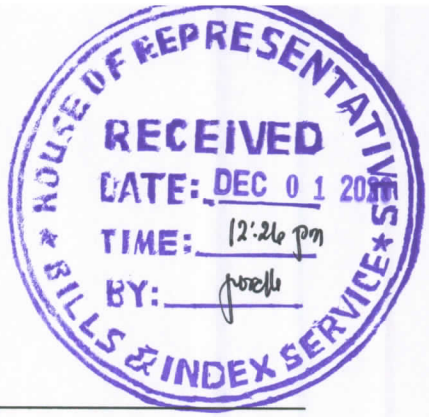
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

COMMITTEE REPORT NO. 618



Submitted by the Committees on Higher and Technical Education, Appropriations, and Ways and Means on DEC 01 2020
Re: House Bill No. 8111
Recommending its approval in substitution of House Bill No. 6502
Sponsors: Representatives Mark O. Go, Eric Go Yap, Joey Sarte Salceda, and Lorna C. Silverio

Mr. Speaker:

The Committees on Higher and Technical Education, Appropriations, and Ways and Means, to which was referred House Bill No. 6502, introduced by Rep. Lorna C. Silverio, entitled:

"AN ACT
CONVERTING THE BULACAN AGRICULTURAL STATE COLLEGE IN THE PROVINCE OF BULACAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE BULACAN STATE AGRICULTURAL UNIVERSITY AND APPROPRIATING FUNDS THEREFOR"

have considered the same and recommend that the attached House Bill No. 8111, entitled:

"AN ACT
CONVERTING THE BULACAN AGRICULTURAL STATE COLLEGE IN THE MUNICIPALITY OF SAN ILDEFONSO, PROVINCE OF BULACAN, INTO A STATE UNIVERSITY, TO BE KNOWN AS THE BULACAN STATE AGRICULTURAL UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR"

be approved in substitution of House Bill No. 6502 and with Reps. Lorna C. Silverio, Mark O. Go, France L. Castro, Eric Go Yap, and Joey Sarte Salceda as authors thereof.

Respectfully submitted,

ERIC GO YAP
Chairperson
Committee on Appropriations

MARK O. GO
Chairperson
Committee on Higher and Technical Education

JOEY SARTE SALCEDA
Chairperson
Committee on Ways and Means

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

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

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8111
(In Substitution of House Bill No. 6502)

Introduced by Representatives Lorna C. Silverio, Mark O. Go, France L. Castro, Eric Go Yap, and Joey Sarte Salceda

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AN ACT
CONVERTING THE BULACAN AGRICULTURAL STATE COLLEGE IN THE MUNICIPALITY OF SAN ILDEFONSO, PROVINCE OF BULACAN, INTO A STATE UNIVERSITY, TO BE KNOWN AS THE BULACAN STATE AGRICULTURAL 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 of the Bulacan Agricultural State College into a State University.*** – The Bulacan Agricultural State College (BASC) in the municipality of Ildefonso, Province of Bulacan, including its duly integrated campuses, namely: BASC-Main in Barangay Pinaod, Municipality of San Ildefonso; BASC-Agriculture Campus in Barangay Poblacion, Municipality of San Ildefonso; BASC-DRT (Dona Remedios Trinidad) Campus in Barangay Pulong Sampaloc, Municipality of DRT; BASC-BTVC (Balagtas Technical-Vocational College) Campus in Barangay Pulong Gubat, Municipality of Balagtas; and BASC-FNHAS (Fortunato National Halili Agricultural School) in Barangay Guyong, Municipality of Sta. Maria, all located in the Province of Bulacan, is hereby converted into a state university to be known as the Bulacan State Agricultural University, hereinafter referred to as the BSAU. The main campus of the BSAU shall be in Barangay Pinaod, Municipality of San Ildefonso, Bulacan.

SEC. 2. ***General Mandate.*** – The BSAU shall primarily provide advance instruction and professional training in agriculture, forestry, veterinary medicine, agricultural engineering, geodetic engineering, fisheries, education, science and technology, arts and humanities, information and communications technology, and other relevant fields of study. It shall also undertake research and extension services and production activities in support of the socio-economic development of the Province of Bulacan and Region III.

SEC. 3. ***Curricular Offerings.*** – The BSAU shall offer undergraduate and graduate courses within its competency and areas of specialization in the fields of agriculture, forestry, veterinary medicine, agricultural engineering, geodetic engineering, fisheries, education, science and technology, arts and humanities,

information and communications technology, and other relevant fields of study, as the Board of Regents, hereinafter referred to as the Board, may deem necessary for the accomplishment of its objectives, and those which respond to meet the human resource development needs of the Province of Bulacan and Region III.

The existing reasonably-sized laboratory senior high school shall continue to operate under the supervision of the College of Education of the BSAU to serve the in-campus requirements of its students.

SEC. 4. ***Administration.*** – The BSAU 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 exercise of its corporate powers shall be vested exclusively in the Board and the President of the BSAU.

SEC. 5. ***The Board of Regents.*** – The governing body of the BSAU shall be the Board, which shall be chaired and co-chaired by the Chairperson of the Commission on Higher Education (CHED) and the President of the BSAU, respectively, and with the following as members:

a. Chairperson of the Committee on Higher, Technical and Vocational Education of the Senate;
b. Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
c. Regional Director of the National Economic and Development Authority;
d. Regional Director of the Department of Science and Technology;
e. Regional Director of the Department of Agriculture;
f. President of the federation of faculty associations of the BSAU;
g. President of the federation of student councils of the BSAU;
h. President of the federation of alumni associations of the BSAU; and
i. Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

The Board shall appoint two (2) prominent citizens who shall be selected from a list of at least five (5) qualified persons from the Province of Bulacan as recommended by a search committee constituted by the President of the BSAU, in consultation with the Chairperson of the CHED and other members of the Board, based on the standards and qualifications for the position set by the Board. They shall serve for a term of two (2) years from the date of appointment.

The membership of the President of the federation of faculty associations, the President of the federation of student councils, and the President of the federation of alumni associations in the Board shall be coterminous with their terms of office, as provided under their respective constitutions and bylaws.

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 shall have the following specific powers and duties:

a. Promulgate and implement policies in accordance with the declared State policies on education, other pertinent provisions of the Constitution on education, agriculture, science and technology, and the policies, standards and

thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994";

b. Approve the curricula, instructional programs, and rules on student discipline drawn by the Administrative and Academic Councils as herein provided;

c. Appoint, upon the recommendation of the President of the BSAU, the vice presidents, deans, directors, heads of the campuses, faculty members, and other officials and employees of the BSAU;

d. Fix and adjust the salaries of faculty members, 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; 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 BSAU, shall constitute its special trust funds, and shall be deposited in any authorized government depository bank. All interests that shall accrue therefrom shall form part of the same funds for the use of the BSAU;

Any provision of existing laws, rules or regulations to the contrary notwithstanding, any income generated by the BSAU from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the BSAU and may be disbursed by the Board for instruction, research, extension services or other programs and projects of the BSAU: *Provided,* That all fiduciary fees shall be disbursed for the specific purposes for which these are collected: *Provided, however,* That if, for reasons beyond its control, the BSAU 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 BSAU;

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 BSAU and provide fellowships for qualified faculty members, and scholarships to deserving students;

h. Receive and appropriate sums as may be provided by law for the support of the BSAU, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the BSAU;

i. Set the policies on admission and graduation of students;

j. 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 competency of the BSAU, and authorize the awarding of certificates of completion of nondegree and nontraditional courses;

k. Establish research and extension centers to promote the development of the BSAU;

l. Develop academic arrangements for institutional capability building with appropriate institutions and agencies, whether public, private, local or foreign, and appoint experts or specialists as consultants, part-time, visiting or 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 the governing bodies of other state universities and colleges within the Province of Bulacan and Region III, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the BSAU to make it more efficient, relevant, productive and competitive;

o. Absorb non chartered tertiary institutions within the province of Bulacan and Region III as branches, extension or 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 BSAU, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit, 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 or foreign institutions and agencies, in the furtherance of the purposes and objectives of the BSAU;

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 economic assets, the proceeds of which shall be used for the development and strengthening of the BSAU;

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 BSAU and subject to the limitations, directions and instructions of the donor, if any;

u. Extend the term of the President of the BSAU 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 a unanimous recommendation for such extension has been decided upon by the search committee;

v. Delegate any of its powers and duties provided to the President and other officials of the BSAU, as it may deem appropriate, so as to expedite the administration of the affairs of the BSAU;

w. Establish policy guidelines and procedures for participative and transparent decision-making within the BSAU;

x. Where most advantageous to the BSAU, privatize the management of nonacademic services such as health, food, building or grounds or property maintenance, and such other similar activities;

y. 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; and

z. Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the BSAU.

SEC. 7. ***Meetings of the Board.*** – The Board shall regularly convene once every three (3) months. The Chairperson of the Board may, however, call a special meeting whenever necessary: *Provided,* That members are notified in writing at least three (3) days' prior to the conduct of said meeting.

A quorum of the Board shall consist of majority of all its members holding office at the time of the meeting: *Provided, however,* That the Chairperson of the Board or the President of the BSAU is among those present in the meeting.

In case the Chairperson of the CHED cannot attend a meeting of the Board, a CHED Commissioner duly designated by Chairperson of the CHED as representative to the meeting, shall have all the rights and responsibilities of a regular member: *Provided,* That during the meeting, the President of the BSAU, as Vice Chairperson, shall be the presiding officer: *Provided, further,* That this provision 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 Chairpersons of the Senate Committee on Higher, Technical and Vocational Education and the House Committee on Higher and Technical Education shall 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 regular members 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 to the meetings of the Board or in connection with other official business authorized by resolutions of the Board, subject to existing laws and regulations.

SEC. 8. ***The University President.*** – The BSAU shall be headed by a President who shall be appointed by the Board, subject to its guidelines on qualifications and standards, and based on the recommendation of a search committee duly constituted for the purpose of selecting the President.

The President shall render full-time service and shall have a term of four (4) years and may be reappointment to another term: *Provided,* That in order to effect the smooth transition of the college to a state university, the incumbent President of the BASC, if qualified, shall serve as the first President of the BSAU.

Within six (6) months before the expiration of the term of office of the incumbent President of the BSAU, the Board shall constitute the search committee for the Presidency.

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

The salary of the President of the BSAU shall be in accordance with Republic Act No. 11466 or the "Salary Standardization Law of 2019", and by such other laws amendatory thereto, which may hereinafter be enacted, and shall be comparable to that being received by the presidents of similar educational institutions.

The Board shall designate an Officer-in-Charge of the BSAU in case of a 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 Officer-in-Charge shall serve only during the unexpired portion of the term.

The President of the BSAU shall be assisted by a Vice President for Academic Affairs, a Vice President for Administration, and a Vice President for Research, Development and Extension, who shall all be appointed by the Board upon the recommendation of the President of the BSAU.

SEC. 9. ***The Secretary of the University***. – The Board shall appoint a Secretary who shall serve as such for both the Board and the BSAU and shall keep all records and proceedings of meetings of the Board. The Secretary of the BSAU shall serve upon each member of the Board the appropriate notice of board meetings.

SEC. 10. ***The Treasurer of the University.*** – The Treasurer of the Philippines shall be the *ex officio* Treasurer of the BSAU.

SEC. 11. ***The Administrative Council***. – There shall be an Administrative Council consisting of the President of the BSAU as chairperson, and the vice presidents, deans, directors and other officials of equal rank as members, that shall review and

recommend to the Board the policies that shall govern the administration, management and development planning of the BSAU.

SEC. 12. ***The Academic Council.*** – There shall be an Academic Council, which shall formulate academic policies. It shall be composed of the President of the BSAU, who shall act as 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 on student discipline, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to the review and approval of the Board through the President of the BSAU.

It shall exercise disciplinary power over the students of the BSAU and shall formulate rules and regulations on student discipline, subject to the approval of the Board.

SEC. 13. ***Heads of University Campuses.*** - The Campus Directors shall respectively serve as heads or administrators of the campuses of the BSAU and render full-time service.

They shall be appointed or designated by the Board, upon recommendation of the search committee and the President, subject to the guidelines, qualifications and standards set by the Board: *Provided,* That, upon the effectivity of this Act, the incumbent Campus Directors of the existing campuses of the BASC shall continue to serve as such.

SEC. 14. ***The Faculty.*** – 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 BSAU: *Provided,* That said appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. ***Academic Freedom and Institutional Autonomy.*** – The BSAU shall enjoy academic freedom and institutional autonomy pursuant to paragraph 2, Section 5 of Article XIV of the Constitution.

SEC. 16. ***Scholarship Programs and Admission.*** – The BSAU shall provide scholarship and other affirmative action programs to assist poor but deserving students who qualify for admission to the BSAU.

No student shall be denied admission to the BSAU by reason of gender, religion, cultural or community affiliation or 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 BSAU, such apparatus, equipment or supplies as may be needed by the BSAU, and detail employees for duty therein when, in the judgment of the head of bureau or office, such

apparatus, equipment, supplies or service 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 President of the BSAU and the time thus served 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 BASC as well as its liabilities or obligations, are hereby transferred to the BSAU: *Provided*, That 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: *Provided, further*, That the incumbents occupying the positions shall remain in the same status until otherwise provided for by the Board: *Provided, finally*, That the BSAU shall also accordingly 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 BASC and all its campuses are hereby declared property of the BSAU, and shall be titled under its name: *Provided,* That should the BSAU cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the BSAU, the same shall revert to the concerned LGU or to the Republic of the Philippines, as the case may be.

SEC. 19. ***Tax Exemption on Importation and Donations.*** - The importation by the BSAU of economic, technical and cultural books or publications, which are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes shall, upon certification by the 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 BSAU, shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor 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. 20. ***Compliance with CHED Requirements.*** – The provisions of this Act notwithstanding, the conversion of the BASC to a state university shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts constituted 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-Standard to Enhance Quality Assurance (QA) in Philippine Higher Education Through an Outcomes-Based and Typology-Based QA): *Provided,* That the panel may issue such recommendation when the BASC has substantially complied with the requirements for the grant of university status.

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

a. Employment of full-time, permanent faculty members who 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 publications and other scholarly outputs;

b. Offering of a comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;

c. Conduct of viable research programs in specific disciplinal and multidisciplinary areas of study that produce new knowledge, as evidenced by refereed publications, citations, inventions, and patents, among others;

d. Establishment and maintenance of comprehensive learning resources and support structures, to include libraries, practicum laboratories, relevant educational resources, and linkages with relevant disciplinal and professional sectors, so as to allow students to explore basic, advance, and even cutting-edge knowledge in a wide range of disciplines or professions;

e. Maintenance of linkage and affiliation with other research institutions in various parts of the world to ensure that the research activities of the BSAU are functioning at current global standards; and

f. Conduct of outreach activities to allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems.

The CHED, through its regional office, shall regularly provide technical assistance to the BSAU and monitor its compliance with the requirements of the Commission.

The BASC shall retain its status prior to the effectivity of this Act until it is able to comply with the requirements provided herein.

SEC. 21. ***Development Plan, Management Audit, and Organizational/ Administrative/Academic Structure.*** – Within a period of one hundred twenty (120) days after the approval of this Act, the BSAU shall accomplish the following:

a. Submit a five (5)-year development plan, including its program budget to the CHED for recommendation to the DBM;

b. Set up its organizational, administrative, and academic structure, including the appointment of key officials of the BSAU; and

c. Undergo a management audit in coordination with the CHED.

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

SEC. 23. ***Suppletory Application.*** – The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997", shall form part of this Act and together shall serve as the governing charter of the BSAU.

SEC. 24. ***Parity Clause.*** – All other powers, functions, privileges, responsibilities, and limitations under existing laws shall be deemed granted to or imposed upon the BSAU and its officials, whenever appropriate.

SEC. 25. ***Appropriations.*** – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the BASC. Thereafter, such sums as may be necessary for the continued operation and maintenance of the BSAU shall be included in the annual General Appropriations Act.

SEC. 26. ***Implementing Rules and Regulations.*** – Within sixty (60) days from the approval 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. 27. ***Separability Clause.*** – If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 28. ***Repealing Clause.*** – All laws, presidential decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are repealed or modified accordingly.

SEC. 29. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,