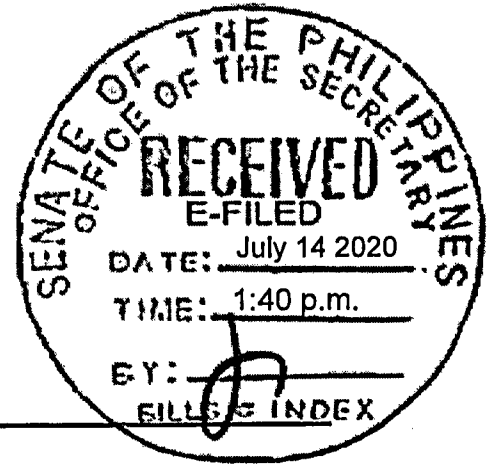


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

SENATE  
S. B. No. 1689



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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT CONVERTING THE AGUSAN DEL SUR STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (ASSCAT) IN THE MUNICIPALITY OF BUNAWAN, PROVINCE OF AGUSAN DEL SUR INTO A STATE UNIVERSITY, INTEGRATING THEREWITH THE SATELLITE CAMPUS IN THE MUNICIPALITY OF TRENTO, PROVINCE OF AGUSAN DEL SUR TO BE KNOWN AS THE AGUSAN DEL SUR STATE UNIVERSITY (ADSSU), AND APPROPRIATING FUNDS THEREFOR**

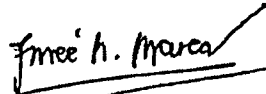
EXPLANATORY NOTE

Section 2, Article XIV of our Constitution states that, *"the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society. xxx"*

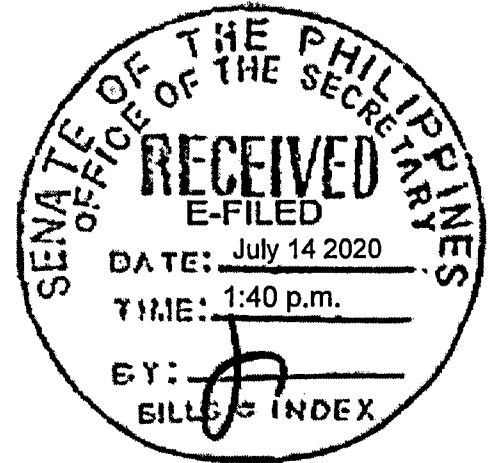
The Agusan Del Sur State College of Agriculture and Technology (ASSCAT) has been in existence for more than a hundred and ten (110) years and has undergone institutional reforms to meet the agricultural and industrial demands of the province. It was intended to be the first agro-industrial higher education institution to complement the provincial government's efforts to generate socio-economic benefits for the Agusanons.

At present, it maintains a main campus and a satellite campus located in the municipalities of Bunawan and Trento, which cater to the educational needs of the Agusanons and the CARAGA region. As we face modern challenges, it is imperative that every corner of the country is given the chance to develop and improve based on their unique character in order to contribute to the overall competitiveness of our country.

Hence, this bill seeks to convert the Agusan Del Sur State College of Agriculture and Technology (ASSCAT) to Agusan Del Sur State University (ADSSU) and reform its educational system in line with the standards of a university. It is high time to elevate the ASSCAT to enable this region to come in step with current developments for the benefit of the people and the country.

  
**IMEE R. MARCOS**

EIGHTEENTH CONGRESS OF THE )  
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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1           SECTION 1. *Conversion.* – The Agusan del Sur State College Agriculture and  
2 Technology (ASSCAT) in the municipality of Bunawan, Province of Agusan del Sur,  
3 including its existing satellite campus in the Municipality of Trento is hereby converted  
4 into a state university to be known as the Agusan del Sur State University (ADSSU),  
5 and hereinafter referred to be known as the University. Its main campus shall be in  
6 the Municipality of Bunawan.

7           SEC. 2. *General Mandate.* – The University shall primarily provide  
8 advanced instruction in the fields of agriculture, agribusiness management, science  
9 and technology, teacher education, forestry, engineering, arts and sciences,  
10 nontraditional courses, and other relevant fields of study. It shall also undertake  
11 research, extension services and production activities in support of the development  
12 of the Province of Agusan del Sur and provide aggressive leadership in its areas of  
13 specialization.

14           SEC.3. *Curricular Offerings.* – The University shall offer undergraduate and  
15 graduate programs in the fields of agriculture, agribusiness management, science and  
16 technology, teacher education, forestry, engineering, and as the Board of Regents  
17 may deem necessary to carry out its objectives, and meet the human resource  
18 development needs of the Province of Agusan del Sur and the CARAGA Region.

19           The University may operate a reasonably-sized laboratory school.

20

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

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

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

23  
24           The Board shall appoint the two (2) prominent citizens from a list of at least  
25 five (5) qualified persons in the Province of Agusan del Sur where the University and  
26 its campuses are located, as recommended by the search committee constituted by  
27 the University President, in consultation with the CHED Chairperson and the other  
28 members of the Board, based on the standards and qualifications for the position set  
29 by the Board.

30           They shall serve for a term of two (2) years from the date of appointment.  
31 Membership in the governing board of the President of the federation of faculty  
32 associations, the President of the federation of alumni associations, and the President  
33 of the federation of student councils, shall be coterminous with their terms of office  
34 as provided under their respective constitutions and bylaws.

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

38           a. Promulgate and implement policies in accordance with the declared State  
39 policies and the provisions of the Constitution on education, agriculture, science and  
40 technology, as well as the policies, standards and thrusts of the CHED under the  
41 Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994”;

42           b. Approve the curricula, instructional programs, and rules of discipline drawn  
43 by the Administrative and the Academic Councils herein provided;

1 c. Appoint, upon the recommendation of the President of the University, the  
2 vice presidents, deans, directors, heads of the campuses, faculty members and other  
3 officials and employees of the University;

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

11 e. To fix the tuition fees and other necessary school charges such as, but not  
12 limited to, matriculation fees, graduation fees and laboratory fees, as the Board may  
13 deem proper to impose, after due consultations with the concerned sectors. The fees  
14 and charges, including government subsidies and other income generated by the  
15 University, shall constitute special trust funds and shall be deposited in any authorized  
16 government depository bank: *Provided*, all interests that shall accrue therefrom shall  
17 form part of the same funds for the use of the University;

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

29 f. Adopt and implement a socialized scheme of tuition and other school fees for  
30 greater access of poor but deserving students in accordance with R.A No. 10931 or  
31 the "Universal Access to Quality Tertiary Education Act",

32 g. Establish professional chairs in the University and provide fellowships for  
33 qualified faculty members, and scholarships to deserving students;

34 h. Receive and appropriate all sums as may be provided for the support of  
35 University in the manner it may determine, in its discretion, in order to carry out the  
36 purposes and functions of the University;

37 i. Set the policies on admission and graduation of students;

38 j. Award honorary degrees upon persons in recognition of their outstanding  
39 contribution in the fields of education, public service, arts, science and technology,  
40 agriculture or any field of specialization within the academic competence of the  
41 University, and authorize the awarding of certificates of completion of non-degree and  
42 non- traditional courses;

1 k. Establish research and extension centers to promote the development of the  
2 University;

3 l. Develop academic arrangements for institutional capability building with  
4 appropriate partners whether public, private, local or foreign institutions and agencies,  
5 and appoint experts/specialists as consultants, part-time/visiting/ exchange  
6 professors, scholars or researchers, as the case may be;

7 m. Adopt modern and innovative modes of transmitting knowledge for the  
8 promotion of greater access to education such as the use of information technology,  
9 dual training system, open distance learning, and community laboratory;

10 n. Collaborate with the governing boards of state universities and colleges  
11 (SUCS) within the Provinces of Agusan del Sur and Caraga Region, under the  
12 supervision of the CHED and in consultation with the Department of Budget and  
13 Management (DBM), in reconstructing the University to make it more efficient,  
14 relevant, productive and competitive;

15 o. Absorb non-chartered tertiary institutions within the Province of Agusan del  
16 Sur and CARAGA region, as branches an extension/ external centers, in coordination  
17 with the CHED and in consultation with the DBM, and offer therein programs or  
18 courses to promote and carry out equal access to educational opportunities, as  
19 mandated by the Constitution;

20 p. Authorize an external management audit of the University, to be financed by  
21 the CHED, subject to the rules and regulations of the Commission on Audit (COA) and  
22 institute reforms, including academic and structural changes, on the basis of the audit  
23 results and recommendations;

24 q. Develop consortia and other economic forms of linkages with local  
25 government units (LGUS), public, private, local and foreign institutions and agencies,  
26 in the furtherance of the purposes and objectives of the University;

27 r. Import economic, technical and cultural books and publications;

28 s. Enter into joint ventures with business and industry for the profitable  
29 development and management of the economic and strengthening of the University;

30 t. Receive, in trust, legacies, gifts and donations of real and personal properties  
31 of all kinds and administer and dispose of the same, when necessary, for the benefit  
32 of the University, and subject to the limitations, directions and instructions of the  
33 donor, if any;

34 u. Authorize the construction or repair of its buildings, machinery, equipment  
35 and other facilities, and the purchase and acquisition of real property, including the  
36 necessary supplies, materials and equipment;

37 v. Extend the term of the President of the University beyond the age of  
38 retirement, but not beyond the age of seventy (70), based on the guidelines,  
39 qualifications and standards set by the Board: *Provided*, That the President's  
40 performance has been rated by the Board as outstanding and unanimous  
41 recommendation has been decided by the search committee;

1 w. Delegate any of its powers and duties provided to the President and other  
2 officials of the University, as it may deem appropriate, so as to expedite the  
3 administration of the affairs of the University;

4 x. Where most advantageous to the University, privatize the management of  
5 non-academic services such as health, food, building or grounds or property  
6 maintenance, and such other similar activities; and

7 y. Promulgate rules and regulations, as may be necessary, to carry out the  
8 purposes and functions of the University.

9 **SEC. 7. Meetings of the Board.** – The Board shall regularly convene once every  
10 quarter. The Chairperson of the Board may, however, upon three (3) days' prior  
11 written notice, call a maximum of two (2) special meetings whenever necessary within  
12 the year.

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

16 In the absence of the CHED Chairperson, a Commissioner of the CHED, duly  
17 designated by the CHED Chairperson as representative in the meeting, shall have all  
18 the rights and responsibilities of a regular member: *Provided,* That during this  
19 meeting, the President of the University, as Vice Chairperson, shall be the Presiding  
20 Officer: *Provided, further,* That this *proviso,* notwithstanding, the Chairperson of the  
21 CHED is hereby authorized to designate a CHED Commissioner as the regular  
22 Chairperson of the Board, in which case said CHED Commissioner, shall act as the  
23 Presiding Officer.

24 In case the Chairpersons of the Senate Committee on Education, Arts and  
25 Culture and the House Committee on Higher and Technical Education will not be able  
26 to attend the Board meeting, they may designate their respective representatives to  
27 attend the meeting, who shall have the same rights and responsibilities as regular  
28 members of the Board.

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

33 **SEC. 8. The University President.** – The University shall be headed by a  
34 President, who shall render full-time service and shall be appointed by the Board, upon  
35 the recommendation of a duly constituted search committee. The President shall serve  
36 a term of four (4) years and shall be eligible for reappointment to another term:  
37 *Provided,* That in order to effect the smooth transition of the ASSCAT to a state  
38 university, the incumbent President of the ASSCAT, If qualified, shall serve as the first  
39 President of the University. Within six (6) months before the expiration of the term of  
40 office of the incumbent President of the University, the Board shall constitute the  
41 Search Committee for the Presidency.

1           Within six (6) months before the expiration of the term of office of the  
2 incumbent President of the University, the Board shall constitute the Search  
3 Committee for the Presidency.

4           The Board shall designate an officer-in-charge (OIC) of the University in case  
5 of vacancy in the Office of the President by reason of death, compulsory retirement,  
6 resignation, removal for cause, or incapacity of the President to perform the functions  
7 of the office, pending the appointment of a new President: *Provided*, That the OIC  
8 shall serve only during the unexpired portion of the term.

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

12           The salary of the President of the University shall be in accordance with the  
13 revised Compensation and Position Classification System, as modified by Joint  
14 Resolution No. 4 dated June 17, 2009, and by such other laws amendatory thereto,  
15 which may hereinafter be enacted, and shall be comparable to that being received by  
16 the Presidents of similar educational institutions.

17           The President of the University shall be assisted by a Vice President for  
18 Academic Affairs, Administration, a Vice President for Finance, and a Vice President  
19 for Research, Extension and Training, who shall all be appointed by the Board upon  
20 recommendation of the President of the University.

21           **SEC.9. *The Secretary of the University.*** – The Board shall appoint a Secretary,  
22 who shall serve as such for both the Board and the University and shall keep all records  
23 and proceedings of the Board in addition to other duties and responsibilities. The  
24 Secretary of the University shall serve upon each member of the Board the appropriate  
25 notice of Board meetings.

26           **SEC. 10. *The Treasurer of the University.*** – The Treasurer of the Philippines  
27 shall be *ex officio* treasurer of the University.

28           **SEC.11. *Administrative Council.*** – There shall be an Administrative Council  
29 consisting of the President of the University, as Chairperson, and the vice presidents,  
30 deans, directors and other officials of equal rank, as members, whose duty is to review  
31 and recommend to the Board such policies governing the administration, management  
32 and development planning of the University.

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

36           The Academic Council shall have the power to review and recommend the  
37 curricular offerings and rules of discipline of the University, subject to the approval of  
38 the Board. It shall fix the requirements for the admission of students, as well as for  
39 their graduation and conferment of degrees, subject to the review and approval of the  
40 Board through the President of the University.

41           It shall have disciplinary power over the students of the University and shall  
42 formulate academic policies, rules and regulations on discipline, subject to the  
43 approval of the Board.

1           SEC. 13. *Heads of University Campuses.* – The Campus Directors shall serve as  
2 heads or administrators of the University campuses and shall render full-time service.

3           They shall be appointed or designated by the Board, upon the recommendation  
4 of the Search Committee and the President, subject to the guidelines, qualifications  
5 and standards set by the Board: *Provided,* That the incumbent Campus Directors of  
6 the existing campuses of ASSCAT shall serve as Campus Directors of their respective  
7 campuses upon the effectivity of this Act.

8           SEC. 14. *The Faculty.* – No political belief, gender preference, cultural  
9 preference or community affiliation, ethnic origin, nor religious opinion or affiliation  
10 shall be a matter of inquiry in the appointment of faculty members of the University:  
11 *Provided,* That the appointment shall be subject to the guidelines, qualifications and  
12 standards set by the Board: *Provided, further,* That a member of the faculty shall not  
13 criticize, vouch for, recruit members in behalf of, or preach about any particular church  
14 or religious sect.

15           SEC. 15. *Academic Freedom and Institutional Autonomy.* – The University shall  
16 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section  
17 5 of Article XIV of the Philippine Constitution.

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

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

23           SEC. 17. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and*  
24 *Detail of Personnel.* – The heads of the bureaus and offices of the National  
25 Government are hereby authorized to loan or transfer, upon the request of the  
26 President of the University, such apparatus, equipment or supplies as may be needed  
27 of the President of the University, and detail employees for duty therein when, in the  
28 judgment of the head of bureau or office, such apparatus, equipment, supplies or  
29 services of such employees can be spared without serious detriment to public service.  
30 The employees so detailed shall perform such duties as required of them by the  
31 President of the University and the time so employed shall be counted as part of their  
32 regular service.

33           SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal,  
34 personnel and records of the ASSCAT, as well as its liabilities or obligations, are hereby  
35 transferred to the University: *Provided,* That the positions, rights and security of  
36 tenure of the faculty members and personnel therein employed under existing laws  
37 prior to the conversion into a University shall be respected: *Provided, further,* That the  
38 incumbents of the positions shall remain in the same status until otherwise provided  
39 for by the Board: *Provided, finally,* That the University shall also include an upgrade  
40 or increase in its human resource component.

41           All parcels of land belonging to the government occupied by the ASSCAT are  
42 hereby declared to be property of the University, and shall be titled under its name:  
43 *Provided,* That should the University cease to exist or be abolished or should such



1    aforementioned parcels of land be no longer needed by the University, the same shall  
2    revert to the concerned LGU or to the Republic of the Philippines, as the case may be.

3           **SEC. 19. *Tax Exemption.*** – The importation of economic, technical and cultural  
4    books and publications, which are for economic, technical-vocational, scientific,  
5    philosophical, historical or cultural purposes made by the University, upon certification  
6    by the CHED, shall be exempt from customs duties in accordance with the provisions  
7    of RA No. 10863, otherwise known as the "Customs Modernization and Tariff Act."

8           All grants, bequest, endowments, donations and contributions made to the  
9    University and used actually, directly and exclusively by it, shall be exempt from the  
10   donor's tax and the same shall be considered as allowable deduction from the gross  
11   income in the computation of the income tax of the donor, in accordance with the  
12   provisions of the National Internal Revenue Code of 1997, as amended.

13           **SEC. 20. *Compliance with CHED Requirements.*** – The provisions of this Act  
14   notwithstanding, the conversion of the institution into a state university shall become  
15   effective only upon the determination and declaration by the CHED based on the  
16   recommendation of a panel of experts it shall constitute for the purpose, that the  
17   institution has complied with the requirements for a university status based on CHED  
18   Memorandum Order No. 46, series of 2012 (Policy Standard to Enhance Quality  
19   Assurance) in Philippine Higher Education through an Outcomes – Based and  
20   Typology–Based Quality Assurance: *Provided*, That the panel may issue such  
21   recommendation when the institution has substantially complied with the  
22   requirements for the grant of university status.

23           The following requirements for a university, as established by the CHED, shall  
24   be complied with:

- 25       a. Faculty members must possess relevant degrees in their areas of specialization,  
26       as required by the CHED, and shall have participated in research and  
27       development activities in their respective disciplines, as evidenced by referred  
28       publications and other scholarly outputs;
- 29       b. The University must offer a comprehensive range of degree programs in all  
30       levels, from basic post-secondary to doctoral programs.
- 31       c. The University shall have conducted viable research programs in specific  
32       disciplinal and multidisciplinary areas of study, produce new knowledge, as  
33       evidenced by referred publications, citations, Inventions, and patents, among  
34       others;
- 35       d. The University shall possess comprehensive learning resources and support  
36       structures (such as libraries, practicum laboratories, relevant educational  
37       resources, and linkages with the relevant disciplinal and professional sectors)  
38       so as to allow students to explore basic, advance, and even cutting knowledge  
39       in a wide range of disciplines or professions;
- 40       e. The University must have and maintain linkages with other research institutions  
41       in various parts of the world to ensure that the research activities of the  
42       University are functioning at current global standards; and
- 43       f. The University must conduct outreach activities to allow the students, faculty,  
44       and research staff to apply the new knowledge they generate development  
45       problems.

1           The CHED , through its regional office, shall regularly provide technical  
2 assistance to the Institution and monitor compliance with the requirements of  
3 the Commission.

4           The institution shall retain its status prior to the effectivity of this Act  
5 until it is able to comply with the requirements provided herein. Management  
6 Audit,

7  
8           SEC.21. Development Plan, Management Audit, *Organization, Administrative,*  
9 *and Academic Structure.* – Within a period of one hundred twenty (120) days after  
10 the approval of this Act, the University shall accomplish the following:

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

13           b. Undergo a management audit in cooperation with the CHED;

14           c. Set up its organizational, administrative, and academic structure, including  
15 the appointment of key officials of the University.

16           SEC.22. *Filing of Report.* – On or before the fifteenth day of the second month  
17 after opening of the regular classes each year, the Board shall file with the Office of  
18 the President of the Philippines and both Houses of Congress, through the CHED  
19 Chairperson, a detailed report on the progress, conditions and needs of the University.

20           SEC.23. *Supplementary Application.* – The provisions of Republic Act No. 8292,  
21 otherwise known as the "Higher Education Modernization 15 Act of 1997", shall be an  
22 integral part of this Act and shall serve as part of the governing charter of the  
23 University.

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

28           SEC.25. *Appropriations.* – The amount necessary to carry out the initial  
29 implementation of this Act shall be charged against the current year's appropriations  
30 of the ASSCAT. Thereafter, such sums as may be necessary for the continued  
31 operation and maintenance of the University shall be included in the annual General  
32 Appropriations Act. The Municipality of Trento shall continue to provide the same  
33 funding to the ASSCAT satellite campus corresponding to the funding given before the  
34 same is integrated into the ADSSU until such time that the full funding requirement of  
35 the University is included in the annual General Appropriations Act.

36           SEC.26. *Implementing Rules and Regulations.* – Within sixty (60) days after the  
37 effectivity of this Act, the Board shall, in consultation with the CHED, formulate the  
38 rules and regulations to fully implement the provisions of this Act.

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

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

4           SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
5 publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*