall render full-time service.

Within six (6) months of the effectivity of this Act, the President of DMMMSU shall constitute the Search Committee for the Chancellorship.

The powers and duties of the Chancellor, in addition to those specifically provided for in this Act, shall include those usually pertaining to the Office of the Chancellor of similar state universities and colleges and those delegated by the President.

The Chancellor shall be entitled to benefits and privileges as may be prescribed by law and other issuances.

The Chancellor of the DOU shall be assisted by a Vice Chancellor, who shall be designated by the Board.

**SEC. 7. *The College Dean.*** Each College, as may be established by the Board when it deems necessary, shall be headed by a Dean who shall be designated by the Board, subject to its guidelines on qualifications and standards, and based on the recommendation by the University President, following a process of consultation with the constituents of the College. The Dean shall render full-time service.

The powers and duties of the Dean of the College, in addition to those specifically provided for in this Act, shall include those usually pertaining to the Office of the Dean of similar state universities and colleges and those delegated by the President and the Chancellor.

The Dean shall be entitled to benefits and privileges as may be prescribed by law and other issuances.

In case of a vacancy in the Office of the Dean by reason of death, compulsory retirement, resignation, removal for cause, or incapacity of the Dean to perform the functions of the office, the Board, upon the recommendation of the President, shall designate an Officer-in-Charge of the College, pending the designation of a new Dean: *Provided*, That the Officer-in-Charge shall serve only during the unexpired portion of the term.

The Dean of the College shall be assisted by a College Secretary, who shall be appointed by the President and confirmed by the Board.

**SEC. 8. *The Faculty.*** The Board shall appoint, upon the recommendation of the Chancellor and the nomination of the President of the University, the faculty members of the Colleges: *Provided*, That no political belief, gender preference, cultural or community affiliation or ethnic origin, nor religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the Colleges: *Provided, further*, That said appointment shall be subject to the guidelines, qualifications, and standards set by the Board: *Provided, finally*, That no member of the faculty shall teach for or against any particular church or religious sect.

The Open University (OU) as a Campus shall be entitled to personnel as provided under NBC 589.

**SEC. 9. *Scholarship Programs and Admission.*** The OU shall provide scholarships and other affirmative action programs to assist poor but deserving students who qualify for admission to the Colleges.

No student shall be denied for admission to the OU by reason of gender, religion, cultural or community affiliation, physical disability, or ethnic origin.

**SEC. 10. *Academic Freedom and Institutional Autonomy.*** The OU shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution.

**SEC. 11. *Authority to Loan or Transfer Apparatus, Equipment or Supplies and Detail of Personnel.*** Upon the recommendation of the Chancellor and the request of the Board, through the President of DMMMSU, the heads of the bureaus and offices of the national government may loan or transfer to the Campus such apparatus, equipment or supplies as may be needed by it, and detail employees for duty therein when, in the judgment of the head of bureau or office, the apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service.

The employees so detailed shall perform such duties as required of them by the Chancellor and the Dean of the Colleges, and the time so served shall be counted as part of their regular service.

**SEC. 12. *Assets, Liabilities and Personnel.*** All existing appropriations, assets, both real and personal, personnel, and records of the Campus and the Colleges, as its liabilities or obligations, shall continue to be titled or named after DMMMSU: *Provided*, That the positions, rights, and security of tenure of faculty members and personnel therein employed under existing laws prior to the enactment of this Act shall be respected: *Provided, further*, That the employees currently holding the said positions shall remain in the same status until otherwise provided by the Board: *Provided, finally*, That the Campus and the Colleges shall upgrade or increase its human resource component as may be deemed appropriate by the Board.

All parcels of land belonging to the government occupied by the Campus shall be the property of DMMMSU, and shall be titled under its name: *Provided*, That should the Campus or the Colleges cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by DMMMSU, the same shall revert to the concerned local government unit or to the Republic of the Philippines, as the case may be.

**SEC. 13. *Duty and Tax Exemptions.*** The importation by the Campus or the Colleges of books or publications, equipment or instruments which are for educational, laboratory or scientific purposes shall, upon certification by the Commission on Higher Education (CHED), 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 and used actually, directly and exclusively for educational purposes by the College, shall be exempt from donor’s tax and the same shall be considered as allowable deduction from gross income for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

**SEC. 14. *Suppletory Application.*** The provisions of Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997” and Republic Act No. 10650, otherwise known as the “Open Distance Learning (ODL) Act” shall form part of this Act.

**SEC. 15. *Parity Clause.*** All other powers, functions, and privileges, responsibilities, and limitations under existing laws shall be deemed granted to or imposed upon the Campus and its officials, whenever appropriate.

**SEC. 16. *Appropriations.*** The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

**SEC. 17. *Implementing Rules and Regulations.*** Within ninety (90) days from the approval of this Act, the Board shall, in consultation with the LEB and CHED, issue the rules and regulations to fully implement the provisions of this Act.

**SEC. 18. *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 are in full force and effect.

**SEC. 19. *Repealing Clause.*** All laws, presidential decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are amended, repealed, or modified accordingly.

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

*Approved.*