

(AS AMENDED BY THE SENATE)

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}

HOUSE OF REPRESENTATIVES

H. No. 6858

BY REPRESENTATIVES VILLAFUERTE, GO (M.), YAP (E.) AND SALCEDA, PER COMMITTEE
REPORT NO. 331

AN ACT

CONVERTING THE BICOL STATE COLLEGE OF APPLIED SCIENCES AND TECHNOLOGY (BISCAST), IN THE CITY OF NAGA, PROVINCE OF CAMARINES SUR, INTO A STATE UNIVERSITY, TO BE KNOWN AS THE SOUTHEAST ASIAN UNIVERSITY OF TECHNOLOGY, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Conversion.*** – The Bicol State College of Applied Sciences and
2 Technology (BISCAST) located in the City of Naga, Province of Camarines Sur, is hereby
3 converted into a state university, to be known as the Southeast Asian University of
4 Technology. Its main campus shall be in Naga City.

5
6 **SEC. 2. *General Mandate.*** – The Southeast Asian University of Technology,
7 hereinafter referred to as the University, shall primarily provide advance education, higher
8 technological, professional, technical and vocational instruction and training in the
9 sciences, arts, education, entrepreneurship, engineering and other related courses. It shall
10 also undertake research and extension services and provide progressive leadership in its
11 areas of specialization.

12
13 **SEC. 3. *Curricular Offerings.*** – The University shall offer undergraduate and
14 graduate courses, within its areas of competency and specialization, in the fields of
15 engineering, industrial technology, arts and sciences, architecture, non-traditional courses,
16 and other relevant fields of study, as the Board of Regents may deem necessary to carry out
17 its objectives, and those which respond to the needs of the Province of Camarines Sur and
18 the Bicol Region.

19
20 The University may operate, whether on-site or online, a laboratory school offering
21 short-term courses.

22
23 **SEC. 4. *Administration.*** – The University shall have the general powers of a
24 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the

1 “Corporation Code of the Philippines.” The exercise of its corporate powers shall be vested
2 exclusively in the Board of Regents and the President of the University.

3
4 **SEC. 5. *The Governing Board.*** – The governing body of the University shall be
5 the Board of Regents, hereinafter referred to as the Board, which shall be chaired and co-
6 chaired by the Chairperson of the Commission on Higher Education (CHED) and the
7 President of the University, respectively, and with the following as members:

- 8
9 a. Chairperson of the Committee on Higher, Technical and Vocational Education
10 of the Senate;
11 b. Chairperson of the Committee on Higher and Technical Education of the
12 House of Representatives;
13 c. Regional Director of the National Economic and Development Authority;
14 d. Regional Director of the Department of Science and Technology;
15 e. Regional Director of the Department of Agriculture;
16 f. Regional Director of the Technical Education and Skills Development
17 Authority (TESDA);
18 g. President of the federation of the faculty associations of the University;
19 h. President of the federation of student councils of the University;
20 i. President of the federation of alumni associations of the University; and
21 j. Two (2) prominent citizens from the private sector who have distinguished
22 themselves in their professions or fields of specialization.

23
24 The Board shall appoint two (2) prominent citizens who shall be selected from a list
25 of at least five (5) qualified persons in the Province of Camarines Sur, as recommended by
26 a search committee constituted by the University.

27
28 The Search Committee shall be constituted by the President of the University, in
29 consultation with the CHED Chairperson and other members of the Board, based on the
30 standards and qualifications for the position set by the Board.

31
32 The membership of the President of the federation of faculty associations, the
33 President of the federation of student councils, and the President of the federation of alumni
34 associations in the governing board, shall be coterminous with their terms of office, as
35 provided under their respective constitutions and bylaws.

36
37 **SEC. 6. *Powers and Duties of the Board.*** – In addition to its general powers of
38 administration and the powers granted to the board of directors of a corporation under
39 existing laws, the Board shall have the following specific powers and duties:

- 40
41 a. Promulgate and implement policies in accordance with the declared State
42 policies and pertinent provisions of the Constitution on education, agriculture,
43 science and technology, the policies, standards and thrusts of the CHED under
44 Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994,
45 and the TESDA, under Republic Act No. 7796 or the “TESDA Act of 1994”;
46
47 b. Approve the curricula, instructional programs, and rules of discipline drawn by
48 the Administrative and Academic Councils herein provided;

49

- 1 c. Appoint, upon the recommendation of the President of the University, the vice
2 presidents, deans, directors, heads of the campuses, faculty members, and other
3 officials and employees of the University;
4
- 5 d. Fix and adjust the salaries of faculty members, administrative officials and
6 employees, subject to the provisions of the Revised Compensation and Position
7 Classification System and other pertinent budget and compensation laws
8 governing the hours of service, and such other duties and conditions as it may
9 deem proper; grant them, at its discretion, leaves of absence under such
10 regulations as it may promulgate, any provision of existing law to the contrary
11 notwithstanding; and remove them for cause in accordance with the
12 requirements of due process of law;
13
- 14 e. Fix the tuition fees and other necessary school charges, such as matriculation
15 fees, graduation fees and laboratory fees, as the Board may deem proper to
16 impose, after due consultation with the concerned sectors. The fees and charges,
17 including government subsidies and other income generated by the University,
18 shall constitute its special trust funds and shall be deposited in any authorized
19 government depository bank. All interests that shall accrue therefrom shall form
20 part of the same funds for the use of the University.
21

22 Any provision of existing laws, rules or regulations to the contrary
23 notwithstanding, any income generated by the University from tuition fees and
24 other charges, as well as from the operation of auxiliary services and land
25 grants, shall be retained by the University and may be disbursed by the Board
26 for instruction, research, extension services or other programs and projects of
27 the University: *Provided*, That all fiduciary fees shall be disbursed for the
28 specific purposes for which these are collected: *Provided, however*, That if, for
29 reasons beyond its control, the University shall not be able to pursue any
30 project for which funds have been appropriated and allocated under its
31 approved program of expenditures, the Board may authorize the use of said
32 funds for any reasonable purpose which, in its discretion, may be necessary and
33 urgent for the attainment of the objectives and goals of the University;
34

- 35 f. Adopt and implement a socialized scheme of tuition and other school fees for
36 greater access of poor but deserving students in accordance with Republic Act
37 No. 10931 or the “Universal Access to Quality Tertiary Education Act”;
38
- 39 g. Establish professorial chairs in the University and provide fellowships for
40 qualified faculty members, and scholarships to deserving students;
41
- 42 h. Receive and appropriate all sums as may be provided for the support of the
43 University in the manner it may determine, in its discretion, to carry out the
44 purposes and functions of the University;
45
- 46 i. Set the policies on admission and graduation of students;
47
- 48 j. Award honorary degrees upon persons in recognition of their outstanding
49 contribution in the fields of education, public service, arts, science and
50 technology, agriculture or any field of specialization within the academic

1 competency of the University, and authorize the awarding of certificates of
2 completion of nondegree and nontraditional courses;

- 3
- 4 k. Establish research and extension centers to promote the development of the
5 University;
- 6
- 7 l. Develop academic arrangements for institutional capability-building with
8 appropriate institutions and agencies, whether public, private, local or foreign,
9 and appoint experts/specialists as consultants, part-time or visiting/exchange
10 professors, scholars or researchers, as the case may be;
- 11
- 12 m. Adopt modern and innovative modes of transmitting knowledge for the
13 promotion of greater access to education such as the use of information
14 technology, dual training system, open distance learning, and community
15 laboratory;
- 16
- 17 n. Collaborate with the governing boards of other colleges within the province of
18 Camarines Sur and the Bicol Region, under the supervision of the CHED and in
19 consultation with the Department of Budget and Management (DBM), in
20 restructuring the University to make it more efficient, relevant, productive and
21 competitive;
- 22
- 23 o. Absorb non-chartered tertiary institutions within the province of Camarines Sur
24 and the Bicol Region as branches and extension/external centers, in
25 coordination with the CHED and in consultation with the DBM, and offer
26 therein programs or courses to carry out the Constitutional mandate of providing
27 equal access to educational opportunities;
- 28
- 29 p. Authorize an external management audit of the University, to be financed by the
30 CHED, subject to the rules and regulations of the Commission on Audit, and
31 institute reforms, including academic and structural changes, on the basis of the
32 audit results and recommendations;
- 33
- 34 q. Develop consortia and other economic forms of linkages with local government
35 units (LGUs), as well as public, private, local and foreign institutions and
36 agencies, in the furtherance of the purposes and objectives of the University;
- 37
- 38 r. Import economic, technical and cultural books and publications;
- 39
- 40 s. Enter into joint ventures with business and industry for the profitable
41 development and management of economic assets, the proceeds of which, shall
42 be used for the development and strengthening of the University;
- 43
- 44 t. Receive, in trust, legacies, gifts and donations of real and personal properties of
45 all kinds and administer and dispose of the same, when necessary, for the
46 benefit of the University and subject to the limitations, directions and
47 instructions of the donor, if any;
- 48
- 49 u. Extend the term of the President of the University beyond the age of retirement,
50 but not beyond the age of seventy (70), based on the guidelines, qualifications
51 and standards set by the Board: *Provided*, That the President's performance has

1 been rated by the Board as outstanding and a unanimous recommendation has
2 been decided by the search committee;

- 3
- 4 v. Delegate any of its powers and duties provided to the President and other
5 officials of the University, as it may deem appropriate, so as to expedite the
6 administration of the affairs of the University;
- 7
- 8 w. Establish policy guidelines and procedures for participative decision-making
9 and transparency within the University;
- 10
- 11 x. Where most advantageous to the University, privatize the management of
12 nonacademic services such as health, food, building grounds or property
13 maintenance, and such other similar activities;
- 14
- 15 y. Authorize the construction or repair of its buildings, machinery, equipment and
16 other facilities, and the purchase and acquisition of real property, including the
17 necessary supplies, materials and equipment; and
- 18
- 19 z. Promulgate rules and regulations, as may be necessary, to carry out the purposes
20 and functions of the University.
- 21

22 **SEC. 7. Meetings of the Board.** – The Board shall regularly convene once every
23 three (3) months. The Chairperson of the Board may, however, call a special meeting
24 whenever necessary: *Provided*, That members are notified in writing at least three (3) days
25 prior to the conduct of said meeting.

26

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

30

31 In case the CHED Chairperson cannot attend a meeting of the Board, a CHED
32 Commissioner duly designated by the CHED Chairperson as representative to the meeting,
33 shall have all the rights and responsibilities of a regular member: *Provided*, That during the
34 meeting, the President of the University, as Vice Chairperson, shall be the presiding
35 officer: *Provided, further*, That this provision, notwithstanding, the Chairperson of the
36 CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson
37 of the Board, in which case, the said CHED Commissioner, shall act as the presiding
38 officer.

39

40 In case the Chairpersons of the Senate Committee on Higher, Technical and
41 Vocational Education and the House Committee on Higher and Technical Education will
42 not be able to attend the Board meeting, they may designate their respective representatives
43 to attend the meeting, who shall have the same rights and responsibilities as the regular
44 members of the Board.

45

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

50

1 **SEC. 8. *The University President.*** – The University shall be headed by a President
2 who shall render full-time service and shall be appointed by the Board, subject to the
3 guidelines, qualifications and standards set by the Board, upon the recommendation of a
4 duly constituted search committee. The University President shall have a term of four (4)
5 years and shall be eligible for reappointment to another term: *Provided*, That in order to
6 effect the smooth transition of the state college to a state university, the incumbent
7 President of the BISCAS shall serve as the first president of the University for a transition
8 period of two (2) years, but he is entitled to be re-appointed for one (1) full term of four (4)
9 years.

10
11 Within five (5) months before the expiration of the term of office of the incumbent
12 President of the University, the Board shall constitute the Search Committee for the
13 Presidency.

14
15 The Board shall designate an Officer-in-Charge of the University in case of vacancy
16 in the Office of the President by reason of death, compulsory retirement, resignation,
17 removal for cause, or incapacity of the President to perform the functions of the office,
18 pending the appointment of a new President: *Provided*, That the Officer-in-Charge shall
19 serve only during the unexpired portion of the term.

20
21 The powers and duties of the President of the University, in addition to those
22 specifically provided in this Act, shall be those usually pertaining to the Office of the
23 President of universities and those delegated by the Board.

24
25 The salary of the President of the University shall be in accordance with Republic
26 Act No.11466, otherwise known as the “Salary Standardization Law of 2019”, and such
27 other laws amendatory thereto, which may hereinafter be enacted, and shall be comparable
28 to that being received by the presidents of similar educational institutions.

29
30 The President of the University shall be assisted by a Vice President for Academic
31 Affairs, a Vice President for Administration, and a Vice President for Research,
32 Development and Extension, who shall all be appointed by the Board upon the
33 recommendation of the President of the University.

34
35 **SEC. 9. *The Secretary of the University.*** – The Board shall appoint a Secretary
36 who shall serve as such for both the Board and the University and shall keep all records and
37 proceedings of the Board. The Secretary of the University shall serve upon each member of
38 the Board the appropriate notice of board meetings.

39
40 **SEC. 10. *The Treasurer of the University.*** – The Treasurer of the Philippines shall
41 be the *ex officio* Treasurer of the University.

42
43 **SEC. 11. *The Administrative Council.*** – There shall be an Administrative Council
44 consisting of the President of the University as Chairperson, and the vice presidents, deans,
45 directors and other officials of equal rank as members, whose duties shall be to review and
46 recommend to the Board the policies that shall govern the administration, management and
47 development planning of the University.

48
49 **SEC. 12. *The Academic Council.*** – There shall be an Academic Council to be
50 composed of the President of the University, who shall act as Chairperson, and all

1 academic staff with the rank of at least an assistant professor, as members, which shall
2 formulate academic policies.

3
4 The Academic Council shall also have the power to review and recommend the
5 curricular offerings and rules of discipline of the University, subject to the approval of the
6 Board. It shall fix the requirements for the admission of students, as well as for their
7 graduation and conferment of degrees, subject to the review and approval of the Board
8 through the President of the University.

9
10 It shall exercise disciplinary power over the students of the University and shall
11 issue rules and regulations on student discipline, subject to the approval of the Board.

12
13 **SEC. 13. *The Faculty.*** – No political belief, gender preference, cultural or
14 community affiliation or ethnic origin, nor religious opinion or affiliation shall be a matter
15 of inquiry in the appointment of faculty members of the University: *Provided*, That said
16 appointment shall be subject to the guidelines, qualifications, and standards set by the
17 Board: *Provided, further*, That no member of the faculty shall teach for or against any
18 particular church or religious sect.

19
20 **SEC. 14. *Academic Freedom and Institutional Autonomy.*** – The University shall
21 enjoy academic freedom and institutional autonomy pursuant to Paragraph 2, Sec. 5 of
22 Article XIV of the Constitution.

23
24 **SEC. 15. *Scholarship Programs/Admission.*** – The University shall provide
25 scholarship and other affirmative action programs to assist poor but deserving students who
26 qualify for admission to the University.

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

30
31 **SEC. 16. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and***
32 ***Detail of Personnel.*** – The heads of the bureaus and offices of the national government are
33 hereby authorized to loan or transfer, upon the request of the President of the University,
34 such apparatus, equipment or supplies as may be needed by the University, and detail
35 employees for duty therein when, in the judgment of the head of bureau or office, such
36 apparatus, equipment, supplies or service of such employees can be spared without serious
37 detriment to public service.

38
39 The employees so detailed shall perform such duties as required of them by the
40 President of the University and the time thus served shall be counted as part of their regular
41 service.

42
43 **SEC. 17. *Assets, Liabilities and Personnel.*** – All assets, real and personal,
44 personnel, and records of the BISCAS, as well as liabilities or obligations, are hereby
45 transferred to the University: *Provided*, That the positions, rights and security of tenure of
46 faculty members and personnel therein employed under existing laws prior to the
47 conversion into a university shall be respected: *Provided, further*, That the incumbents of
48 the positions shall remain in the same status until otherwise provided for by the Board:
49 *Provided, finally*, That the University shall also accordingly upgrade or increase its human
50 resource component as may be deemed appropriate by the Board.

51

1 All parcels of land belonging to the government occupied by the BISCASST are
2 hereby declared to be the property of the University and shall be titled under its name:
3 *Provided*, That should the University cease to exist or be abolished or should such
4 aforementioned parcels of land be no longer needed by the University, the same shall revert
5 to the concerned LGU or to the Republic of the Philippines, as the case may be.

6
7 **SEC. 18. *Tax Exemption on Importation and Donations.*** - The importation by the
8 University of economic, technical and cultural books or publications, which are for
9 economic, technical, vocational, scientific, philosophical, historical or cultural purposes
10 shall, upon certification by the CHED, be exempt from customs duties in accordance with
11 the provisions of Republic Act No. 10863, otherwise known as the “Customs
12 Modernization and Tariff Act (CMTA)”.

13
14 All grants, bequests, endowments, donations and contributions made to and used
15 actually, directly and exclusively by the University, shall be exempt from donor’s tax and
16 the same shall be considered as allowable deduction from the gross income of the donor for
17 purposes of computing the taxable income of the donor in accordance with the provisions
18 of the National Internal Revenue Code of 1997, as amended.

19
20 **SEC. 19. *COMPLIANCE WITH CHED REQUIREMENTS.*** – THE
21 PROVISIONS OF THIS ACT, NOTWITHSTANDING THE CONVERSION OF
22 THE BISCASST TO A STATE UNIVERSITY SHALL BECOME EFFECTIVE
23 ONLY UPON THE DETERMINATION AND DECLARATION BY THE CHED
24 BASED ON THE RECOMMENDATION OF A PANEL OF EXPERTS
25 CONSTITUTED FOR THE PURPOSE THAT THE INSTITUTION HAS
26 COMPLIED WITH THE REQUIREMENTS FOR A UNIVERSITY STATUS
27 BASED ON CHED MEMORANDUM ORDER NO. 46, SERIES OF 2012,
28 POLICY STANDARD TO ENHANCE QUALITY ASSURANCE IN PHILIPPINE
29 HIGHER EDUCATION THROUGH AN OUTCOMES-BASED AND
30 TYPOLOGY-BASED QA: *PROVIDED*, THAT THE PANEL MAY ISSUE SUCH
31 RECOMMENDATION WHEN THE BISCASST HAS SUBSTANTIALLY
32 COMPLIED WITH THE REQUIREMENTS FOR THE GRANT OF
33 UNIVERSITY STATUS.

34
35 **SEC. [19] 20. *Development Plan, Management Audit, and***
36 ***Organization/Administrative/Academic Structure.*** – Within a period of one hundred
37 twenty (120) days after the approval of this Act, the University shall accomplish the
38 following:

- 39
40 a. Submit a five (5)-year development plan, including its program budget to the
41 CHED for corresponding recommendation to the DBM;
42
43 b. Set up its organizational, administrative, as well as academic structure,
44 including the appointment of key officials of the University; and
45
46 c. Undergo a management audit in coordination with the CHED.

47
48 **SEC. [20] 21. *Filing of Report.*** – On or before the fifteenth (15th) day of the
49 second month after the opening of the regular classes each year, the Board shall file, with
50 the Office of the President of the Philippines, through the CHED Chairperson, and with

1 both Houses of Congress, a detailed report on the progress, condition, and needs of the
2 University.

3
4 **SEC. [21] 22. *Supplementary Application.*** – The provisions of Republic Act No.
5 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall form
6 an integral part of this Act and shall serve as part of the governing charter of the
7 University.

8
9 **SEC. [22] 23. *Parity Clause.*** – All other powers, functions, privileges,
10 responsibilities, and limitations under existing laws shall be deemed granted to or imposed
11 upon the University and its officials, whenever appropriate.

12
13 **SEC. [23] 24. *Appropriations.*** – The amount necessary to carry out the provisions
14 of this Act shall be charged against the current year’s appropriations of the BISCASAT.
15 Thereafter, such sums as may be necessary for the continued operation and maintenance of
16 the Southeast Asian University of Technology shall be included in the annual General
17 Appropriations Act.

18
19 **SEC. [24] 25. *Implementing Rules and Regulations.*** – Within sixty (60) days
20 from the effectivity of this Act, the Board, in consultation with the CHED, shall formulate
21 the rules and regulations to fully implement the provisions of this Act.

22
23 **SEC. [25] 26. *Separability Clause.*** – If, for any reason, any part or provision of
24 this Act is declared invalid or unconstitutional, the remaining parts or provisions not
25 affected shall remain in full force and effect.

26
27 **SEC. [26] 27. *Repealing Clause.*** – All laws, presidential decrees, executive
28 orders, and rules and regulations contrary to or inconsistent with the provisions of this Act
29 are repealed or modified accordingly.

30
31 **SEC. [27] 28. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
32 publication in the *Official Gazette* or in a newspaper of general circulation.

33
34 *Approved,*