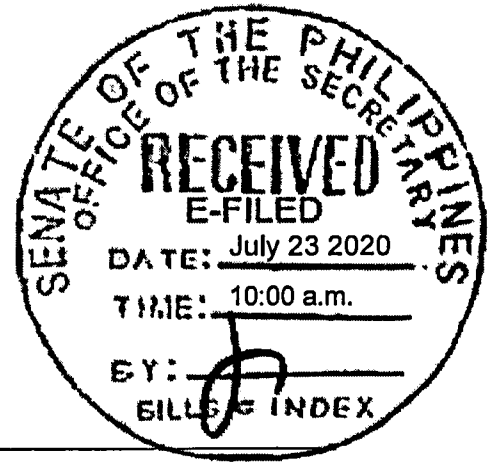


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S.B. No. **1733**

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT CONVERTING THE ABRA STATE INSTITUTE OF SCIENCES AND TECHNOLOGY IN THE MUNICIPALITIES OF LAGANGILANG AND BANGUED, PROVINCE OF ABRA INTO A UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF ABRA, AND PROVIDING FUNDS THEREFOR

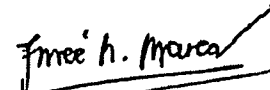
EXPLANATORY NOTE

Article XIV, Section 1 of the Constitution provides 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.*" The Constitution further mandates that the State establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.

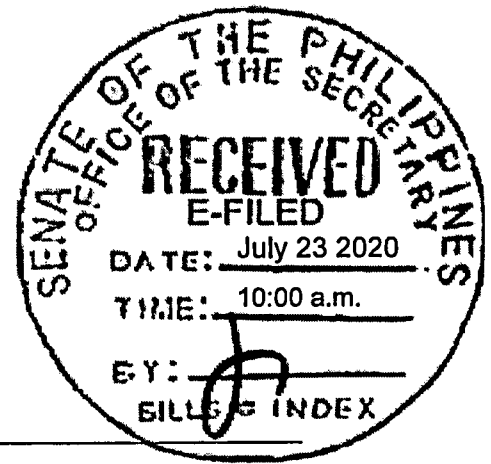
Pursuant to the aforementioned constitutional mandate, this bill proposes to convert the Abra State Institute of Sciences and Technology in the municipalities of Lagangilang and Bangued, Province of Abra into a University to be known as the University of Abra.

The Abra State Institute of Sciences and Technology currently offers undergraduate degree, graduate degree, non-degree and basic education programs. They provide education to more than 4,000 students per academic year. By converting the Abra State Institute of Sciences and Technology into a University, educational facilities will be modernized, and the quality of education will be improved.

Given the abovementioned circumstances, the immediate passage of this bill is earnestly sought.


IMEE R. MARCOS

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

1 **Section 1. Conversion.** – The Abra State Institute of Sciences and
2 Technology (ASIST) in the Province of Abra, which is composed of the ASIST-
3 Lagangilang Campus in the Municipality of Lagangilang, and the ASIST-Bangued in
4 the Municipality of Bangued, all located in the Province of Abra, is hereby converted
5 into a state university to be known as the University of Abra. Its main campus shall
6 be in the Municipality of Lagangilang.

7

8 **Sec. 2. General Mandate.** – The University of Abra, hereinafter referred to as
9 the University, shall primarily provide advance education, higher technological and
10 professional instruction and training in the fields of education, agricultural
11 technology, agribusiness management, industrial technology, arts and sciences,
12 forestry, health sciences, information technology, and other relevant fields of study.
13 It shall also undertake research and extension services, and provide progressive
14 leadership in its areas of specialization in the Province of Abra and in Cordillera
15 Administrative Region (CAR).

16

17 **Sec. 3. Academic Freedom and Institutional Autonomy.** – The University
18 shall enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2,
19 Section 5 of Article XIV of the Constitution.

20

1 **Sec. 4. Curricular Offerings.** – The University shall offer undergraduate,
2 graduate and post-graduate programs and short-term courses in the fields of
3 education, agricultural technology, agribusiness management, engineering,
4 industrial technology, forestry, arts and sciences, information technology, and other
5 degree courses within its areas of specialization and according to its capabilities, as
6 the Board Regents may deem necessary to carry out its objectives, particularly in
7 meeting the needs of the Province of Abra and the Cordillera Administrative Region
8 (CAR).

9
10 The existing reasonably-sized laboratory high school and elementary school
11 shall continue to operate under the control of the College of Teacher Education of
12 the University to serve in-campus requirements of the students of the College of
13 Teacher Education.

14
15 **Sec. 5. Administration.** – The University shall have the general powers of a
16 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as
17 the "Corporation Code of the Philippines." The administration of the University and
18 the exercise of its corporate powers shall be vested exclusively in the Board of
19 Regents and the President of the University.

20
21
22 **Sec 6. The Governing Board.** – The governing board of the University shall
23 be the Board of Regents, hereinafter referred to as the Board, which shall be chaired
24 and co-chaired by the Chairperson of the Commission on Higher Education (CHED)
25 and the President of the University, respectively, and with the following members:

- 26
27 a) Chairperson of the Committee on Education, Arts and Culture of the
28 Philippine Senate;
29 b) Chairperson of the Committee on Higher and Technical Education of the
30 House of Representatives;
31 c) Regional Director of the National Economic and Development Authority
32 (NEDA);
33 d) Regional Director of the Department of Science and Technology (DOST);

- 1 e) Regional Director of the Department of Agriculture (DA);
- 2 f) President of the federation of the faculty associations of the University;
- 3 g) President of the federation of student councils of the University;
- 4 h) President of the federation of alumni associations of the University; and
- 5 i) Two (2) prominent citizens from the private sector who have distinguished
- 6 themselves in their profession or fields of specialization.

7

8 The Board shall appoint the two (2) prominent citizens from among a list of
9 at least five (5) qualified persons in the Province of Abra where the University and
10 its campus are located, as recommended by a search committee constituted by the
11 President of the University, in consultation with the Chairperson of the CHED and
12 the other members of the Board, based on the standards and qualifications for the
13 position.

14

15 The term of office of the President of the federation of faculty associations,
16 the President of the federation of student councils, and the President of the
17 federation of alumni associations shall be coterminous with their respective terms of
18 office, as set forth in their respective constitutions and bylaws.

19

20 The two (2) prominent citizens shall serve for a term of two (2) years from
21 the date of appointment.

22

23 **Sec. 7. Powers and Duties of the Board of Regents.** – In addition to its general
24 powers of administration and the powers granted to the Board of Directors of a
25 corporation under existing laws, the Board shall have the following specific powers
26 and duties:

27

- 28 a) Promulgate and implement policies in accordance with the declared state
- 29 policies on education, agriculture, science and technology, as well as the
- 30 policies, standards and thrusts of the CHED under Republic Act No. 7722,
- 31 otherwise known as the "Higher Education Act of 1994";

32

- 1 b) Approved the curricula, instructional programs, and rules of discipline
2 drawn by the Administrative and the Academic Councils herein provided;
3
- 4 c) Appoint, upon the recommendation of the President of the University, the
5 vice presidents, deans, directors, heads of the campuses, faculty members
6 and other officials and employees of the University;
- 7
- 8 d) Fix and adjust the salaries of faculty members, and administrative officials
9 and employees, subject to the provisions of the Revised Compensation
10 and Position Classification System and other pertinent budget and
11 compensation laws governing hours of service and such other duties and
12 conditions as it may deem proper; grant them, at its discretion, leaves of
13 absence under such regulations as it may promulgate, any provision of
14 existing law to the contrary notwithstanding; and remove them for cause
15 in accordance with the requirements of due process of law;
- 16
- 17 e) Fix the tuition fees and other necessary school charges, such as
18 matriculation fees, graduation fees and laboratory fees, as the Board may
19 deem proper to impose, after due consultation with the involved sectors.
20 The fees and charges, including government subsidies and other income
21 generated by the University, shall constitute its special trust funds, and
22 shall be deposited in any authorized government depository bank, and all
23 interests that shall accrue therefrom, shall form part of the same funds
24 for the use of the University. Any provision of existing law, rule of
25 regulation to the contrary notwithstanding, any income generated by the
26 University from tuition fees and other charges, as well as from the
27 operation of auxiliary services, lands and grants, shall be retained by the
28 University, and may be disbursed by the Board for instruction, research,
29 extension or other programs/projects of the University: *Provided*, That all
30 fiduciary fees shall be disbursed for the specific purposes for which these
31 are collected: *Provided* however, That if, for reasons beyond this control,
32 the University shall not able to pursue any project for the funds have been

1 appropriated and allocated under its approved program of expenditures,
2 the Board may authorize the use of said funds for any reasonable purpose
3 which, in its discretion, may be necessary and urgent for the attainment
4 of the objectives and goals of the University;

- 5
- 6 f) Adopt and implement a socialized scheme of tuition and other school fees
7 for greater access of poor but deserving students in accordance with R.A
8 No. 10931 or "The Universal Access to Quality Tertiary Education Act";
- 9
- 10 g) Establish professorial chairs in the University and provide fellowships for
11 qualified faculty members, and scholarships to deserving students;
- 12
- 13 h) Receive and appropriate all sums as may be provided for the support of
14 the University in the manner it may determine, in its discretion, to carry
15 out the purposes and functions of the University;
- 16
- 17 i) Set the policies on admission and graduation of students;
- 18
- 19 j) Award honorary degrees upon persons in recognition of their outstanding
20 contribution in the fields of education, public service, arts, science and
21 technology, agriculture or any field of specialization within the academic
22 competence of the University, and authorize the awarding of certificates
23 of completion of nondegree and nontraditional courses;
- 24
- 25 k) Establish research and extension centers to promote the development of
26 the University;
- 27
- 28 l) Develop academic arrangements for institutional capability building with
29 appropriate institutions and agencies, public and private and local and
30 foreign, and appoint experts/specialists as consultants, part-time,
31 visiting/exchange professors, scholars or researchers, as the case may be;
- 32
- 33 m) Adopt modern and innovative modes of transmitting knowledge for the
34 promotion of greater access to education such as the use of information

- 1 technology, dual training system, open distance learning, and community
2 laboratory;
- 3
4 n) Collaborate with the governing boards of the state universities and
5 colleges (SUCs) within the Province of Abra or the Cordillera Administrative
6 Region, under the supervision of the CHED and in consultation with the
7 Department of Budget and Management (DBM), in restructuring to
8 University to make it more efficient, relevant, productive and competitive;
- 9
10 o) Absorb non-chartered tertiary institutions within the Province of Abra as
11 branches and extension centers in coordination with the CHED and in
12 consultation with the DBM, and offer therein programs or courses to carry
13 out the Constitutional mandate of providing equal access to educational
14 opportunities;
- 15
16 p) Authorize an external management audit in University, to be financed by
17 the CHED, subject to the rules and regulations of the Commission on Audit
18 (COA), and institute reforms, including academic and structural changes,
19 on the basis of the audit results and recommendations;
- 20
21 q) Develop consortia and other economic forms of linkages with local
22 government units (LGUs), as well as public, private, local and foreign
23 institutions and agencies, in the furtherance of the purposes and
24 objectives of the University;
- 25
26 r) Import economic, technical, and cultural books and publications;
- 27
28 s) Enter into joint ventures with business and industry for the profitable
29 development and management of the economic assets of the University,
30 the proceeds from which shall be used for the development and
31 strengthening of the University;
- 32
33 t) Receive in trust, legacies, gifts and donations of real and personal
34 properties of all kinds and administer and dispose of the same, when

1 necessary, for the benefit of the University and subject to the limitations,
2 directions and instructions of the donor, if any;

3
4 u) Authorize the construction or repair of its buildings, machinery, equipment
5 and other facilities, and the purchase and acquisition of real property,
6 including the necessary supplies, materials and equipment;

7
8 v) Extend the term of the President of the University beyond the age of
9 retirement, but not beyond the age of seventy (70), based on the
10 guidelines, qualifications and standards set by the Board: *Provided*, That
11 the President's performance has been rated by the Board as outstanding
12 and unanimous recommendation has been made by the search
13 committee;

14
15 w) Delegate any of its powers and duties provided to the President and other
16 officials of the University, as it may deem appropriate, so as to expedite
17 the administration of the affairs of the University;

18
19 x) Establish policy guidelines and procedures for participative decision
20 making and transparency within the University;

21
22 y) Where most advantageous to the University; privatize the management of
23 non-academic services such as health, food, building or grounds or
24 property maintenance, and such similar activities; and

25
26 z) Promulgate rules and regulations, as may be necessary, to carry out the
27 purposes and functions of the University.

28
29 **Sec. 8. Meetings of the Board.** – The Board shall regularly convene once
30 every three (3) months. The Chairperson of the Board may call a special meeting
31 whenever necessary: *Provided*, that members are notified in writing at least three
32 (3) days' prior to the conduct of said meeting.

33

1 A quorum of the Board shall consist of majority of all its members holding
2 office at the time of the meeting: *Provided, however,* That the Chairperson of the
3 Board or the President of the University is among those present in the meeting.
4

5 In case the CHED Chairperson cannot attend a meeting of the Board, a CHED
6 Commissioner duly designated by the CHED Chairperson as representative to the
7 meeting, shall have all the rights and responsibilities of a regular member: *Provided,*
8 *however,* That in the said meeting, the President of the University, as vice
9 chairperson, shall be the presiding officer: *Provided, further,* That this *proviso,*
10 notwithstanding, the Chairperson of the CHED is hereby authorized to designate a
11 CHED Commissioner, as the regular Chairperson of the Board, shall act as the
12 presiding officer.
13

14 In case the Chairpersons of the Senate Committee on Education, Arts and
15 Culture and the House Committee on Higher and Technical Education will not be
16 able to attend the Board meeting, they may duly designate their respective
17 representatives to attend the meeting, who shall have the same rights and
18 responsibilities as the regular members of the Board.
19

20 The members of the Board shall not receive any salary, but shall be entitled
21 to reimbursements for actual and necessary expenses incurred, either for their
22 attendance in the meetings of the Board or in connection with other official business
23 authorized by resolutions of the Board, subject to existing laws and regulations.
24
25

26 **Sec. 9. *The University President.*** – The University shall be headed by a
27 President, who shall render full-time service and be appointed by the Board, subject
28 to the guidelines, qualifications and standards set by the Board, upon the
29 recommendation of a duly constituted search committee. The University President
30 shall have a term of four (4) years and shall be eligible for reappointment for another
31 term: *Provided,* That in order to effect the smooth transition to a state university,
32 the incumbent president of the ASIST, if qualified, shall serve as the first president
33 of the University.

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

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

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

15
16 The salary of the President of the University shall be in accordance with RA
17 No. 6758 of the Compensation and Position Classification Act of 1989, as modified
18 by Joint Resolution No. 4 dated June 17, 2009, and by such other laws amendatory
19 thereto, which may hereinafter be enacted, and shall be comparable to that being
20 received by the presidents of similar educational institutions.

21
22 The President of the University shall be assisted by the Vice President for
23 Academic Affairs, a Vice-President for Administration, and a Vice-President for
24 Research, Extension and Training, who shall be appointed by the Board upon the
25 recommendation of the President of the University.

26
27 **Sec. 10. *The Secretary of the University.*** – The Board shall appoint a
28 Secretary, who shall serve as such for both the Board and the University and who
29 shall keep all records and proceedings of the Board. The Secretary of the University
30 shall serve upon each member of the Board the appropriate notices of board
31 meetings.

1 **Sec. 11. *The Treasurer of the University.*** – The Treasurer of the Philippines
2 shall be the *ex officio* Treasurer of the University.

3
4 **Sec. 12. *The Administrative Council.*** – There shall be an Administrative
5 Council consisting of the President of the University as Chairperson, and vice
6 presidents, deans, directors and other officials of equal rank as members, whose
7 duties are to review and recommend to the Board the policies governing the
8 administration, management and development planning of the University.

9
10 **Sec. 13. *The Academic Council.*** – There shall be an Academic Council to be
11 composed of the President of the University, who shall act as Chairperson, and all
12 academic staff with the rank of at least an assistant professor, as members.

13
14 The Academic Council shall have the power to review and recommend the
15 curricular offerings and rules of discipline of the University, subject to the approval
16 of the Board. It shall fix the requirements for the admission of students, as well as
17 for their graduation and conferment of degrees, subject to review and approval by
18 the Board through the President of the University. It shall have the disciplinary power
19 over students of the University and shall formulate academic policies, and rules and
20 regulations on discipline, subject to the approval of the Board.

21
22 **Sec. 14. *Heads of University Campuses.*** – The Campus Directors shall serve
23 as heads or administrators of the University campuses and shall render full-time
24 service.

25
26 They shall appointed/designated by the Board upon recommendation of the
27 Search Committee and the President, subject to guidelines, qualifications and
28 standards set by the Board: *Provided*, That the incumbent Campus Directors of the
29 existing campuses upon the effectivity of this Act.

30
31 **Sec. 15. *The Faculty.*** - No political belief, gender preference, cultural or
32 community affiliation or ethnic origin, and religious opinion or affiliation shall be a
33 matter of inquiry in the appointment of faculty members of the University: *Provided*,

1 That said appointment shall be subject to the guidelines, qualifications and standards
2 set by the Board: *Provided, further,* That no member of the faculty shall teach for
3 or against any particular church of religious sect.

4
5 **Sec. 16. *Scholarship Program and Admission.*** –The University shall provide
6 a scholarship program and other affirmative action programs to assist poor but
7 deserving students who qualify for admission to the University.

8
9 No student shall be denied admission to the University by reason of gender,
10 religion, cultural or community affiliation or ethnic origin.

11
12 **Sec. 17. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and***
13 ***Detail of Personnel.*** – The heads of the bureaus and offices of the national
14 government are hereby authorized to loan or transfer, upon the request of the
15 President of the University, such apparatus, equipment or supplies as may be needed
16 by the University, and to detail employees for duty therein when, in the judgment
17 of the head of bureau or office, such apparatus, equipment, supplies or services of
18 such employees can be spared without serious detriment to public service.

19
20 The employees so detailed shall perform such duties as required of them by
21 the President of the University, and the time so employed shall be counted as part
22 of their regular services.

23
24 **Sec. 18. *Assets, Liabilities and Personnel.*** – All assets, real and personal,
25 personnel and records of the ASIST, as well as its liabilities or obligations, are hereby
26 transferred to the University: *Provided,* That the positions, rights and security of
27 tenure of faculty members and personnel therein employed under existing laws prior
28 to the conversion into a University shall be respected: *Provided, further,* That the
29 incumbents of the positions shall remain in the same status until otherwise provided
30 for by the Boards: *Provided, finally,* That the University shall also include an upgrade
31 or increase in its human resource component.

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

7
8 **Sec. 19. *Tax Exemption on Importation and Donations.*** – The importation of
9 economic, technical and cultural books or publications, which are for economic,
10 technical, vocational, scientific, philosophical, historical or cultural purposes made by
11 the University, upon certification by the CHED, shall be exempt from customs duties
12 in accordance with the provisions of RA No. 10863 otherwise known as the “Customs
13 Modernization and Tariff Act (CMTA)”.

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

21
22 **Sec. 20. *Development Plan, Management Audit, and Academic Structure.*** –
23 Within the period of one hundred twenty (120) days after the approval of this Act,
24 the University shall accomplish the following:

- 25
26 a. Submit a five (5)-year development plan, including its corresponding
27 program budget, to the CHED for corresponding recommendation to the
28 DBM;
29 b. Undergo a management audit in cooperation with the CHED; and
30 c. Set up its organizational, administrative, as well as academic structure,
31 including the appointment of key officials of the University.

32

1 **Sec. 21. Compliance with CHED Requirements.** – The provisions of this Act
2 notwithstanding, the conversion the institution into a state university shall become
3 effective only upon the determination and declaration by the CHED, based on the
4 recommendation of a panel of experts it shall constitute for the purpose, that the
5 institution has complied with the requirements for a university status based on CHED
6 Memorandum Order No. 46, series of 2012 (Policy Standards to Enhance Quality
7 Assurance in Philippine Higher Education through the Outcomes-Based and
8 Typology-Based Quality Assurance): *Provided*, That the panel may issue such
9 recommendation when the institution has substantially complied with the
10 requirements for the grant of university status.

11
12 The following operational requirements for a university, as established by the
13 CHED, shall be complied with:

- 14
- 15 a. Faculty members with relevant degrees in their areas of specialization, as
16 required by the CHED, and have participated in research and development
17 activities in their respective disciplines, as evidenced by refereed
18 publications and other scholarly outputs;
 - 19
 - 20 b. A comprehensive range of degree programs in all levels, from basic post-
21 secondary to doctoral programs;
 - 22
 - 23 c. Viable research programs in specific (disciplinal and multidisciplinary)
24 areas of study that produce new knowledge, as evidenced by refereed
25 publications, citations, inventions, and patents, among others;
 - 26
 - 27 d. Comprehensive learning resources and support structures, to include
28 libraries, practicum laboratories, relevant educational resources, and
29 linkages with relevant disciplinal and professional sectors, to allow
30 students to explore basic, advance, and even cutting-edge knowledge in
31 a wide range of disciplines or professions;
 - 32

- 1 e. Active and ongoing linkages and affiliation with other research institutions
2 in various parts of the world to ensure that the research activities of the
3 University are functioning at current global standards; and
4
5 f. Outreach activities that allow the students, faculty, and research staff to
6 apply the new knowledge they generate to address specific social
7 development problems.
8
9

10 The CHED, through its regional office, shall regularly provide technical
11 assistance to the institution and monitor compliance with the requirements of the
12 Commission.
13

14 The institution shall retain its status prior to the effectivity of this Act until it
15 is able to comply with the requirements provided herein.
16

17 **Sec. 22. Appropriations.** – The amount necessary to carry out the provisions
18 of this Act shall be charged against the current year’s appropriations for the Abra
19 State Institute of Sciences and Technology. Thereafter, such sums as may be
20 necessary for the continued operation and maintenance of the University shall be
21 included in the annual General Appropriations Act.
22

23 **Sec. 23. Supplementary Application.** – The provisions of RA No. 8292, otherwise
24 known as the “Higher Education Modernization Act of 1997”, shall be an integral part
25 of this Act and shall serve as part of the Governing Charter of the University.
26

27 **Sec. 24. Filing of Report.** – On or before the fifteenth (15th) day of the second
28 month after the opening of the regular classes each year, the Board shall file with
29 Office of the President of the Philippines, through the Chairperson of the CHED, and
30 with both Houses of Congress, a detailed report on the progress, conditions and
31 needs of the University.
32

1 **Sec. 25. *Parity Clause.*** – All other powers, functions and privileges,
2 responsibilities and limitations to state universities and their officials under existing
3 laws shall be deemed granted to or imposed upon the University and its officials
4 whenever appropriate.

5
6 **Sec. 26. *Implementing Rules and Regulations.*** – Within sixty (60) days from
7 the effectivity of this Act, the Board, in consultation with the CHED, shall formulate
8 the rules and regulations to fully implement the provisions of this Act.

9
10 **Sec. 27. *Separability Clause.*** – If, for any reason, any part or provision of
11 this Act is declared invalid or unconstitutional, the remaining parts or provisions not
12 affected thereby shall remain in full force and effect.

13
14 **Sec. 28. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
15 rules and regulations contrary to or inconsistent with the provision of this Act
16 are hereby repealed or modified accordingly.

17
18 **Sec. 29. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
19 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,