

13th CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

5 MAR 16 P5:52

SENATE BILL NO. 1986 RECEIVED BY: C

INTRODUCED BY SENATOR AQUILINO Q. PIMENTEL, JR.

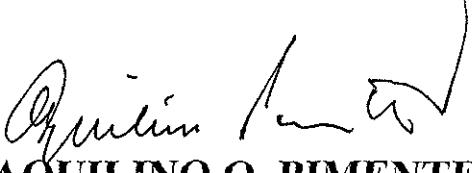
EXPLANATORY NOTE

Article XIV of the Constitution mandates that, "The State shall protect the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."

The State gives utmost priority to make available higher learning to all citizens throughout the archipelago. By virtue of this state policy, this led to the establishment of state universities in various parts of the Country. There were twenty-three (23) State Universities approved by Congress since 1987. Of these twenty-three (23) State Universities, thirteen (13) were established in Luzon and ten (10) were created in the Visayas. However, no new universities were created or established in Mindanao during this period. Figures show that the ratio of State Universities to the number of inhabitants in the region was 1: 1.8 million for both Luzon and Visayas, 1:4 million for Mindanao.

This measure proposes to address this inequity by separating the Iligan Institute of Technology, created by virtue of Republic Act No. 5363, from the Mindanao State University System, and converting it into the Science and Technology University of Southern Philippines (STUSP). Empowered by a new charter as an independent state institution of higher learning, it could now increase the competitiveness of the inhabitants of the Northern Mindanao region. Further, it will fulfill the demands for an educational facility to support the socioeconomic development of the Iligan- Cagayan area and the entire Southern Philippines, in general.

Thus, the immediate approval of this bill is earnestly sought.


AQUILINO Q. PIMENTEL, JR.

13th CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

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Senate Bill No. 1960

RECEIVED BY: _____

Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT

SEPARATING THE ILIGAN INSTITUTE OF TECHNOLOGY IN THE CITY OF ILIGAN FROM THE MINDANAO STATE UNIVERSITY IN THE CITY OF MARAWI, PROVINCE OF LANA DEL SUR, CONVERTING IT INTO A STATE UNIVERSITY TO BE KNOWN AS THE **SCIENCE AND TECHNOLOGY UNIVERSITY OF SOUTHERN PHILIPPINES (STUSP)**, THEREBY REPEALING REPUBLIC ACT NO. 5363 (AMENDED CHARTER OF THE NORTHERN MINDANAO INSTITUTE OF TECHNOLOGY) AND AMENDING REPUBLIC ACT NO. 1387 (CHARTER OF THE MINDANAO STATE UNIVERSITY), AS AMENDED AND FOR OTHER PURPOSES.

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

SECTION 1. *Separation and Conversion.* – The Iligan Institute of Technology in the City of Iligan, is hereby separated from the Mindanao State University (MSU) in Marawi City, Province of Lanao del Sur and converting it into a State University, to be known as the Science and Technology University of Southern Philippines (STUSP), hereinafter referred to as the University.

SEC. 2. *General Mandate.* – The University shall provide advance instruction and training in the fields of science and technology, agriculture, fisheries and forestry, arts and humanities, education and related courses that will support the development of the province of Lanao del Norte and Southern Philippines. It shall undertake research and extension services and provide progressive leadership in its area of specialization.

SEC. 3. *Curricular Offering.* – The University shall offer undergraduate, graduate courses in the fields of science and technology, agriculture, fisheries and forestry, arts and humanities, education and other degrees within its areas of specialization and according to the capabilities as the Board of Regents may deem necessary to carry out its objectives, particularly to meet the needs of the Province of Lanao del Norte and the Southern Philippines.

The existing developmental high school will be allowed to remain and operate within the campus of the University, as laboratory high school for the College of Education.

SEC. 4. *Administration.* – The administration and the exercise of corporate powers is hereby vested exclusively in the Board of Regents and in the President of the University insofar as authorized by the Board.

SEC. 5. *The Board of Regents.* – The Board of Regents, hereinafter referred to as the Board, shall be composed of the following:

- (a) Chairperson of the Commission on Higher Education (CHED), chairman;
- (b) President of the University, vice chairman;

- (c) Chairperson of the Committee on Education, Arts and Culture of the Senate, member;
- (d) Chairperson of the Committee on Higher and Technical Education of the House of Representatives, member;
- (e) Regional Director of the National Economic Development Authority (NEDA), Region X, member;
- (f) Regional Director of the Department of Science and Technology (DOST), Region X, member;
- (g) President of the faculty association of the University, member;
- (h) President of the administrative staff and non-teaching employees association of the University, member;
- (i) President of the supreme student council of the University, member;
- (j) President of the alumni association of the University, member; and
- (k) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization, as members

The Board of Regents shall appoint prominent citizens from among a list of at least five (5) persons qualified in the City of Iligan and Province of Lanao del Norte, as recommended by the search committee constituted by the University President, in consultation with the Chairman of CHED and other members of the Board, based on the normal standards and qualifications for the position.

The term of office of the representatives of the faculty association, administrative staff and non-teaching employees association, supreme student council and the alumni association shall be coterminous with their respective terms of office, as set forth in their respective Constitutions and By-laws.

The two (2) private sector representatives shall serve for a term of two (2) years from date of appointment.

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

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

- (a) To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;
- (b) 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;
- (c) To import duty-free economic, technical and cultural books and/ or publications, upon certification of 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, as amended;

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

Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor 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 Code (NIRC), as amended: *Provided*, that such donations shall not be disposed of, transferred or sold;

- (e) 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 consultation with 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 interests 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 a reasonable purpose which in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

- (f) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (g) To authorize the construction or repair of the University buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties including necessary supplies, materials and equipment. Purchases and other transactions sanctioned by the Board, that are incidental to the conduct of educational purposes, shall be exempt from all taxes and duties;
- (h) To appoint, upon recommendation of the President of the University, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;
- (i) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System, New Budgetary Circular No. 308 and other pertinent budget and compensation laws governing hours of service,

and such other duties and conditions as it may deem proper, to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding, and to remove them for cause in accordance with the requirements of due process of law;

- (j) To approve the curricula, institutional programs and rules of discipline, drawn by the administrative and academic councils as herein provided;
- (k) To set policies on admission and graduation of students;
- (l) To award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the University and to authorize the award of certificates of completion of non-degree and non-traditional courses;
- (m) To absorb non-chartered tertiary institutions within the Province of Lanao del Norte or Southern Philippines in coordination with the Commission Higher Education and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
- (n) To establish research and extension centers where such will promote the development of the University;
- (o) To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (p) To delegate any of its powers and duties 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;
- (q) To authorize an external management audit of the institution, to be financed by the CHED, subject to COA rules and regulations; and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (r) To collaborate with other governing boards of state universities and colleges within the province of Lanao del Norte or the Southern Philippines region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of the University to become more efficient, relevant, productive and competitive;
- (s) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;
- (t) To develop consortia and other forms of linkages with local government units, institutions and agencies, public or private, local and foreign, in furtherance of the purposes and objectives of the University;
- (u) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;

- (v) 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 or distance education, community laboratory, etc., for the promotion of greater access to higher education and graduate, as the case may be;
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the University; and
- (x) To privatize, where most advantageous to the University, management and non-academic services such as health, food, building or grounds or property maintenance and similar such other activities.

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

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

In the absence of the Chairperson of the Commission on Higher Education, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member: *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 Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular chair of the Board of Regents, in which case said CHED commissioner shall act as Presiding Officer.

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

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

SEC. 9. *The University President.* – The University shall be headed by a President, who shall render full time service. He shall be appointed by the Board, subject to the guidelines, qualifications and/or standards set by it, upon recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term, *Provided,* That in order to effect a smooth transition to a State University, the incumbent head of the MSU-IIT, if qualified, shall serve as the first President of the University.

Within six (6) months before the expiration of the term of office of the incumbent President of the Science and Technology University of Southern Philippines, the Board shall constitute the Search Committee for the Presidency (SCP).

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

In case of vacancy in the office of the President as mentioned in the immediately preceding paragraph, the Officer-in-Charge or the newly appointed President shall hold office for the unexpired term only.

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

The salary of the President of the University shall be in accordance with the Revised Compensation and Position Classification System and NBC No. 308 and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the University shall be assisted by Vice Presidents, who shall be appointed by the Board upon recommendation of the President.

SEC. 10. *University Site.* – The site of the MSU-IIT that has been reserved for the use of the latter under Republic Act No. 4626, otherwise known as the “Charter of the Northern Mindanao Institute of Technology (NMIT)” and the Memorandum of Agreement between the NMIT and the defunct Bureau of Vocational Education, or its successor-in-interest, covering approximately nine (9) hectares, located in the City of Iligan, is hereby granted for the exclusive use of the University.

SEC. 11. *The Administrative Council.* – There shall be an Administrative Council consisting of the President of the University as Chairman, Vice Presidents, Deans, Directors and other officials of equal rank as members, whose duty is to review and recommend to the Board policies governing the administration, management and development of the University for appropriate action.

SEC. 12. *The Academic Council.* – There shall be an Academic Council with the President of the University as chairman, and all members of the academic staff with rank not lower than Assistant Professor as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the University subject for appropriate action of the Board of Regents. It shall fix the requirements for the admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Regents through the President of the University.

SEC. 13. *The Secretary of the Board.* – The Board shall appoint a Secretary, who shall serve as such for the Board and the University and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board the notices of meetings.

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

SEC. 15. *Faculty.* – No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That said appointment shall be subject to the guidelines, qualifications and/or standards set by the Board.

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

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

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

SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of bureaus and offices 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 for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public. The employees so detailed shall perform such duties as required by them by the President of the University, and the time so employed shall be counted as part of their regular services.

SEC. 19. *Assets, Liabilities and Personnel.* – All assets, fixed and movable, records, personnel and funds of the Mindanao State University- Iligan Institute of Technology, as well as liabilities or obligations, are hereby transferred to the University without exception and unconditionally. All personnel, academic, administrative and non-teaching employees, are hereby deemed absorbed into the staff of the University, with all rights and privileges carried over and these shall neither be diminished nor altered as a consequence of this Act.

All parcels of land belonging to the government and occupied by MSU-IIT are hereby declared to be property of the STUSP and shall be titled under that name, *Provided*, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the local government unit concerned; *Provided, further*, That the State shall provide subsidy to the University in the form of land grants and donations and use of other real properties for the attainment of the objectives and goals of the University.

Such parcels of land ceded by law, decree or presidential issuance to the University are hereby declared to be reserved for the purposes intended. The absolute ownership of the University over these landholdings including those covered by original and transfer certificates of title in the name of the University and their future derivatives are hereby confirmed. Where the issuance of proper certificates of title is yet pending for these landholdings, the appropriate government office shall expedite the issuance thereof within six (6) months from the date of effectivity of this Act provided that all registration requirements necessary for the issuance of the said titles have been submitted and complied with.

SEC. 20. *Appropriations.* – The amount needed to carry out the provisions of this Act shall be charged against the current year's appropriations of the Mindanao State University- Iligan Institute of Technology. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Science and Technology University of Southern Philippines shall be included in the annual General Appropriations Act.

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

- (a) Submit a five (5) year development plan, including its corresponding program budget to the CHED, for recommendation to the Department of Budget and Management (DBM);
- (b) Undergo a management audit in cooperation with DBM;

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

SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the second (2nd) month after the opening of regular classes each year, the President of the University shall file with the Office of the President of the Philippines, through the Chairpersons of the Commission on Higher Education, and with the Senate and House of Representatives a detailed report of the progress, conditions and needs of the University.

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

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

SEC. 25. *Implementing Rules and Regulations.* – The Commission on Higher Education (CHED) shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 26. *Separability Clause.* – If any provision of this Act or the application of such provision to any person or party is declared invalid, the remainder of the Act or the application of such provision to other persons or parties shall not be affected by such declaration of invalidity.

SEC. 27. *Repealing Clause.* – Republic Act No. 5363 is hereby repealed and Republic Act No. 1387, as amended, is likewise hereby amended. All laws, rules and regulations and other issuances or parts thereof which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 28. *Effectivity.* – This Act shall take effect upon its approval.

Approved.