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SENATE

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COMMITTEE REPORT NO. 827

Submitted Jointly by the Committees on Education, Arts and Culture and on Finance on FEB 02 2010.

Re: House Bill No. 7046

Recommending its approval with amendments.

Sponsors: Senators Mar Roxas and Edgardo J. Angara

Mr. President:

The Committees on Education, Arts and Culture and on Finance to which was referred House Bill No. 7046, introduced by Representatives Cua (J.), Villar, Javier, Remulla, Piamonte and Cruz-Gonzales entitled:

“AN ACT

CONVERTING THE QUIRINO STATE COLLEGE (QSC) IN THE MUNICIPALITY OF DIFFUN, PROVINCE OF QUIRINO INTO A STATE UNIVERSITY TO BE KNOWN AS THE QUIRINO STATE UNIVERSITY (QSU), INTEGRATING THEREWITH THE QUIRINO POLYTECHNIC COLLEGE (QPC) IN THE MUNICIPALITY OF CABARROGUIS AND THE MADDELA INSTITUTE OF TECHNOLOGY (MIT) IN THE MUNICIPALITY OF MADDELA, BOTH MUNICIPALITIES LOCATED IN THE PROVINCE OF QUIRINO AND APPROPRIATING FUNDS THEREFOR”

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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 18, after the phrase, “needs of the Province of Quirino and Region II.” 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 4, Delete Lines 20-21, and replace with:
 - (c) To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational,

scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;

3. On Page 4, Line 25, after the phrase, "of the donor, if any;," add: "Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue (NIRC) of 1997, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold;"
4. On Page 9, Lines 15-17, delete the statement, "*Provided*, That in order to effect a smooth transition to a state university, the CHED shall designate an Officer-in-Charge, pending the appointment of the first President of the University." and replace with, "Provided, That in order to effect a smooth transition to a state university, the incumbent President of the QPC, if qualified, shall serve as the first President of the University."
5. 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."
6. On Page 12, Lines 26- 28 and on Page 13, Lines 1-2, delete the statement: "Provided, however, That the positions, rights and security of tenure of personnel therein employed under existing laws prior to their absorption by the University are not impaired: *Provided*, further, That the incumbent positions shall remain in the same status until otherwise provided by the Board." and replace with: "The positions, rights and security of tenure of faculty members and personnel therein employed under the existing laws prior to the integration into the University shall be respected."
7. On Page 13, Delete Lines 10-21.
8. On Page 14, Line 12, insert a new section:
"SECTION 23. 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."
9. Renumber the subsequent sections accordingly.



HOUSE OF REPRESENTATIVES

H. No. 7046

BY REPRESENTATIVES CUA (J.), VILLAR, JAVIER, REMULLA, PIAMONTE AND
CRUZ-GONZALES

AN ACT CONVERTING THE QUIRINO STATE COLLEGE (QSC) IN THE MUNICIPALITY OF DIFFUN, PROVINCE OF QUIRINO INTO A STATE UNIVERSITY TO BE KNOWN AS THE QUIRINO STATE UNIVERSITY (QSU), INTEGRATING THEREWITH THE QUIRINO POLYTECHNIC COLLEGE (QPC) IN THE MUNICIPALITY OF CABARROGUIS AND THE MADDELA INSTITUTE OF TECHNOLOGY (MIT) IN THE MUNICIPALITY OF MADDELA, BOTH MUNICIPALITIES LOCATED IN THE PROVINCE OF QUIRINO AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Conversion/Integration.* – The Quirino State College
2 (QSC) in the Municipality of Diffun, Province of Quirino is hereby converted
3 into a state university to be known as the Quirino State University (QSU),
4 hereinafter referred to as the University, integrating therewith the Quirino
5 Polytechnic College (QPC) in the Municipality of Cabarroguis and the
6 Maddela Institute of Technology (MIT) in the Municipality of Maddela, both
7 municipalities located in the Province of Quirino. The main campus of the
8 University shall be in the Municipality of Diffun.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 quality yet affordable progressive leadership in advanced education, higher
3 technological, professional instruction and training in arts and sciences, teacher
4 education, agriculture, industrial engineering, and information technology,
5 business management and accountancy, hospitality management, tourism,
6 allied health sciences, criminology, technical-vocational and nontraditional
7 courses and other relevant fields of study. It shall also undertake research and
8 extension services, and provide progressive leadership in its areas of
9 specialization.

10 SEC. 3. *Curricular Offerings.* – The University shall offer
11 undergraduate and graduate courses in arts and sciences, teacher education,
12 agriculture, industrial engineering and information technology, business
13 management and accountancy, hospitality management, tourism, allied health
14 sciences, criminology, technical-vocational and nontraditional courses and
15 other degrees/courses within its areas of specialization and according to its
16 capabilities, as the Board of Regents may deem necessary to carry out its
17 objectives, particularly to meet the needs of the Province of Quirino and
18 Region II.

19 SEC. 4. *Administration.* – The University shall have the general
20 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
21 otherwise known as the “Corporation Code of the Philippines”. The
22 administration of the University and the exercise of its corporate powers shall
23 be vested exclusively in the Board of Regents and the President of the
24 University.

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

- 1 (a) The Chairperson of the Commission on Higher Education (CHED),
2 Chairperson;
- 3 (b) The President of the University, Vice Chairperson;
- 4 (c) The Chairperson of the Committee on Education, Arts and Culture
5 of the Senate, member;
- 6 (d) The Chairperson of the Committee on Higher and Technical
7 Education of the House of Representatives, member;
- 8 (e) The Regional Director of the National Economic and Development
9 Authority (NEDA), member;
- 10 (f) The Regional Director of the Department of Agriculture (DA),
11 member;
- 12 (g) The President of the federation of faculty associations of the
13 University, member;
- 14 (h) The President of the federation of student councils of the
15 University, member;
- 16 (i) The President of the federation of alumni associations of the
17 University, member; and
- 18 (j) Two (2) prominent citizens from the private sector who have
19 distinguished themselves in their respective professions or fields of
20 specialization of the University, members.

21 The Board shall appoint the two (2) prominent citizens from among a
22 list of at least five (5) qualified persons in the Province of Quirino, as
23 recommended by the search committee constituted by the University President,
24 in consultation with the Chairperson of the CHED and the other members of
25 the Board, based on the normal standards and qualifications for the position.

26 The terms of office of the Presidents of the federations of faculty
27 associations, student councils and alumni associations shall be coterminous

1 with their terms of office, as set forth in their respective constitutions and
2 bylaws.

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

5 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
6 shall promulgate and implement policies in accordance with the declared State
7 policies on education and other pertinent provisions of the Philippine
8 Constitution on education, agriculture, science and technology, as well as the
9 policies, standards and thrusts of the CHED under Republic Act No. 7722,
10 otherwise known as the “Higher Education Act of 1994”.

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

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

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

20 (c) To import economic, technical and cultural books and/or
21 publications;

22 (d) To receive in trust legacies, gifts and donations of real and personal
23 properties of all kinds and to administer and dispose of the same when
24 necessary for the benefit of the University, and subject to the limitations,
25 directions and instructions of the donor, if any;

26 (e) To fix the tuition fees and other necessary school charges such as,
27 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 school
22 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 campuses, faculty
28 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, agriculture or in any field of specialization within the
16 academic competence of the University; and to authorize the awarding of
17 certificates of completion of nondegree and nontraditional courses;

18 (m) To establish and absorb nonchartered tertiary institutions within the
19 Province of Quirino as branches and centers in coordination with the CHED,
20 and in consultation with the Department of Budget and Management (DBM),
21 and to offer therein programs or courses, to promote and carry out equal access
22 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, to be
6 financed by the CHED, subject to the rules and regulations of the Commission
7 on Audit (COA); and to institute reforms, including academic and structural
8 changes, on the basis of the audit results and recommendations;

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

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

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

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

25 (v) To set up the adoption of modern and innovative modes of
26 transmitting knowledge such as the use of information technology, the dual
27 learning system, open or distance education and community laboratory for the
28 promotion of greater access to education;

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

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

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

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

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

19 In the absence of the Chairperson of the CHED, a Commissioner of the
20 CHED, duly designated by him/her, shall represent him/her in the meeting with
21 all the rights and responsibilities of a regular member: *Provided, however,*
22 That during this meeting, the President of the University as Vice Chairperson
23 shall be the Presiding Officer: *Provided, further,* That this *proviso*
24 notwithstanding, the Chairperson of the CHED is hereby authorized to
25 designate a CHED Commissioner as the regular Chair of the Board, in which
26 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 to a state
16 university, the CHED shall designate an Officer-in-Charge, pending the
17 appointment of 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 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 Development, Extension and Training by the Board upon
12 recommendation of the President.

13 SEC. 10. *Heads of University Campuses.* – Campus Directors shall
14 head the University campuses and they shall render full-time service. They
15 shall be appointed by the Board upon recommendation of the search committee
16 and the University President, subject to the guidelines, qualifications and/or
17 standards set by the Board: *Provided,* That the incumbent college
18 administrators of the extension campuses shall serve as Campus Directors of
19 their respective campuses.

20 SEC. 11. *The Administrative Council.* – Each extension campus in the
21 municipalities of Cabarroguis and Maddela shall be referred to as a University
22 campus.

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

1 SEC. 12. *The Academic Council.* – There shall be an Academic
2 Council to be composed of the President of the University, who shall act as
3 Chairperson, and all academic staff with the rank of at least an assistant
4 professor, as members.

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

13 SEC. 13. *The Secretary of the University.* – There shall be a Secretary
14 of the University who shall also be the secretary of the Board to be appointed
15 by the Board, upon recommendation of the President of the University.
16 He/She shall keep such records of the University and the Board as may be
17 assigned to him/her by the Board.

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

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

1 SEC. 16. *Scholarship Program/Admission.* – The University shall
2 provide a scholarship program and other affirmative action programs to assist
3 poor but 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. *Academic Freedom and Institutional Autonomy.* – The
7 University shall enjoy academic freedom and institutional autonomy, pursuant
8 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
9 the Philippines.

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

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

21 SEC. 19. *Transfer of Assets, Liabilities and Personnel.* – All assets,
22 fixed and movable, personnel and records of the Quirino State College, the
23 Maddela Institute of Technology and the Quirino Polytechnic College,
24 including those where the Maddela Institute of Technology and the Quirino
25 Polytechnic College are situated, as well as liabilities and obligations, are
26 hereby transferred to the University: *Provided, however,* That the positions,
27 rights and security of tenure of personnel therein employed under existing laws
28 prior to their absorption by the University are not impaired: *Provided, further,*

1 That the incumbent positions shall remain in the same status until otherwise
2 provided for by the Board.

3 All parcels of land belonging to the government occupied by the
4 Quirino State College, the Maddela Institute of Technology and the Quirino
5 Polytechnic College are hereby declared to be the property of the Quirino State
6 University and shall be titled under that name: *Provided*, That should the
7 University cease to exist or be abolished or should such parcels of land
8 aforementioned be no longer needed by the University, the same shall revert to
9 the Province of Quirino, or the Republic of the Philippines, as the case may be.

10 SEC. 20. *Tax Exemption on Importation and Donations.* – The
11 importation of economic, technical and cultural books and/or publications,
12 which are for economic, technical, vocational, scientific, philosophical,
13 historical or cultural purposes made by the Quirino State University, upon
14 certification by the CHED, shall be exempt from customs duties in accordance
15 with the provisions of the Tariff and Customs Code of the Philippines, as
16 amended.

17 All donations in any form to the Quirino State University shall be
18 exempt from the donor's tax and the same shall be considered as allowable
19 deduction from the gross income in the computation of the income tax of the
20 donor, in accordance with the provisions of the National Internal Revenue
21 Code of 1997, as amended.

22 SEC. 21. *Appropriations.* – The amount necessary to carry out the
23 provisions of this Act shall be charged against the current year's appropriations
24 of the Quirino State College, the Quirino Polytechnic College and the Maddela
25 Institute of Technology. Thereafter, starting 2011, such sums as may be
26 necessary for the continued operation and maintenance of the Quirino State
27 University shall be included in the annual General Appropriations Act.

1 SEC. 22. *Development Plan, Management Audit, Organizational/*
2 *Administrative/Academic Structure.* – Within the period of one hundred twenty
3 (120) days after the approval of this Act, the University shall accomplish the
4 following:

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

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

9 (c) Accordingly set up its organizational, administrative as well as
10 academic structure, including the appointment of the key officials of the
11 University.

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

17 SEC. 24. *Suppletory Application.* – The provisions of Republic Act
18 No. 8292, otherwise known as the “Higher Education Modernization Act of
19 1997”, shall be an integral part of this Act and shall serve as part of the
20 Governing Charter of the University.

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

25 SEC. 26. *Implementing Rules and Regulations.* – The Board, in
26 consultation with the CHED, shall formulate the guidelines to fully implement
27 the provisions of this Act.

1 SEC. 27. *Separability Clause.* – If, for any reason, any part or
2 provision of this Act is declared invalid or unconstitutional, the remaining
3 parts or provisions not affected thereby shall remain in full force and effect.

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

7 SEC. 29. *Effectivity Clause.* – This Act shall take effect fifteen (15)
8 days after its publication in two (2) newspapers of general circulation.

Approved,

O