

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

}

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P7:48

SENATE

S. No. 586

RECEIVED BY: *Ordo*


INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The CARAGA Region appears to be the only region in the country today without a public or private university.

This Bill therefore proposes the creation of the CARAGA STATE UNIVERSITY SYSTEM by integrating the Northern Mindanao College of Arts, Science and Technology, the Northern Mindanao State Institute of Science and Technology, and the Siargao National College of Science and Technology.

Aware of your deep concern for higher education especially- in depressed areas like the CARAGA region, immediate passage of this Bill is earnestly sought.


MANUEL B. VILLAR, JR.
Senator



04 JUN 30 P7:48

SENATE

S. No. 586

RECEIVED BY: Quil

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

ACT CREATING THE CARAGA STATE UNIVERSITY SYSTEM (CSUS) BY INTEGRATING THE (1) THE NORTHERN MINDANAO COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN, AGUSAN DEL NORTE; (2) THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY; AND (3) SIARGAO NATIONAL COLLEGE OF SCIENCE AND TECHNOLOGY (SNCST) IN DEL CARMEN, SIARGAO, SURIGAO DEL NORTE AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Integration and Creation.* - The present Northern Mindanao College of Arts, Science and Technology (NMCAST) in Cabadbaran, Agusan del Norte; the Northern Mindanao State Institute of Science and Technology (NORIVIISIST) in Ampayon, Butuan City; and Siargao National College of Science and Technology (SNCST) in Del Carmen, Siargao, Surigao del Norte, Caraga Region, are hereby integrated and created into a Caraga State University System (CSUS), hereinafter referred to as the University.

SEC. 2. *Purposes and Objectives.* - The University shall provide quality education that shall tap and develop human potentials with skills and competencies for sustainable environment, socioeconomic development and global competitiveness through instruction, research, extension services and production.

The University shall provide instructions for special purposes; technical and professional development; advanced studies; and promote research, extension services and production. The University shall offer undergraduate, graduate and post graduate programs and short term courses within its areas of specialization and according to its capabilities, specifically, but not limited to, the fields of agriculture and environmental studies, fishery, engineering, forestry, industrial technology, education, law, medicine and other health-related programs, information technology, arts and sciences and other fields as the Board of Regents so approves to carry out the objectives and goals of the regional and national development for socioeconomic and sustainable development for global competitiveness.

SEC. 3. *The University Campuses.* - The campuses of the Caraga State University System (CSUS) shall be composed of the following:

(a) The administrative campus - The administrative campus of the University system shall be established in a most strategic location, considering certain criteria set by the Commission on Higher Education (CHED).

(b) The autonomous campuses - The autonomous campuses of the University System shall be composed of and shall be known as: (1) Caraga State University in Agusan del Norte at Cabadbaran; (2) Caraga State University in Ampayon, Butuan City; and (3) Caraga State University in Del Carmen, Siargao, Surigao del Norte .

SEC. 4. The Board of Regents. - The governing body of the State University shall be the Board of Regents, hereinafter referred to as the Board.

(a) Composition - The composition of the Board of Regents in accordance with Republic Act No. 8292, otherwise known as the Uniform Composition and Powers of the Governing Boards and Appointment of Term of Office of the President of Chartered State Universities and Colleges, shall be as follows:

(1) Chairman of the Commission on Higher Education (CHED), chairman;

(2) President of the State University, vice chairman;

Constitution on education, science and technology, art, culture and sports as well as the policies, standards and thrust of the CHED under Republic Act No. 7722, otherwise known as the Commission on Higher Education Act and Republic Act No. 8292.

The University shall have the general powers of a corporation set forth in the Corporation Law. The administration of the State University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the president of the State University iii so far as authorized by the Board.

The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of corporation under existing laws:

(1) To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;

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

(3) To receive in trust legacies, gifts and donations of real and personal properties of all

kinds and to administer and dispose the same when necessary for the benefit of the University and subject to the limitations, directions and instructions of the donor, if any; and

(4) To fix tuition fees and other necessary school charges such as, but not limited to, matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose after due consultations with the involved sectors.

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

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

If, for reasons beyond its control, the University shall not be able to pursue any project for which 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 University.

To authorize the construction or repair of its buildings, machineries, equipment and other facilities, and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment.

(5) Subject to the provisions of (h), Section 4 of Republic Act No. 3292 and in accordance with the Revised Compensation and Position Classification System to appoint faculty members and other officials and employees, to draw up a position classification and compensation plan for its faculty and staff, and to fix, and adjust the salaries and benefits of the faculty member: and other employees; to determine their hours of service, and such other terms and conditions as it may deem proper; to grant to them, in its discretion, leave of absence under such regulations as it may promulgate, any other provisions of law contrary notwithstanding; and to remove them for cause as provided by law after due investigation and proper hearing;

(6) To approve the curricula, institute programs and rules of discipline drawn by the

administrative and academic councils of the University as herein provided;

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

(8) To award honorary degrees upon persons in recognition of outstanding contributions in the fields of education, public service, arts, science and technology or in any field of specialization within the academic competence of the University; and nontraditional courses;

(9) To establish research and extension centers where such will promote the development of the University;

(10) To establish chairs in the University and to provide fellowship for qualified faculty members and scholarships to deserving students;

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

(12) To institute reforms, including academic and structural changes;

(13) To collaborate with other governing boards of State colleges and universities within the province or region, under the supervision of the CUED and in consultation with the Department of Budget and Management (DBM) the restoring of the University to become more efficient, relevant, productive and competitive;

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

(15) To develop consortia and other forms of linkages with local government units, institutions and agencies, both, public and private, local and foreign, in furtherance Of the purposes and objectives of the University;

(16) To develop academic arrangements for institution-capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;

- (17) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;
- (18) To establish policy guidelines and procedures for participative decision making and Transparency within the University;
- (19) To privatize, where most advantageous to the institution, management and the academic services such as health, food, buildings or grounds or property maintenance and such other similar activities;
- (20) To extend the term of the President of the University beyond the age of retirement not later than the age of seventy (70), whose performance has been and unanimously rated as outstanding and upon unanimous recommendation by the search committee for the President of the institution concerned; and
- (21) To absorb within the University system non-chartered State colleges and CHED-supervised institutions after prior consultation and agreements with the heads of these institutions and their respective constituencies, in coordination with the CHED and in consultation with the DBM, and to offer therein needed programs or courses.
- (c) The Board of Regents - the Board of Regents shall regularly convene at least once every quarter. The chairman of the Board of Regents may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

In the absence of the chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting. *Provided, however*, That during this meeting, the president of the University, as vice chairman shall be the presiding officer: *Provided, further*, That this *proviso* notwithstanding, the chairman of the CHED is hereby authorized to designate a CHED commissioner, as the regular chair to the Board of Regents, in which case said commissioner shall act as the presiding officer.

The members of the Board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meetings or in connection with their official business authorized by the resolution of the Board.

A majority of all members holding office shall constitute a quorum for Board meetings:

Provided, That, the chairman of the CI-TED who is the chairman of the Board or the president of the University is among those present in the meeting.

SEC. 5. *The Office of the President.* -The administration of the University shall be vested

in the president of the University who shall render full time service for this purpose. He shall be appointed by the Board of Regents, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for re-appointment for another term: *Provided, however,* That this proviso notwithstanding, in order to effect a smooth transition to a University, the designated PASUC regional chairperson in the Caraga Region shall serve as interim president of the Caraga State University System.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successor shall hold office for the unexpired portion of the term.

The powers and duties of the president of the University, in addition to those specifically provided for under this section, shall be those equally pertaining to the office of the president of a similar University.

SEC. 6. *Heads of the University System and the Autonomous Campuses.* -The University System shall be headed by a president. The incumbent president of the integrated State colleges and universities (SUCs) and the superintendent of the CHED-supervised institutions shall become the first chancellors of the respective autonomous campuses.

SEC. 7. *The University Administrative Council.* - There shall be a University Administrative Council consisting of the president of the University as chairman, the chancellors, deans, directors and other officials of equal rank; whose duty is to implement the policies governing the administration, management and development of the University, as approved by the Board.

SEC. 8. *The University Academic Council.* -There shall be a University Academic Council with the president of the University, as chair and all members of the instructional staff with the rank not lower than assistant professor as members which shall have the power to prescribe curricular offerings, subject to the approval of the board. It shall fix the requirements for admission to the University, as well as for graduation and conferring of degrees, subject to review and/or approval of the Board through the president of the University. It shall also have the disciplinary powers over the students.

SEC. 9. *Secretary of the University.* - There shall be a secretary of the University who shall be appointed by the Board upon recommendation of the president of the University who shall also be the secretary of the Board and shall keep such records of the University and the board.

SEC. 10. *The Treasurer of the University.* - The treasurer of the Philippines shall be the ex-officio

treasurer of the University.

SEC. 11. Admission. - No student shall be denied admission to the University by reason of gender, nationality, religious or political affiliation.

SEC. 12. Academic Freedom. - Pursuant to paragraph 2, Section J of Article XIV of the Constitution of the Republic of the Philippines, the University shall enjoy and pursue academic Freedom.

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

SEC. 14. Transfer of Assets, Liabilities, Personnel and Records. - All assets fixed and Movable, personnel and records of the NMCAST in Cabadbaran; Agusan del Norte; NORMISIST in Ampayon, Butuan City, Agusan del Norte; and SNCST in Del Carmen, Siargao, Surigao del Norte as well as their liabilities or obligations, are hereby transferred in the name of The University; and shall remain therein for the continuous use of the respective campuses: *Provided, That,* the positions, right and security of tenure of personnel therein employed under the existing laws prior to absorption by the University are not impaired: *Provided, further, That* the incumbents of the positions shall remain in the same status unless otherwise provided for by the Board.

All real properties belonging to the government and presently used by the NMCAST in Cabadbaran, Agusan del Norte; NORMISIST in Ampayon, Butuan City; and SNCST in Del Carnlen, Siargao, Surigao del Norte, are hereby declared as properties of the Caraga State University System (CSUS) and shall be titled under that name: *Provided, furthermore, that,* should the University cease to exist or be abolished, or such real properties aforementioned be no longer needed by the University, the same shall respectively revert to the Provinces of Agusan del Norte, Butuan City and Surigao del Norte, as the case may be.

SEC. 15. Commission on Audit. - All accounts and expenses of the University shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 16. Authority to Loan or Transfer Equipment. - The heads of the bureaus and office, of the national government are hereby authorized to loan or transfer, upon the request of the President of the University, such apparatus, equipment or supplies as may be needed by the University and to detail employees therein when in the judgment of bureau or office, such

apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service.

Employees so detailed shall perform such other duties as required by the president of the University and the time so employed shall be counted as part of their regular service.

SEC. 17. *Tax Exemptions.* - The provisions of any general or special law to the contrary notwithstanding:

(1) All profits and income generated by the University derived exclusively from its fundamental function as an educational institution, shall be exempt from the income tax imposed on every corporation;

(2) Gifts and donations of real and personal properties of all kinds shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended; and

(3) Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books and/or publications shall be exempt from taxes and duties: upon certification by the Department of Education, (DepEd) that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provision; of the Tariff and Customs Code, as amended.

SEC. 18. *Institutional Autonomy.* - The University, taking into account its regional goals and priorities, shall determine its teaching research and extension thrusts, plans, policies, programs and standards and, on the basis of such determination, each integrated school shall recommend its annual budget to the University President who shall forthwith recommend the same to Congress for appropriate action.

SEC. 19. *Appropriations.* - The amount necessary to initially implement the provisions of this Act shall be charged against the current year's appropriations of the Northern Mindanao College of Arts, Science and Technology (NMCAST) in Cabadbaran, Agusan del Norte; the Northern Mindanao State Institute of Science and Technology (NMSIMISIST) in Aitipayott, Butuan City; and Siargao National College of Science and Technology (SNCST) in Del Carmen, Siargao, Surigao del Norte. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Caraga State University System (CSUS) shall be included in the annual General Appropriations Act.

SEC. 20. *Implementing Agency.* - The CHED shall issue such implementing regulations to carry out the provisions of this Act.

SEC. 21. *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. 22. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or issuances contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 23. *Effectivity.* - This Act shall take effect upon approval.

Approved