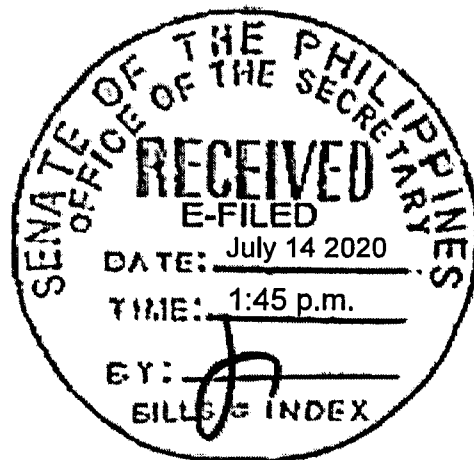


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S. B. No. 1698



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT CONVERTING THE SURIGAO DEL SUR STATE
UNIVERSITY (SDSSU) IN THE PROVINCE OF SURIGAO DEL SUR
INTO NORTH EASTERN MINDANAO STATE UNIVERSITY (NEMSU)
AND APPROPRIATING FUNDS THEREFOR**

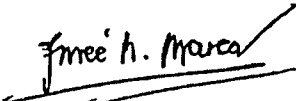
EXPLANATORY NOTE

Article XIV, Section 1 of the 1987 Philippine Constitution states that, "*The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.*" By providing education, poverty can be eliminated and every individual can make a contribution in developing the nation.

The Surigao del Sur State University (SDSSU), formerly Surigao del Sur Polytechnic State College (SSPSC), is composed of six campuses strategically located in the Province of Surigao del Sur. It achieved its status as a university through Republic Act No. 9998 which was signed on February 22, 2010. The university is mandated to provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, science, education, commerce, engineering, forestry, nautical courses and other programs. Pursuant to the Constitutional mandate, SDSSU aims to cater more student from different parts of the Region.

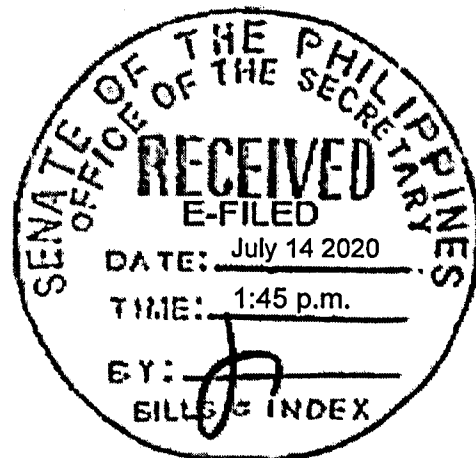
Hence, this bill seeks to convert the Surigao del Sur State University (SDSSU) in the Province of Surigao del Sur into North Eastern Mindanao State University (NEMSU). Furthermore, this bill aims to reform its educational system in line with the standards of a university and to provide quality education not only to the people of the Province of Surigao del Sur, but also to the people of the entire North-Eastern Mindanao.

In view of the foregoing, approval of this bill is earnestly requested.


IMEE R. MARCOS

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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 Surigao del Sur State University (SDSSU) in the
2 Province of Surigao del Sur, composed of SDSSU-Tandag Campus in Tandag City,
3 SDSSU-Cantilan Campus in the Municipality of Cantilan, SDSSU-Lianga Campus in the
4 Municipality of Lianga, SDSSU-Tagbina Campus in the Municipality of Tagbina, SDSSU-
5 San Miguel Campus in the Municipality of San Miguel, SDSSU-Cagwait Campus in the
6 Municipality of Cagwait, SDSSU-Bislig Campus in the City of Bislig, SDSSU-Marihatag
7 Campus in the Municipality of Marihatag and SDSSU-Hinatuan Campus in the
8 Municipality of Hinatuan is hereby converted into Northeastern Mindanao State
9 University (NEMSU), hereinafter referred to as the University. The main campus of the
10 University shall be in the City of Tandag, Surigao del Sur.

11 **SEC. 2. *General Mandate.*** – The University shall primarily provide advanced
12 education, higher technological, professional instruction and training in trade, fishery,
13 agriculture, science, education, commerce, engineering, forestry, nautical courses,
14 medicine, nursing, midwifery and its allied sciences, social work, criminology,
15 aeronautics and aviation sciences, mining and geo sciences and other related fields.
16 It shall also undertake research and extension services and provide progressive
17 leadership in its areas of specialization.

18 **SEC. 3. *Curriculum Offerings.*** – The University shall offer undergraduate,
19 graduate and post-graduate programs and short-term courses in the fields of
20 agriculture and environment studies, fishery, marine biology, marine transportation,
21 engineering, forestry, industrial technology, education, law, medicine, nursing,
22 midwifery and other health-related programs, social work, criminology, aeronautics
23 and aviation sciences, mining and geo sciences, information technology, arts and
24 sciences, public administration, business administration and other business courses,
25 and other degree courses within its areas of specialization and according to its

1 capabilities, as the Board of Regents may deem necessary to carry out its objectives,
2 and in order to meet the needs of Northeastern Mindanao provinces and the nation
3 for socioeconomic and sustainable development and competitiveness.

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

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

- 12 a. The Chairperson of the Commission on Higher Education (CHED) –
13 Chairperson
- 14 b. The President of the University-Vice Chairperson
- 15 c. The Chairperson of the Committee on Education, Arts and Culture of the
16 Senate – Member
- 17 d. The Chairperson of the Committee on Higher and Technical Education
18 of the House of Representatives - Member
- 19 e. The Regional Director of the National Economic and Development
20 Authority (NEDA) – Member
- 21 f. The Regional Director of the Department of Science and Technology
22 (DOST) – Member
- 23 g. The President of the federation of faculty associations of the University
24 – Member
- 25 h. The President of the federation of student councils of the University –
26 Member
- 27 i. The President of the federation of alumni associations of the University
28 – Member, and
- 29 j. Two prominent citizens from the private sector who have distinguished
30 themselves in their professions or fields of specialization of the University
31 members.

32
33 The Board shall appoint two (2) prominent citizens from among a list of at least
34 five (5) qualified persons in the Province of Surigao del Sur, as recommended by the
35 search committee constituted by the University President, in consultation with the
36 Chairperson of the CHED and other members of the Board, based on the normal
37 standards and qualifications for the position.

38 The term of office of the President of the federation of faculty associations, the
39 President of the federation of student councils and the President of the federation of
40 alumni associations shall be coterminous with their respective terms of office, as set
41 forth in their respective constitutions and bylaws.

42 The two (2) prominent citizens shall serve for a term of two (2) years from the
43 date of appointment without prejudice to re-appointment for another term.

44 SEC. 6. *Promulgation and Implementation of Policies.* – The Board shall
45 promulgate and implement policies in accordance with the declares State policies on

1 education and other pertinent provisions of the Philippine Constitution as well as the
2 policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise
3 known as the "Higher Education Act of 1994".

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

- 8 a. To promulgate rules and regulations not contrary to law as may be
9 necessary to carry out the purpose and functions of the University;
- 10 b. To receive and appropriate all sums as may be provided for the support of
11 the University in the manner it may determine in its discretion, in order to
12 carry out the purposes and functions of the University;
- 13 c. To import duty-free economic, technical and cultural books and/or
14 publications, upon certification by the CHED that such imported books
15 and/or publications are for economic, technical, vocational, scientific,
16 philosophical, historical or cultural purposes, in accordance with the
17 provisions of the Tariff and Customs Code of the Philippines, as amended;
- 18 d. To receive in trust legacies, gifts and donations of real and personal
19 properties of all kinds and to administer and dispose of the same when
20 necessary for the benefit of the University, and subject to the limitations,
21 directions and instructions of the donor, if any.

22
23 Such donations shall be exempt from the donor's tax and the same shall be
24 considered as allowable deductions from the gross income in the
25 computation of the income tax of the donor, in accordance with the
26 provisions of the National Internal Revenue Code (NIRC) of 1997, as
27 amended; *Provided*, That such donations shall not be disposed of,
28 transferred or sold;

- 29
30 e. To fix the tuition fees and other necessary school charges such as, but not
31 limited to, matriculation fees, graduation fees and laboratory fees, as the
32 Board may deem proper to impose, after due consultations with the involved
33 sectors.

34
35 Such fees and charges, including government subsidies and other income
36 generated by the University, shall constitute special trust funds and shall be
37 deposited in any authorized government depository bank, and all interests
38 that shall accrue therefrom shall form part of the same funds for the use of
39 the University.

40
41 Any provision of existing laws, rules and regulations to the contrary
42 notwithstanding, any income generated by the University from tuition fees
43 and other charges, as well as from the operation of auxiliary services and
44 land grants, shall be retained by the University, and may be disbursed by
45 the Board for instruction, research, extension or other programs/projects of
46 the University: *Provided*, That all fiduciary fees shall be disbursed for the
47 specific purposes for which these are collected.

1 If, for reasons beyond its control, the University shall not be able to pursue
2 any project for which the funds have been appropriated and allocated under
3 its approved program of expenditures, the Board may authorize the use of
4 said funds for any reasonable purpose which, in its discretion, may be
5 necessary and urgent for the attainment of the objectives and goals of the
6 University;

7
8 f. To adopt and implement a socialized scheme of tuition and other school
9 fees for greater access to poor but deserving students;

10 g. To authorize the construction or repair of its buildings, machinery,
11 equipment and other facilities, and the purchase and acquisition of real
12 property, including necessary supplies, materials and equipment;

13 h. To appoint, upon recommendation of the President of the University, Vice
14 Presidents, Deans, Directors, Heads of campuses, Faculty members, and
15 other officials and employees of the University;

16 i. To fix and adjust salaries of faculty members and administrative officials and
17 employees, subject to the provisions of the Revised Compensation and
18 Position Classification System and other pertinent budget and
19 compensation laws governing hours of service and such other duties and
20 conditions as it may deem proper; to grant them, at its discretion, leaves
21 of absence under such regulations as it may promulgate, any provision of
22 existing law to the contrary notwithstanding; and to remove them for cause
23 in accordance with the requirements of due process of law;

24 j. To approve the curricula, instructional programs and rules of discipline
25 drawn by the Administrative and Academic Councils herein provided;

26 k. To set policies on admission and graduation of students;

27 l. To award honorary degrees upon persons in recognition of their outstanding
28 contribution in the fields of education, public service, arts, science and
29 technology, agriculture or in any field of specialization within the academic
30 competence of the University; and to authorize the awarding of certificates
31 of completion of non-degree and non-traditional courses;

32 m. To establish and absorb non-chartered tertiary institutions within the
33 Province of Surigao as branches and centers in coordination with the CHED,
34 and in consultation with the Department of Budget and Management (DBM)
35 and to offer therein programs or courses, to promote and carry out equal
36 access to educational opportunities as mandated by the Constitution;

37 n. To establish research and extension centers of the University where such
38 will promote the development of the latter;

39 o. To establish professional chairs in the University and to provide fellowships
40 for qualified faculty members and scholarships to deserving students;

- 1 p. To delegate any of its powers and duties provided hereinabove to the
2 President and/or other officials of the University as it may deem
3 appropriate, so as to expedite the administration of the affairs of the
4 University;
- 5 q. To authorize an external management audit of the University, to be
6 financed by the CHED, subject to the rules and regulations of the
7 Commission on Audit (COA); and to institute reforms, including academic
8 and structural changes, on the basis of audit results and recommendations.
- 9 r. To collaborate with other governing boards of the state colleges and
10 universities within Northeastern Provinces, under the supervision of the
11 CHED and in consultation with the DBM and other regulatory agencies, and
12 work towards the restructuring of the University to become more efficient,
13 relevant, productive and competitive;
- 14 s. To enter into joint ventures with business and industry for the profitable
15 development and management of the economic assets of the University,
16 the proceeds from which shall be used for the development and
17 strengthening of the University;
- 18 t. To develop consortia and other economic forms of linkages with local
19 government units (LGUS), institutions and agencies, both public and
20 private, local and foreign, in the furtherance of the purposes and objectives
21 of the University;
- 22 u. To develop academic arrangements for institutional capability building with
23 appropriate institutions and agencies, public and private, local and foreign,
24 and to appoint experts/specialists as consultants, part-time or visiting or
25 exchange professors, scholars, researchers, as the case may be;
- 26 v. To set up the adoption of modern and innovative modes of transmitting
27 knowledge such as the use of information technology, the dual learning
28 system, open or distance education and community laboratory for the
29 promotion of greater access to education;
- 30 w. To establish policy guidelines and procedures for participative decision-
31 making and transparency within the University;
- 32 x. To privatize, where most advantageous to the University, management of
33 nonacademic services such as health, food, building or grounds or property
34 maintenance and such other similar activities; and
- 35 y. To extend the term of the President of the University beyond the age of
36 retirement but not beyond the age of seventy (70), whose performance has
37 been unanimously rated by the Board as outstanding based on the
38 guidelines, qualifications and/or standards set by the Board, after
39 unanimous recommendations by the search committee.

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

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

7 In the absence of the Chairperson of the CHED, a Commissioner of the CHED,
8 duly designated by him/her, shall represent him/her in the meeting with all the rights
9 and responsibilities of a regular member, *Provided, however,* That during the meeting,
10 the President of the University as Vice Chairperson shall be the Presiding Officer;
11 *Provided, further,* That the *proviso* notwithstanding, the Chairperson of the CHED is
12 hereby authorized to designate a CHED Commissioner as the regular Chair of the
13 Board of Regents, in which case said CHAIR Commissioner shall act as the Presiding
14 Officer.

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

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

23 SEC. 9. *The University President.* – The University shall be headed by a
24 President, who shall render full-time service. He/She shall be appointed by the Board,
25 subject to the guidelines, qualifications and/or standards set by the Board, upon
26 recommendation of a duly constituted search committee. He/She shall have a term of
27 four (4) years and shall be eligible for reappointment for another term; *Provided,* That
28 in order to effect a smooth transition to a state university, the incumbent President of
29 the Surigao del Sur State University, if qualified, shall serve as the first President of
30 the Northeastern Mindanao State University.

31 Within six (6) months before the expiration of the term of office of the
32 incumbent President of the University, the Board shall constitute the Search
33 Committee for the Presidency (SCP).

34 In case of vacancy in the Office of the President by reason of death, compulsory
35 retirement, resignation, removal for cause or incapacity of the President to perform
36 the functions of his/her office, the Board shall have the authority to designate and
37 Officer-in- Charge of the University pending the appointment of a new President.

38 In case of vacancy in the Office of the President as mentioned in the
39 immediately preceding paragraph, his/her successor or the Officer-in-Charge shall
40 serve only the unexpired portion of the term.

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

4 The salary of the President of the University shall be in accordance with the
5 Revised Compensation and Position Classification System and shall be comparable to
6 that being received by the Presidents of similar educational institutions. The President
7 of the University shall be assisted by the Vice President/s, who shall be appointed by
8 the Board upon recommendation of the President.

9 SEC. 10. *Heads of University Campuses.* – Campus Directors shall head the
10 University campuses and they shall render full-time service. They shall be appointed
11 by the Board upon recommendation of the search committee and the University
12 President, subject to the guidelines, qualifications and/or standards set by the Board,
13 Provided, That the incumbent University Administrators of the campuses shall serve
14 as Campus Directors of their respective campuses.

15 SEC. 11. *The Administrative Council.* – There shall be an Administrative Council
16 consisting of the President of the University as Chairperson, Vice Presidents, Deans,
17 Directors and other officials of equal rank, as members, whose duty is to review and
18 recommend to the Board the policies governing the administration, management and
19 development planning of the University.

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

23 SEC. 13. *The Secretary of the University.* – The Board shall appoint a secretary,
24 who shall serve as such for both the Board and the University and shall keep all records
25 and proceedings of the Board. He/She shall serve upon each member of the Board
26 the appropriate notice of the Board meetings.

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

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

35 SEC. 16. *Scholarship Program/Admission.* – The University shall provide a
36 scholarship program and other affirmative action programs to assist poor but
37 deserving students who qualify for admission to the University No student shall be
38 denied admission to the University by reason of sex, religion, cultural or community
39 affiliation or ethnic origin.

1 SEC. 17. *Academic Freedom and Institutional Autonomy.* – The University shall
2 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section
3 5 of Article XIV of the Constitution of the Republic of the Philippines.

4 SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and*
5 *Detail of Personnel.* – The heads of the bureaus and offices of the national government
6 are hereby authorized to loan or transfer, upon the request of the President of the
7 University, such apparatus, equipment or supplies as may be needed by the University,
8 and to detail employees for duty therein when, in the judgement of the head of bureau
9 or office, such apparatus, equipment, supplies or services of such employees can be
10 spared without serious detriment to the public service. The employees so detailed shall
11 perform such duties as required of them by the President of the University, and the
12 time so employed shall be counted as part of their regular services.

13 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and personal,
14 personnel and records of the Surigao del Sur State University, as well as liabilities or
15 obligations, are hereby transferred to the Northeastern Mindanao State University
16 (NEMSU). The positions, rights and security of tenure of faculty members and
17 personnel therein employed under existing laws prior to the conversion into NeMSU
18 shall be respected.

19 All parcels of land belonging to the government occupied by the SSDSU are
20 hereby declared to be property of the NeMSU, and shall be titled under that name;
21 *Provided,* That should the University cease to exist or be abolished or should such
22 parcels of land aforementioned be no longer needed by the University, the same shall
23 revert to the national government.

24 SEC. 20. *Appropriations* - The amount necessary to carry out the provisions of
25 this Act shall be charged against the current year's appropriations of Surigao del Sur
26 State University. Except the sums needed to continue the operations of the existing
27 high school. Thereafter, such sums as may be necessary for the continued operation
28 and maintenance of the Surigao del Sur State University shall be included in the annual
29 General Appropriations Act.

30 In addition to the regular appropriations and increases for the University under
31 the annual GAA, a University modernization program fund, hereinafter referred to as
32 the Fund, shall be appropriated in the amount of Two Hundred Million Pesos (P
33 200,000,000.00) per year for a period of five (5) years, and for creation of one
34 hundred (100) Faculty positions and thirty (30) Non-teaching positions to commence
35 in the year after the approval of this Act, which shall likewise be included in the annual
36 GAA. The Fund shall be used for the construction and improvement of University
37 structures and facilities, including the University thereafter mentioned in Section 19 of
38 this Act.

39 SEC. 21. Development Plan, Management Audit,
40 Organizational/Administrative/Academic Structure. – Within the period of one hundred
41

1 twenty (120) days after the approval of this Act, the University shall accomplish the
2 following:

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

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

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

8 SEC. 22. *CHED Monitoring and Evaluation.* – The CHED shall conduct regular
9 monitoring and evaluation to determine continuing compliance with the requirements
10 on University status. In the event that the Commission finds that the University does
11 not maintain compliance thereof, it shall submit the appropriate recommendation for
12 the revocation of the University status to the Senate Committee on Education, Arts
13 and Culture, and the House Committee on Higher and Technical Education.

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

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

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

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

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

32 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after its
33 publication in two (2) newspapers of general circulation.

Approved,