


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'11 MAR -2 P4:41

SENATE

RECEIVED BY: 

S. B. No. **2727**

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The right to quality education is one that is universally accepted, as enshrined in the Universal Declaration of Human Rights, (UDHR) the International Covenant on Economic, Social and Cultural Rights, (ICESCR) and various other international legal instruments. The 1987 Constitution likewise recognizes the primacy of education as well as the crucial role that access to quality education plays in nation building.

The right to quality education invariably includes the right to have access to quality higher education. In the island province of Catanduanes, giving citizens therein access to quality higher education is made more complicated by the province's isolation. The need to strengthen and improve educational institutions in the province is therefore imperative.

It is with these factual antecedents that the conversion of the Catanduanes State Colleges (CSC) into the Catanduanes State University is earnestly sought. By granting to the CSC the status of a University, it will be in a better position to provide not just quality higher education and thus better opportunities to the youth of Catanduanes, it will also provide a unique boost to the efforts of the Province of Catanduanes to enrich its human resources as it prepares to meet the challenges of a globalizing world.

Hence, the approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO



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AN ACT
CONVERTING THE CATANDUANES STATE COLLEGES IN THE
PROVINCE OF CATANDUANES INTO A STATE UNIVERSITY TO BE
KNOWN AS THE CATANDUANES STATE UNIVERSITY AND
APPROPRIATING FUNDS THEREFOR

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

1 Section 1. *Conversion.* – The Catanduanes State Colleges (CSC) in the
2 Province of Catanduanes, composed of CSC – Virac Campus in the Municipality of
3 Virac and CSC – Panganiban Campus in the Municipality of Panganiban, both located
4 in the Province of Catanduanes, is hereby converted into a state university to be
5 known as the Catanduanes State University, hereinafter referred to as the University.
6 The main campus of the University shall be in Virac, Catanduanes.

7 Sec. 2. *General Mandate.* – The University shall primarily provide advanced
8 education, higher technological, professional instruction and training in trade,
9 commerce, fishery, agriculture, arts and sciences, industrial technology, nursing,
10 midwifery, education, engineering, public administration, information technology,
11 and other relevant fields of study. It shall also undertake research and extension
12 services, and provide progressive leadership in its areas of specialization.

13 Sec. 3. *Academic Freedom and Institutional Autonomy.* – The University shall
14 enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2, Section
15 5 of Article XIV of the Constitution of the Republic of the Philippines.

16 Sec. 4. *Curricular Offerings.* – The University shall offer undergraduate and
17 graduate courses in the fields of trade, commerce, fishery, agriculture, arts and
18 sciences, industrial technology, nursing, midwifery, education, engineering, public
19 administration, information technology, and other degrees/courses within its areas of

1 specialization and according to its capabilities as the Board of Regents may deem
2 necessary to carry out its objectives, particularly in meeting the needs of the Province
3 of Catanduanes and Region V.

4 The existing high school shall be transferred to the jurisdiction and
5 supervision of the Department of Education (DepEd): *Provided*, That the high school
6 shall be allowed to remain and operate within the campus of the University until its
7 students, who are currently enrolled, shall have completed their high school
8 education: *Provided, further*, That the University may operate a reasonably-sized
9 laboratory school, if it has a College of Education.

10 Sec. 5. *Administration.* – The University shall have the general powers of a
11 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
12 “Corporation Code of the Philippines.” The administration of the University and the
13 exercise of its corporate powers shall be vested exclusively in the Board of Regents
14 and the President of the University.

15 Sec. 6. *The Governing Board.* – The governing board of the University shall
16 be the Board of Regents, hereinafter referred to as Board, which shall be composed of
17 the following:

18 (a) The Chairperson of the Commission on Higher Education (CHED),
19 chairperson;

20 (b) The President of the University, vice chairperson;

21 (c) The Chairperson of the Committee on Education, Arts and Culture of
22 the Senate, member;

23 (d) The Chairperson of the Committee on Higher and Technical Education
24 of the House of Representatives, member;

25 (e) The Regional Director of the National Economic and Development
26 Authority (NEDA), member;

27 (f) The Regional Director of the Department of Science and Technology
28 (DOST), member;

29 (g) The President of the federation of faculty associations of the
30 University, member;

31 (h) The President of the federation of student councils of the University,
32 member;

33 (i) The President of the federation of alumni associations of the
34 University, member; and

1 (j) Two (2) prominent citizens from the private sector who have
2 distinguished themselves in their profession or fields of specialization of the
3 University, members. The Board shall appoint the two (2) prominent citizens from
4 among a list of at least five (5) qualified persons in the Province of Catanduanes, as
5 recommended by the Search Committee constituted by the University President, in
6 consultation with the Chairperson of the CHED and the other members of the Board,
7 based on the normal standards and qualifications for the position.

8 The term of office of the President of the federation of faculty associations, the
9 President of the federation of student councils, and the President of the federation of
10 alumni associations shall be coterminous with their respective terms of office, as set
11 forth in their respective constitutions and bylaws.

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

14 *Sec. 7. Powers and Duties of the Board of Regents.* – The Board shall have the
15 following specific powers and duties, in addition to its general powers of
16 administration and the exercise of all the powers granted to the Board of Directors of
17 a corporation under existing laws:

18 (a) To promulgate and implement policies in accordance with the declared
19 State policies and the provisions of the Philippine Constitution on education,
20 agriculture, science and technology, as well as the policies, standards and thrusts of
21 the CHED under Republic Act No. 7722, otherwise known as the “Higher Education
22 Act of 1994.”

23 (b) To promulgate rules and regulations not contrary to law as may be
24 necessary to carry out the purposes and functions of the University;

25 (c) To receive and appropriate all sums as may be provided for the support
26 of the University in the manner it may determine in its discretion, in order to carry out
27 the purposes and functions of the University;

28 (d) To import economic, technical and cultural books and/or publications;

29 (e) To receive in trust, legacies, gifts and donations of real and personal
30 properties of all kinds and to administer and dispose of the same when necessary for
31 the benefit of the University, and subject to the limitations, directions and instructions
32 of the donor, if any.

33 (f) To fix the tuition fees and other necessary school charges, such as, but
34 not limited to, matriculation fees, graduation fees and laboratory fees, as the Board

1 may deem proper to impose, after due consultations with the involved sectors. Such
2 fees and charges, including government subsidies and other income generated by the
3 University, shall constitute special trust funds and shall be deposited in any authorized
4 government depository bank, and all interests that shall accrue therefrom shall form
5 part of the same funds for the use of the University.

6 Any provision of existing laws, rules and regulations to the contrary
7 notwithstanding, any income generated by the University from tuition fees and other
8 charges, as well as from the operation of auxiliary services and land grants, shall be
9 retained by the University, and may be disbursed by the Board for instruction,
10 research, extension or other programs/projects of the University: *Provided*, That all
11 fiduciary fees shall be disbursed for the specific purposes for which these are
12 collected.

13 If, for reasons beyond its control, the University shall not be able to pursue
14 any project for which the funds have been appropriated and allocated under its
15 approved program of expenditures, the Board may authorize the use of said funds for
16 any reasonable purpose which, in its discretion, may be necessary and urgent for the
17 attainment of the objectives and goals of the University;

18 (g) To adopt and implement a socialized scheme of tuition and school fees
19 for greater access to poor but deserving students;

20 (h) To authorize the construction or repair of its buildings, machinery,
21 equipment and other facilities, and the purchase and acquisition of real property,
22 including necessary supplies, materials and equipment;

23 (i) To appoint upon recommendation of the President of the University,
24 Vice Presidents, deans, directors, heads of campuses, faculty members, and other
25 officials and employees of the University;

26 (j) To fix and adjust salaries of faculty members and administrative
27 officials and employees, subject to the provisions of the Revised Compensation and
28 Position Classification System and other pertinent budget and compensation laws
29 governing hours of service and such other duties and conditions as it may deem
30 proper; to grant them, at its discretion, leaves of absence under such regulations as it
31 may promulgate, any provision of existing law to the contrary notwithstanding; and to
32 remove them for cause in accordance with the requirements of due process of law;

33 (k) To approve the curricula, instructional programs and rules of discipline
34 drawn by the Administrative and the Academic Councils herein provided;

- 1 (l) To set policies on admission and graduation of students;
- 2 (m) To award honorary degrees upon persons in recognition of their
3 outstanding contribution in the fields of education, public service, arts, science and
4 technology, agriculture or in any field of specialization within the academic
5 competence of the University; and to authorize the awarding of certificates of
6 completion of non-degree and nontraditional courses;
- 7 (n) To establish and absorb non-chartered tertiary institutions within the
8 Province of Catanduanes as branches and centers in coordination with the CHED, and
9 in consultation with the Department of Budget and Management (DBM), and to offer
10 therein programs or courses, to promote and carry out equal access to educational
11 opportunities as mandated by the Constitution;
- 12 (o) To establish research and extension centers of the University where
13 such will promote the development of the latter;
- 14 (p) To establish professorial chairs in the University and to provide
15 fellowships for qualified faculty members and scholarships to deserving students;
- 16 (q) To delegate any of its powers and duties provided for hereinabove to
17 the president and/or other officials of the University as it may deem appropriate, so as
18 to expedite the administration of the affairs of the University;
- 19 (r) To authorize an external management audit of the University, to be
20 financed by the CHED, subject to the rules and regulations of the Commission on
21 Audit (COA); and to institute reforms, including academic and structural changes, on
22 the basis of the audit results and recommendations;
- 23 (s) To collaborate with other governing boards of the state colleges and
24 universities within the Province of Catanduanes or Region V, under the supervision of
25 the CHED and in consultation with the DBM, and work towards the restructuring of
26 the University to become more efficient, relevant, productive and competitive;
- 27 (t) To enter into joint ventures with business and industry for the
28 profitable development and management of the economic assets of the University, the
29 proceeds from which shall be used for the development and strengthening of the
30 University;
- 31 (u) To develop consortia and other economic forms of linkages with local
32 government units (LGUs), institutions and agencies, both public and private, local and
33 foreign, in the furtherance of the purposes and objectives of the University;

1 (v) To develop academic arrangements for institutional capability building
2 with appropriate institutions and agencies, public and private, local and foreign, and
3 to appoint experts/specialists as consultants, part-time or visiting or exchange
4 professors, scholars, researchers, as the case may be;

5 (w) To set up the adoption of modern and innovative modes of transmitting
6 knowledge such as the use of information technology, the dual learning system, open
7 or distance education and community laboratory for the promotion of greater access to
8 education;

9 (x) To establish policy guidelines and procedures for participative
10 decision-making and transparency within the University;

11 (y) To privatize, where most advantageous to the University, management
12 of non-academic services such as health, food, building or grounds or property
13 maintenance and such other similar activities; and

14 (z) To extend the term of the President of the University beyond the age of
15 retirement but not beyond the age of seventy (70), whose performance has been
16 unanimously rated by the Board as outstanding based on the guidelines, qualifications
17 and/or standards set by the Board, after unanimous recommendation by the search
18 committee.

19 Sec. 8. *Meetings of the Board.* – The Board shall regularly convene once every
20 three (3) months. Whenever necessary, the Chairperson of the Board may call, upon
21 three (3) days' prior written notice, a maximum of two (2) special meetings within the
22 same period.

23 A quorum of the Board shall consist of majority of all its members holding
24 office at the time of the meeting: *Provided, however,* That the Chairperson of the
25 Board or the President of the University is among those present in the meeting. In the
26 absence of the Chairperson of the CHED, a Commissioner of the CHED, duly
27 designated by him/her, shall represent him/her in the meeting with all the rights and
28 responsibilities of a regular member: *Provided, however,* That during this meeting, the
29 President of the University as Vice Chairperson shall be the Presiding Officer:
30 *Provided, further,* That this *proviso* notwithstanding, the Chairperson of the CHED is
31 hereby authorized to designate a CHED Commissioner as the regular Chair of the
32 Board, in which case said CHED Commissioner shall act as the Presiding Officer.

33 In case the Chairpersons of the Congressional Committees on Education shall
34 not be able to attend the Board meeting, they may duly designate their respective

1 representatives to attend the said meeting, who shall have the same rights and
2 responsibilities as a regular member of the Board.

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

7 *Sec. 9. The University President.* – The University shall be headed by a
8 President, who shall render full-time service. He/She shall be appointed by the Board,
9 subject to the guidelines, qualifications and/or standards set by the Board, upon
10 recommendation of a duly constituted search committee. He/She shall have a term of
11 four (4) years and shall be eligible for reappointment for another term: *Provided*, That
12 in order to effect a smooth transition to a state university, the CHED shall designate
13 an Officer-in-Charge of the University, pending the appointment of the first President
14 of the University.

15 Within six (6) months before the expiration of the term of office of the
16 incumbent President of the University, the Board shall constitute the Search
17 Committee for the Presidency (SCP).

18 In case of vacancy in the Office of the President by reason of death,
19 compulsory retirement, resignation, removal for cause or incapacity of the President
20 to perform the functions of his/her office, the Board shall designate an Officer-in-
21 Charge of the University within six (6) months from date of vacancy, pending the
22 appointment of a new President.

23 In case of vacancy in the Office of the President as mentioned in the
24 immediately preceding paragraph, his/her successor or the Officer-in-Charge shall
25 serve only the unexpired portion of the term.

26 The powers and duties of the President of the University, in addition to those
27 specifically provided in this Act, shall be those usually pertaining to the office of the
28 President of similar universities, and those delegated by the Board.

29 The salary of the President of the University shall be in accordance with the
30 Revised Compensation and Position Classification System and shall be comparable to
31 that being received by the Presidents of similar educational institutions.

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

1 Sec. 10. *Heads of University Campuses.* – The Campus Directors shall head
2 the University campuses and they shall render full-time service. They shall be
3 appointed by the Board upon recommendation of the search committee and the
4 University President, subject to the guidelines, qualifications and/or standards set by
5 the Board: *Provided,* That the incumbent college administrators of the extension
6 campuses shall serve as Campus Directors of their respective campuses.

7 Sec. 11. *The Secretary of the University.* – The Board shall appoint a
8 Secretary, who shall serve as such for both the Board and the University and shall
9 keep all records and proceedings of the Board. He/She shall serve upon each member
10 of the Board the appropriate notice of the Board meetings.

11 Sec. 12. *The Treasurer of the University.* – The Treasurer of the Philippines
12 shall be the *ex officio* Treasurer of the University

13 Sec. 13. *The Administrative Council.* – There shall be an Administrative
14 Council consisting of the President of the University as Chairperson, vice presidents,
15 deans, directors and other officials of equal rank as members, whose duty is to review
16 and recommend to the Board policies governing the administration, management and
17 development planning of the University.

18 Sec. 14. *The Academic Council.* – There shall be an Academic Council to be
19 composed of the President of the University, who shall act as Chairperson, and all
20 academic staff with the rank of at least an assistant professor, as members.

21 The Academic Council shall have the power to review and recommend the
22 curricular offerings and rules of discipline of the University, subject to the approval of
23 the Board. It shall fix the requirements for the admission of students, as well as for
24 their graduation and conferment of degrees, subject to review and/or approval by the
25 Board through the President of the University. It shall have the disciplinary power
26 over students of the University and shall formulate academic policies and rules and
27 regulations on discipline, subject to the approval of the Board.

28 Sec. 15. *The Faculty.* – No political beliefs, gender preference, cultural or
29 community affiliation or ethnic origin, and religious opinion or affiliation shall be a
30 matter of inquiry in the appointment of faculty members of the University: *Provided,*
31 That said appointment shall be subject to the guidelines, qualifications and/or
32 standards set by the Board: *Provided, further,* That no member of the faculty shall
33 teach for or against any particular church or religious sect.

1 Sec. 16. *Scholarship Program/Admission.* -- The University shall provide a
2 scholarship program and other affirmative action programs to assist poor but
3 deserving students who qualify for admission to the University.

4 No student shall be denied admission to the University by reason of sex,
5 religion, cultural or community affiliation or ethnic origin.

6 Sec. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and*
7 *Detail of Personnel.* -- The heads of the bureaus and offices of the national
8 government are hereby authorized to loan or transfer, upon the request of the
9 President of the University, such apparatus, equipment or supplies as may be needed
10 by the University, and to detail employees for duty therein when, in the judgment of
11 the head of bureau or office, such apparatus, equipment, supplies or services of such
12 employees can be spared without serious detriment to public service. The employees
13 so detailed shall perform such duties as required of them by the President of the
14 University, and the time so employed shall be counted as part of their regular services.

15 Sec. 18. *Assets, Liabilities and Personnel* -- All assets, real and personal,
16 personnel and records of the Catanduanes State Colleges, as well as liabilities or
17 obligations, are hereby transferred to the University. The positions, rights and security
18 of tenure of faculty members and personnel therein employed under existing laws
19 prior to the conversion into a University shall be respected.

20 All parcels of land belonging to the government occupied by the Catanduanes
21 State Colleges are hereby declared to be property of the University, and shall be titled
22 under that name: *Provided,* That should the University cease to exist or be abolished
23 or should such parcels of land aforementioned be no longer needed by the University,
24 the same shall revert to the LGUs concerned.

25 Sec. 19. *Tax Exemption on Importation and Donations.* The importation of
26 economic, technical and cultural books and/or publication, which are for economic,
27 technical, vocational, scientific, philosophical, historical or cultural purposes made by
28 the Catanduanes State University upon certification by the CHED shall be exempt
29 from customs duties in accordance with the provisions of the Tariff and Customs
30 Code of the Philippines, as amended.

31 Donations in any form to the Catanduanes State University shall be exempt
32 from the donor's tax and the same shall be considered as allowable deduction from
33 the gross income in the computation of the income tax of the donor, in accordance
34 with the provisions of the National Internal Revenue Code of 1997, as amended.

1 Sec. 20. *Appropriations.* – The amount necessary to carry out the provisions of
2 this Act shall be charged against the current year’s appropriations of the Catanduanes
3 State Colleges, except the sums needed to continue the operations of the existing high
4 school. Thereafter, such sums as may be necessary for the continued operation and
5 maintenance of the Catanduanes State University shall be included in the annual
6 General Appropriations Act.

7 Sec. 21. *Development Plan, Management Audit, Organizational/
8 Administrative/ Academic Structure.* – Within the period of one hundred twenty (120)
9 days after the approval of this Act, the University shall accomplish the following:

- 10 (a) Submit a five (5)-year development plan, including its corresponding
11 program budget to the CHED, for corresponding recommendation to the
12 DBM;
13 (b) Undergo a management audit in cooperation with the CHED; and
14 (c) Set up its organizational, administrative as well as academic structure,
15 including the appointment of the key officials of the University.

16 Sec. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the second
17 (2nd) month after the opening of the regular classes each year, the Board shall file
18 with the Office of the President of the Philippines through the Chairperson of the
19 CHED, and with both Houses of Congress a detailed report on the progress,
20 conditions and needs of the University.

21 Sec. 23. *Suppletory Application.* – The provisions of Republic Act No. 8292,
22 otherwise known as the “Higher Education Modernization Act of 1997”, shall be an
23 integral part of this Act and shall serve as part of the Governing Charter of the
24 University.

25 Sec. 24. *Parity Clause.* – All other powers, functions and privileges,
26 responsibilities and limitations to state universities and/or their officials under existing
27 laws shall be deemed granted to or imposed upon the University and/or its officials
28 whenever appropriate.

29 Sec. 25. *Implementing Rules and Regulations.* – The Board, in consultation
30 with the CHED, shall formulate the guidelines to fully implement the provisions of
31 this Act.

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

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

4 *Sec. 28. Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in two (2) newspapers of general circulation.

6 *Approved,*