

SENATE

COMMITTEE REPORT NO. 710

Submitted Jointly by the Committees on Education, Arts and Culture and on Finance on OCT 14 2009.

Re: House Bill No. 6319, taking into consideration Senate Bill No. 3306

Recommending its approval with amendments.

Sponsors: Senators MAR Roxas, Manuel "Lito" M. Lapid and Edgardo J. Angara

Mr. President:

The Committees on Education, Arts and Culture and on Finance to which was referred House Bill No. 6319, introduced by Representatives Gonzales (A.), Villar, Cua (J.), et al, entitled:

"AN ACT

CONVERTING THE DON HONORIO VENTURA COLLEGE OF ARTS AND TRADES IN THE MUNICIPALITY OF BACOLOR, PROVINCE OF PAMPANGA INTO A STATE UNIVERSITY TO BE KNOWN AS THE DON HONORIO VENTURA TECHNOLOGICAL STATE UNIVERSITY (DHVTSU) AND APPROPRIATING FUNDS THEREFOR"

taking into consideration Senate Bill No. 3306, introduced by Senator Manuel "Lito" M. Lapid, entitled:

"AN ACT

CONVERTING THE DON HONORIO VENTURA COLLEGE OF ARTS AND TRADES IN THE MUNICIPALITY OF BACOLOR, PROVINCE OF PAMPANGA INTO A STATE UNIVERSITY TO BE KNOWN AS THE DON HONORIO VENTURA TECHNOLOGICAL STATE UNIVERSITY (DHVTSU) AND APPROPRIATING FUNDS THEREFOR"

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

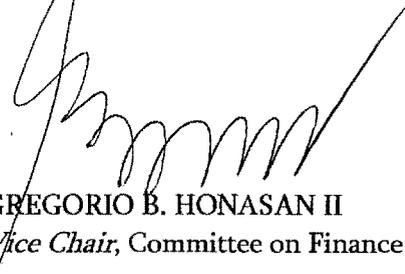
1. On Page 2, Line 8, after the phrase "Province of Pampanga and Region III." add the statement: "PROVIDED, THAT NO DEGREE PROGRAM SHALL BE OFFERED WITHOUT THE APPROVAL OF THE COMMISSION ON HIGHER EDUCATION BEFORE THE SAME SHALL BE APPROVED BY ITS BOARD."
2. On Page 10, delete Lines 9-12, and replace with: "THE PRESIDENT OF THE UNIVERSITY SHALL BE ASSISTED BY THE VICE-PRESIDENT/S, WHO SHALL BE APPOINTED BY THE BOARD UPON RECOMMENDATION OF THE PRESIDENT."

3. On Page 13, Line 19, insert a new section:
"SECTION 22. *CHED MONITORING AND EVALUATION*. – THE COMMISSION ON HIGHER EDUCATION SHALL CONDUCT REGULAR MONITORING AND EVALUATION TO DETERMINE CONTINUING COMPLIANCE WITH THE REQUIREMENTS ON UNIVERSITY STATUS. IN THE EVENT THAT THE COMMISSION FINDS THAT THE UNIVERSITY DOES NOT MAINTAIN COMPLIANCE THEREOF, IT SHALL SUBMIT THE APPROPRIATE RECOMMENDATION FOR THE REVOCATION OF THE UNIVERSITY STATUS TO THE SENATE COMMITTEE ON EDUCATION, ARTS, AND CULTURE, AND THE HOUSE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION."
4. Renumber the affected sections accordingly.

RESPECTFULLY SUBMITTED:


EDGARDO J. ANGARA
Chairperson
Committee on Finance
*Member, Committee on Education,
Arts and Culture*


MAR ROXAS
Chairperson
Committee on Education, Arts and Culture
Member, Committee on Finance


GREGORIO B. HONASAN II
Vice Chair, Committee on Finance

JOKER P. ARROYO
Vice Chair, Committee on Finance


MIRIAM DEFENSOR SANTIAGO
Vice Chair, Committee on Finance


LOREN B. LEGARDA
Vice Chair, Committee on Finance
*Member, Committee on Education, Arts
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PANFILO M. LACSON
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RICHARD J. GORDON
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Committee on Education, Arts and
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PIA S. CAYETANO
Committee on Education, Arts and
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MANUEL M. LAPID
Committee on Education, Arts and
Culture; Committee on Finance

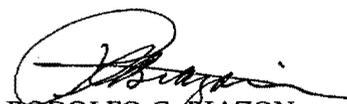


RAMON E. REVILLA JR.
Committee on Education, Arts and
Culture; Committee on Finance

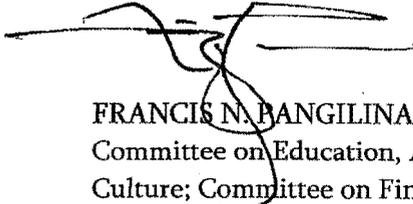


M.A. MADRIGAL
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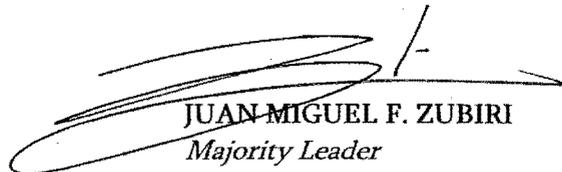
BENIGNO S. AQUINO III
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ANTONIO "SONNY" F. TRILLANES IV.
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Ex-Officio Members



JINGCOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
President
Senate of the Philippines



HOUSE OF REPRESENTATIVES

H. No. 6319

BY REPRESENTATIVES GONZALES (A.), VILLAR, CUA (J.), JAVIER, REMULLA
AND TEODORO, PER COMMITTEE REPORT NO. 2001

AN ACT CONVERTING THE DON HONORIO VENTURA COLLEGE OF
ARTS AND TRADES IN THE MUNICIPALITY OF BACOLOR,
PROVINCE OF PAMPANGA INTO A STATE UNIVERSITY TO BE
KNOWN AS THE DON HONORIO VENTURA TECHNOLOGICAL
STATE UNIVERSITY (DHVTSU) 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 Don Honorio Ventura College of Arts
2 and Trades in the Municipality of Bacolor, including its satellite/extension
3 campus in the Municipality of Mexico, both located in the Province of
4 Pampanga is hereby converted into a state university, to be known as the Don
5 Honorio Ventura Technological State University (DHVTSU), hereinafter
6 referred to as the University.

7 SEC. 2. *General Mandate.* – The University shall primarily provide
8 advanced instruction and professional training in education, engineering,
9 science and technology, arts and humanities, computer and other relevant fields
10 of study. It shall also undertake research, extension services and production

1 activities in support of the socioeconomic development of Pampanga and
2 provide progressive leadership in its areas of specialization.

3 SEC. 3. *Curricular Offerings.* – The University shall offer
4 undergraduate and graduate courses in the fields of education, engineering,
5 science and technology, arts and humanities, computer and other degree
6 courses within its areas of specialization and according to its capabilities, as
7 the Board of Regents may deem necessary to carry out its objectives and in
8 order to meet the needs of the Province of Pampanga and Region III.

9 The University may operate a reasonably-sized laboratory school, if it
10 has a College of Education.

11 SEC. 4. *Administration.* – The University shall have the general
12 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
13 otherwise known as “The Corporation Code of the Philippines”. The
14 administration of the University and the exercise of its corporate powers shall
15 be vested exclusively in the Board of Regents and the President of the
16 University.

17 SEC. 5. *The Governing Board.* – The governing board of the
18 University shall be the Board of Regents, hereinafter referred to as the Board,
19 which shall be composed of the following:

20 (a) The Chairperson of the Commission on Higher Education (CHED),
21 Chairperson;

22 (b) The President of the University, Vice Chairperson;

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

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

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

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

3 (g) The President of the federation of faculty associations of the
4 University, member;

5 (h) The President of the federation of student councils of the
6 University, member;

7 (i) The President of the federation of alumni associations of the
8 University, member; and

9 (j) Two (2) prominent citizens from the private sector who have
10 distinguished themselves in their profession or fields of specialization,
11 members.

12 The Board shall appoint the two (2) prominent citizens from among a
13 list of at least five (5) qualified persons in the Province of Pampanga, as
14 recommended by the search committee constituted by the University President,
15 in consultation with the Chairperson of the CHED and the other members of
16 the Board, based on the normal standards and qualifications for the position set
17 by the Board.

18 The President of the federation of faculty associations, the President of
19 the federation of student councils and the President of the federation of alumni
20 associations shall serve in the Board only for the duration of their terms of
21 office, as set forth in their respective constitutions and bylaws.

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

24 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
25 shall promulgate and implement policies in accordance with the declared State
26 policies on education and other pertinent provisions of the Philippine
27 Constitution on education, agriculture, science and technology, as well as the

1 policies, standards and thrusts of the CHED under Republic Act No. 7722,
2 otherwise known as the "Higher Education Act of 1994".

3 SEC. 7. *Powers and Duties of the Board of Regents.* – The Board shall
4 have the following specific powers and duties, in addition to its general powers
5 of administration and the exercise of all the powers granted to the board of
6 directors of a corporation under existing laws:

7 (a) To promulgate rules and regulations not contrary to law as may be
8 necessary to carry out the purposes and functions of the University;

9 (b) To receive and appropriate all sums as may be provided for the
10 support of the University in the manner it may determine in its discretion, in
11 order to carry out the purposes and functions of the University;

12 (c) To import duty-free economic, technical and cultural books and/or
13 publications, machineries and equipment, upon certification by the CHED that
14 such imported books and/or publications, machineries and equipment are for
15 economic, technical, vocational, scientific, philosophical, historical or cultural
16 purposes, in accordance with the provisions of the Tariff and Customs Code of
17 the Philippines, as amended;

18 (d) To receive in trust legacies, gifts and donations of real and personal
19 properties of all kinds and to administer and dispose of the same when
20 necessary for the benefit of the University, and subject to the limitations,
21 directions and instructions of the donor, if any.

22 Such donations shall be exempt from the donor's tax and the same shall
23 be considered as allowable deductions from the gross income in the
24 computation of the income tax of the donor, in accordance with the provisions
25 of the National Internal Revenue Code (NIRC) of 1997, as amended: *Provided,*
26 That such donations shall not be disposed of, transferred or sold;

27 (e) To fix the tuition fees and other necessary school charges such as,
28 but not limited to, matriculation fees, graduation fees and laboratory fees, as

1 the Board may deem proper to impose, after due consultations with the
2 involved sectors.

3 Such fees and charges, including government subsidies and other
4 income generated by the University, shall constitute special trust funds and
5 shall be deposited in any authorized government depository bank, and all
6 interests that shall accrue therefrom shall form part of the same funds for the
7 use of the University.

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

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

21 (f) To adopt and implement a socialized scheme of tuition and other
22 school fees for greater access to poor but deserving students;

23 (g) To authorize the construction or repair of its buildings, machinery,
24 equipment and other facilities, and the purchase and acquisition of real
25 property, including necessary supplies, materials and equipment;

26 (h) To appoint upon recommendation of the President of the
27 University, Vice Presidents, deans, directors, heads of departments/head of
28 campus, faculty members, and other officials and employees of the University;

1 (i) To fix and adjust salaries of faculty members and administrative
2 officials and employees, subject to the provisions of the Revised Compensation
3 and Position Classification System and other pertinent budget and
4 compensation laws governing hours of service, and such other duties and
5 conditions as it may deem proper; to grant them, at its discretion, leaves of
6 absence under such regulations as it may promulgate, any provision of existing
7 law to the contrary notwithstanding; and to remove them for cause in
8 accordance with the requirements of due process of law;

9 (j) To approve the curricula, instructional programs and rules of
10 discipline drawn by the Administrative and the Academic Councils herein
11 provided;

12 (k) To set policies on admission and graduation of students;

13 (l) To award honorary degrees upon persons in recognition of their
14 outstanding contribution in the fields of education, public service, arts, science
15 and technology, or in any field of specialization within the academic
16 competence of the University; and to authorize the awarding of certificates of
17 completion for nondegree and nontraditional courses;

18 (m) To establish and absorb nonchartered tertiary institutions within
19 the Province of Pampanga as branches and centers in coordination with the
20 CHED, and in consultation with the Department of Budget and Management
21 (DBM), and to offer therein programs or courses, to promote and carry out
22 equal access to educational opportunities as mandated by the Constitution;

23 (n) To establish research and extension centers of the University where
24 such will promote the development of the latter;

25 (o) To establish professorial chairs in the University and to provide
26 fellowships for qualified faculty members and scholarships to deserving
27 students;

1 (p) To delegate any of its powers and duties provided for hereinabove
2 to the President and/or other officials of the University as it may deem
3 appropriate, so as to expedite the administration of the affairs of the
4 University;

5 (q) To authorize an external management audit of the University,
6 subject to the rules and regulations of the Commission on Audit (COA); and to
7 institute reforms, including academic and structural changes, on the basis of the
8 audit results and recommendations;

9 (r) To collaborate with other governing boards of the state colleges and
10 universities within the Province of Pampanga or Region III, under the
11 supervision of the CHED and in consultation with the DBM, and work towards
12 the restructuring of the University to become more efficient, relevant,
13 productive and competitive;

14 (s) To enter into joint ventures with business and industry for the
15 profitable development and management of the economic assets of the
16 University, the proceeds from which shall be used for the development and
17 strengthening of the University;

18 (t) To develop consortia and other economic forms of linkages with
19 local government units (LGUs), institutions and agencies, both public and
20 private, local and foreign, in the furtherance of the purposes and objectives of
21 the University;

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

26 (v) To set up the adoption of modern and innovative modes of
27 transmitting knowledge such as the use of information technology, the dual

1 learning system, open learning or distance education and community
2 laboratory for the promotion of greater access to education;

3 (w) To establish policy guidelines and procedures for participative
4 decision-making and transparency within the University;

5 (x) To privatize, where most advantageous to the University, the
6 management of nonacademic services such as health, food, building or grounds
7 or property maintenance and such other similar activities; and

8 (y) To extend the term of the President of the University beyond the
9 age of retirement but not beyond the age of seventy (70), whose performance
10 has been unanimously rated by the Board as outstanding, based on the
11 guidelines, qualifications and/or standards set by the Board, after unanimous
12 recommendation by the search committee.

13 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
14 least once every quarter. However, the Chairperson of the Board may, upon
15 three (3) days' prior written notice, call a maximum of two (2) special
16 meetings whenever necessary.

17 A quorum of the Board shall consist of majority of all its members
18 holding office at the time of the meeting; *Provided, however,* That the
19 Chairperson of the Board or the President of the University is among those
20 present in the meeting.

21 *In the absence of the Chairperson of the CHED, a Commissioner of the*
22 *CHED, duly designated by him/her, shall represent him/her in the meeting with*
23 *all the rights and responsibilities of a regular member; Provided, however,*
24 *That during this meeting, the President of the University as Vice Chairperson*
25 *shall be the Presiding Officer; Provided, further, That this proviso*
26 *notwithstanding, the Chairperson of the CHED is hereby authorized to*
27 *designate a CHED Commissioner as the regular Chair of the Board, in which*
28 *case said CHED Commissioner shall act as the Presiding Officer.*

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

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

10 SEC. 9. *The University President.* – The University shall be headed by
11 a President, who shall render full-time service. He/She shall be appointed by
12 the Board, subject to the guidelines, qualifications and/or standards set by the
13 Board, upon recommendation of a duly constituted search committee. He/She
14 shall have a term of four (4) years and shall be eligible for reappointment for
15 another term: *Provided*, That in order to effect a smooth transition into a state
16 university, the incumbent President of the Don Honorio Ventura College of
17 Arts and Trades, if qualified, shall serve as the first President of the University.

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

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

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

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

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

9 The President of the University shall be assisted by a Vice President for
10 Academic Affairs, a Vice President for Administration and a Vice President
11 for Research and Extension, who shall be appointed by the Board upon the
12 recommendation of the President.

13 SEC. 10. *Head of University Campus.* – A Campus Director shall head
14 the University campus and he/she shall render full-time service. He/She shall
15 be appointed by the Board upon the recommendation of the search committee
16 and the President of the University, subject to the guidelines, qualifications
17 and/or standards set by the Board: *Provided*, That the incumbent college
18 administrator of the extension campus shall serve as Campus Director of the
19 extension campus.

20 SEC. 11. *The Administrative Council.* – There shall be an
21 Administrative Council consisting of the President of the University as
22 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
23 as members, whose duty is to review and recommend to the Board the policies
24 governing the administration, management and development planning of the
25 University.

26 SEC. 12. *The Academic Council.* – There shall be an Academic
27 Council to be composed of the President of the University, who shall act as

1 Chairperson, and all academic staff with the rank of at least an assistant
2 professor, as members.

3 The Academic Council shall have the power to review and recommend
4 the curricular offerings and rules of discipline of the University, subject to the
5 approval of the Board. It shall fix the requirements for the admission of
6 students, as well as for their graduation and conferment of degrees, subject to
7 review and/or approval by the Board through the President of the University.
8 It shall have the disciplinary power over students of the University and shall
9 formulate academic policies and rules and regulations on discipline, subject to
10 the approval of the Board.

11 SEC. 13. *The Secretary of the University.* – The Board shall appoint a
12 secretary, who shall serve as such for both the Board and the University and
13 shall keep all records and proceedings of the Board. He/She shall serve upon
14 each member of the Board the appropriate notice of the Board meetings.

15 SEC. 14. *The Treasurer of the University.* – The Treasurer of the
16 Philippines shall be the *ex officio* treasurer of the University.

17 SEC. 15. *The Faculty.* – No political beliefs, gender preference,
18 cultural or community affiliation or ethnic origin, and religious opinion or
19 affiliation shall be a matter of inquiry in the appointment of faculty members of
20 the University: *Provided,* That said appointment shall be subject to the
21 guidelines, qualifications and/or standards set by the Board: *Provided, further,*
22 That no member of the faculty shall teach for or against any particular church
23 or religious sect.

24 SEC. 16. *Scholarship Program/Admission.* – The University shall
25 provide a scholarship program and other affirmative action programs to assist
26 poor but deserving students who qualify for admission to the University.

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

1 SEC. 17. *Academic Freedom and Institutional Autonomy.* – The
2 University shall enjoy academic freedom and institutional autonomy, pursuant
3 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
4 the Philippines.

5 SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
6 *and Detail of Personnel.* – The heads of the bureaus and offices of the national
7 government are hereby authorized to loan or transfer, upon the request of the
8 President of the University, such apparatus, equipment or supplies as may be
9 needed by the University, and to detail employees for duty therein when, in the
10 judgment of the head of bureau or office, such apparatus, equipment, supplies
11 or services of such employees can be spared without serious detriment to
12 public service.

13 The employees so detailed shall perform such duties as required of them
14 by the President of the University, and the time so employed shall be counted
15 as part of their regular services.

16 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
17 personal, personnel and records of the Don Honorio Ventura College of Arts
18 and Trades, as well as liabilities or obligations, are hereby transferred to the
19 University. The positions, rights and security of tenure of faculty members and
20 personnel therein employed under existing laws prior to the conversion into a
21 University shall be respected.

22 All parcels of land belonging to the government and occupied by the
23 Don Honorio Ventura College of Arts and Trades are hereby declared to be
24 property of the University, and shall be titled under that name: *Provided,* That
25 should the University cease to exist or be abolished or should such parcels of
26 land aforementioned be no longer needed by the University, the same shall
27 revert to the LGUs concerned.

1 SEC. 20. *Appropriations.* – The amount necessary to carry out the
2 provisions of this Act shall be charged against the current year's appropriations
3 of the Don Honorio Ventura College of Arts and Trades, except the sums
4 needed to continue the operations of the existing high school. Thereafter, such
5 sums as may be necessary for the continued operation and maintenance of the
6 Don Honorio Ventura Technological State University shall be included in the
7 annual General Appropriations Act.

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

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

15 (b) Undergo a management audit in cooperation with the CHED; and

16 (c) Accordingly set up its organizational, administrative, as well as
17 academic structure, including the appointment of the key officials of the
18 University.

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

24 SEC. 23. *Suppletory Application.* – The provisions of Republic Act
25 No. 8292, otherwise known as the "Higher Education Modernization Act of
26 1997", shall be an integral part of this Act and shall serve as part of the
27 Governing Charter of the University.

1 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,
2 responsibilities and limitations to state universities and/or their officials under
3 existing laws shall be deemed granted to or imposed upon the University
4 and/or its officials, whenever appropriate.

5 SEC. 25. *Implementing Rules and Regulations.* – The Board, in
6 consultation with the CHED, shall formulate the guidelines to fully implement
7 the provisions of this Act.

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

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

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

Approved,

O