


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

6 FEB 23 P1 58

SENATE

RECEIVED BY: 

S.B. No. 2212

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Introduced by SENATOR EDGARDO J. ANGARA

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EXPLANATORY NOTE

The Caraga Administrative Region (Region XIII), located at the northeastern portion of the island of Mindanao, is the newest region in the Philippines. It was created through Republic Act No. 7901 on 25 February 1995. The region has four (4) provinces, *namely*: Agusan del Norte, Agusan del Sur, Surigao del Norte and Surigao del Sur; three (3) cities: Butuan, Surigao and Bislig; seventy (70) municipalities and 1,346 barangays, with Butuan City as the regional center. All these four (4) provinces are included in the poorest 44 provinces in the country.

One of the findings of the 1993 EDCOM Report is that higher education in the Philippines is characterized by an "imbalanced distribution of state colleges and universities in the country." True to form, though it has four state colleges, the Caraga Region is the only region in the country today that has no state university.

This bill now seeks to convert the Northern Mindanao State Institute of Science and Technology (NORMISIST), the Northern Mindanao College of Arts, Science and Technology (NMCAST), the Siargao National College of Science and Technology (SNCST) into the CARAGA STATE UNIVERSITY SYSTEM (CSUS). The NORMISIST in Butuan City shall be the main campus, with the NMCAST in Cabadbaran, Agusan del Norte and SNCST in Siargao, Surigao del Norte as the other campuses.

As a region with one of the highest poverty and subsistence incidence in the country (2003 NSCB statistics), there is a need to exert efforts in building human resource to guarantee manpower development in Caraga. The creation of the CSUS would make available quality and competitive learning to its populace thru wider range of course offerings, graduate studies and extension research programs. Further, this would address the urgent need of supporting effective mechanisms to bring affordable and relevant education responsive to the needs of the region and its people.


For these reasons, I urge my colleagues to support the immediate passage of this bill.

  
EDGARDO J. ANGARA  
Senator

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AN ACT ESTABLISHING THE CARAGA STATE UNIVERSITY IN THE CARAGA REGION BY INTEGRATING THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY, THE NORTHERN MINDANAO COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN, AGUSAN DEL NORTE, AND THE SIARGAO NATIONAL COLLEGE OF SCIENCE AND TECHNOLOGY (SNCST) IN DEL CARMEN, SIARGAO, SURIGAO DEL NORTE AND APPROPRIATING FUNDS THEREFOR.

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

1           **SECTION 1. *Integration and Conversion.*** – The present Northern Mindanao  
2 State Institute of Science and Technology (NORMISIST) in Ampayon, Butuan City,  
3 the Northern Mindanao College of Arts, Science and Technology (NMCAST) in  
4 Cabadharan, Agusan del Norte, and the Siargao National College of Science and  
5 Technology (SNCST) in Del Carmen, Siargao, Surigao del Norte are hereby  
6 integrated and converted into the Caraga State University (CSU), hereinafter referred  
7 to as the “University.”

8  
9           The main campus of the University shall be in Butuan City.

10  
11  
12           **SEC. 2. *General Mandate.*** - The University shall primarily provide advanced  
13 education, higher technological, professional instruction and training in the fields of  
14 agriculture and environmental studies, fishery, engineering, forestry, industrial  
15 technology, education, law, medicine and other health related programs, information  
16 technology, arts and sciences and other related courses. It shall undertake research  
17 and extension services, and provide progressive leadership in its areas of  
18 specialization.

1           The University shall offer undergraduate, graduate and short-term technical  
2 courses within its areas of specialization specifically, but not limited to, the fields of  
3 agriculture and environmental studies, fishery, engineering, forestry, industrial  
4 technology, education, law, medicine and other health related programs, information  
5 technology, arts and sciences and other fields as the Board of Regents may deem  
6 necessary to carry out its objectives, particularly to meet, the needs of the Caraga  
7 Region.

8  
9           The existing high school/s shall be transferred to the jurisdiction and  
10 supervision of the Department of Education: *Provided*, That the high school/s shall  
11 be allowed to remain and operate within the campus of the University until the  
12 existing students shall have completed their high school education; *Provided, further*,  
13 That the University may operate a reasonably-sized laboratory school, if it has a  
14 College of Education.

15  
16  
17           **SEC. 3. Powers of the University.** - The University shall have the general  
18 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise  
19 known as the "Corporation Code of the Philippines." The administration of the  
20 University and the exercise of its corporate powers shall be vested exclusively in the  
21 Board of Regents.

22  
23  
24           **SEC. 4. Governing Body.** - The governing board of the University shall be the  
25 Board of Trustees, hereinafter referred to as the Board, composed of the following:

26  
27           (a) The Chairperson of the Commission on Higher Education (CHED),  
28 chairperson;

29  
30           (b) The President of the University, vice chairperson;

31  
32           (c) The Chairperson of the Committee on Education, Arts and Culture of the  
33 Senate, member;

34  
35           (d) The Chairperson of the Committee on Higher and Technical Education of  
36 the House of Representatives, member;

37

1 (e) The Regional Director of the National Economic and Development  
2 Authority (NEDA), member;

3  
4 (f) The Regional Director of the Department of Science and Technology  
5 (DOST), member;

6  
7 (g) The President of the federation of faculty associations of the University,  
8 member;

9  
10 (h) The President of the federation of student councils of the University,  
11 member;

12  
13 (i) The President of the federation of alumni associations of the University,  
14 member; and

15  
16 (j) Two (2) prominent citizens from the private sector who have distinguished  
17 themselves in their profession or fields of specialization, members.

18  
19 The Board shall appoint the two (2) prominent citizens from a list of at least  
20 five (5) persons qualified in Butuan City, Agusan del Norte and Surigao del Norte, as  
21 recommended by the search committee constituted by the Board.

22  
23 The term of office of the president of the federation of faculty associations, the  
24 president of the federation of student councils and the president of the federation of  
25 alumni associations shall be co-terminous with their term of office, as set forth in  
26 their respective constitutions and by-laws. The two prominent citizens shall serve for  
27 a term of two (2) years from the date of appointment.

28  
29 The Chairperson shall supervise the degree programs while the Co-Chair shall  
30 supervise the non-degree programs. The Chairperson shall be the presiding officer of  
31 the Board of Trustees. However, in the absence of the Chairperson, or upon the  
32 request and permission of the Chairperson, the Co-Chairperson shall serve as the  
33 presiding officer. If and when the Chairperson and Co-Chairperson are not available,  
34 the Vice-Chairperson shall serve as the presiding officer.

35  
36  
37 **SEC. 5. *Promulgation and Implementation of Policies.*** -The Board shall  
38 promulgate and implement policies in accordance with the declared state policies on

1 education and other pertinent provisions of the Philippine Constitution on  
2 education, agriculture, science and technology, as well as the policies, standards and  
3 thrusts of the CHED under Republic Act No. 7722, otherwise known as the “Higher  
4 Education Act of 1994.”

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

11  
12 (a) To promulgate rules and regulations not contrary to law as may be  
13 necessary to carry out the purposes and functions of the University;

14  
15 (b) To receive and appropriate all sums as may be provided for the support of  
16 the University in the manner it may determine, in its discretion, to carry out the  
17 purposes and functions of the University;

18  
19 (d) To receive in trust legacies, gifts and donations of real and personal  
20 properties of all kinds, to administer and dispose of the same when necessary for the  
21 benefit of the University, subject to the limitations, directions and instructions of the  
22 donor.

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

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

33  
34 Such fees and charges, including government subsidies and other incomes  
35 generated by the University, shall constitute special trust funds and shall be deposited  
36 in any authorized government depository bank, and all interests that shall accrue  
37 therefrom shall form part of the same funds for the use of the University.

1 Any provision of existing laws, rules and regulations to the contrary  
2 notwithstanding, any income generated by the University from tuition fees and other  
3 charges, as well as from the operation of auxiliary services and land grants, shall be  
4 retained by the University and may be disbursed by the Board for instruction,  
5 research, extension or other programs and projects of the University: *Provided*, That  
6 all fiduciary fees shall be disbursed for the specific purposes for which they are  
7 collected.

8  
9 If for reasons beyond its control, the University shall not be able to pursue  
10 any project for which the funds have been appropriated and allocated under its  
11 approved program of expenditures, the Board may authorize the use of said funds for  
12 any reasonable purpose which, in its discretion, may be necessary and urgent for the  
13 attainment of the objectives and goals of the University;

14  
15 (f) To provide scholarship, subsidy, or a socialized scheme of tuition and  
16 school fees for greater access to poor but deserving students;

17  
18 (g) To authorize the construction or repair of its buildings, machinery,  
19 equipment and other facilities, and the purchase and acquisition of real property,  
20 including necessary supplies, materials and equipment, and to import duty-free  
21 economic, technical and cultural books and/or publications, upon certification by  
22 the CHED that such imported books and/or publications are for economic,  
23 technical, vocational, scientific, philosophical, historical or cultural purposes, in  
24 accordance with the provisions of the Tariff and Customs Code, as amended:  
25 *Provided*, That such commodities or materials are not locally available;

26  
27 (h) To appoint, upon recommendation of the president of the University, vice  
28 presidents, deans, directors and heads of campuses, faculty members and other  
29 officials and employees of the University;

30  
31 (i) To fix and adjust salaries of faculty members and administrative officials  
32 and employees, subject to the provisions of the Revised Compensation and Position  
33 Classification System and other pertinent budget and compensation laws governing  
34 hours of service, and such other duties and conditions as it may deem proper; to  
35 grant them, at its discretion, leaves of absence under such regulations as it may  
36 promulgate, any provision of existing law to the contrary notwithstanding; and to  
37 remove them for cause in accordance with the requirements of due process of law;

1 (j) To approve the curricula, instructional programs and rules of discipline  
2 drawn by the administrative and academic councils herein provided;

3  
4 (k) To set policies on admission and graduation of students;

5  
6 (l) To award honorary degrees upon persons in recognition of their  
7 outstanding contribution in the fields of education, public service, arts, science and  
8 technology, agriculture or in any field of specialization within the academic  
9 competence of the University; and to authorize the awarding of certificates of  
10 completion of non-degree and non-traditional courses;

11  
12 (m) To establish and absorb non-chartered tertiary institutions within the  
13 provinces of Agusan del Norte and Surigao del Norte or the Caraga Region as  
14 branches and centers in coordination with the CHED and in consultation with the  
15 DBM, and to offer therein programs or courses to promote and carry out equal  
16 access to educational opportunities as mandated by the Constitution;

17  
18 (n) To establish research and extension centers of the University where such  
19 will promote the development of the latter;

20  
21 (o) To provide local and international fellowships to qualified faculty  
22 members;

23  
24 (q) To authorize an external management audit of the University, to be  
25 financed by the CHED, subject to the Commission on Audit rules and regulations;  
26 and to institute reforms, including academic and structural changes, on the basis of  
27 the audit results and recommendations;

28  
29 (r) To collaborate with other governing boards of the state colleges and  
30 universities within the provinces of Agusan del Norte and Surigao del Norte or the  
31 Caraga Region, under the supervision of the CHED and in consultation with the  
32 DBM, and work towards the restructuring of the University to become more  
33 efficient, relevant, productive and competitive;

34  
35 (s) To enter into joint ventures with business and industry for the profitable  
36 development and management of the economic assets of the University, the proceeds  
37 of which shall be used for the development and strengthening of the University;

38

1 (t) To develop consortia and other economic forms of linkages with the local  
2 government units, institutions and agencies, both public and private, local and  
3 foreign, in the furtherance of the purpose and objectives of the University;

4  
5 (u) To develop academic arrangements for institutional capability building  
6 with appropriate institutions and agencies, public and private, local and foreign, and  
7 to appoint experts/specialists as consultants, part-time or visiting or exchange  
8 professors, scholars or researchers, as the case may be;

9  
10 (v) To set up the adoption of modern and innovative modes of transmitting  
11 knowledge such as the use of information technology, the dual system, open learning  
12 or distance education and community laboratory for the promotion of greater access  
13 to education;

14  
15 (w) To establish policy guidelines and procedures for participative decision-  
16 making and transparency within the University;

17  
18 (x) To privatize, where most advantageous to the University, the management  
19 of non-academic services such as health, food, building or grounds or property  
20 maintenance and such other similar activities; and

21  
22 (y) To extend the term of the president of the University beyond the age of  
23 retirement, but not beyond the age of seventy (70), whose performance has been  
24 unanimously rated by the governing board as outstanding based on the guidelines,  
25 qualifications and/or standards set by the Board, after unanimous recommendation  
26 by the search committee.

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29 **SEC. 7. Meetings of the Board.** - The Board shall regularly convene at least  
30 once every quarter. However, the Chairperson of the Board may call a special  
31 meeting whenever necessary provided that members are notified in writing at least  
32 three (3) days prior to the said meeting.

33  
34 A majority of all members holding office shall consist a quorum for board  
35 meetings: *Provided*, That either the Chairperson of the Board, Co-Chairperson, or the  
36 Vice-Chairperson is among those present in the meeting.

37



1 In the absence of the chairperson of the CHED, a commissioner of the  
2 CHED, duly designated by him/her, shall represent him/her in the meeting with all  
3 the rights and responsibilities of a regular member: *Provided, however,* That during this  
4 meeting, the president of the University as vice chairperson shall be the presiding  
5 officer: *Provided, further,* Notwithstanding this proviso, the chairperson of the CHED  
6 is hereby authorized to designate a CHED commissioner as the regular chair of the  
7 Board, in which case said CHED commissioner shall act as the presiding officer.

8  
9 In case the chairpersons of the Congressional Committees on Education shall  
10 not be able to attend the Board meeting, they may duly designate their respective  
11 representatives to attend the said meeting, who shall have the same rights and  
12 responsibilities as a regular member of the Board.

13  
14 The members of the Board shall not receive any salary but shall be entitled to  
15 reimbursements for actual and necessary expenses incurred, either in their  
16 attendance to meetings of the Board or in connection with other official business  
17 authorized by resolution of the Board, subject to existing laws and regulations.

18  
19  
20 **SEC. 8. *The University President.*** -The University shall be headed by a  
21 President who shall render full-time service. He/she shall be appointed by the  
22 Board, subject to the guidelines, qualifications and /or standards set by the Board,  
23 upon recommendation of a duly constituted search committee. He/she shall have a  
24 term of four years and shall be eligible for reappointment for another term: *Provided,*  
25 That in order to effect a smooth transition to a state university, the incumbent  
26 president of the NORMISIST shall serve as officer-in-charge of the University,  
27 pending the appointment of the first president of the Caraga State University.

28  
29 Within six (6) months before the expiration of the term of office of the  
30 incumbent president of the Caraga State University, the Board shall constitute the  
31 Search Committee for the Presidency (SCP).

32  
33 In case of vacancy in the office of the president by reason of death,  
34 compulsory retirement, resignation, removal for cause or incapacity of the president  
35 to perform the functions of his/her office, the Board shall have the authority to  
36 designate an officer-in-charge of the University, pending the appointment of a new  
37 president.

1 In case of vacancy in the office of the president as mentioned in the  
2 immediately preceding paragraph, his/her successor or the officer-in-charge shall  
3 hold office for the unexpired term only.

4  
5 The powers and duties of the president of the University, in addition to those  
6 specifically provided in this Act, shall be those usually pertaining to the office of the  
7 president of similar universities, and those delegated by the Board.

8  
9 The salary of the president of the University shall be in accordance with the  
10 Revised Compensation and Position Classification System and shall be comparable  
11 to that being received by the presidents of similar educational institutions.

12  
13 The president of the University shall be assisted by a vice president for  
14 academic affairs and a vice president for administration who shall be appointed by  
15 the Board upon the recommendation of the president.

16  
17  
18 **SEC. 9. *Administrative Council.*** - There shall be an administrative council  
19 consisting of the president of the University as chairperson, vice president/s, deans,  
20 directors and other officials of equal rank as members, whose duty is to review and  
21 recommend to the Board, policies governing the administration, management and  
22 development planning of the University.

23  
24  
25 **SEC. 10. *Academic Council.*** - There shall be an academic council with the  
26 president of the University as chairperson and all members of the academic staff with  
27 the rank of not lower than assistant professor as members.

28  
29 The academic council shall have the power to review and recommend the  
30 curricular offerings and rules of discipline of the University, subject to the approval  
31 of the Board. It shall fix the requirements for the admission of students, as well as for  
32 their graduation and conferment of degrees, subject to review and/or approval by the  
33 Board through the president of the University.

34  
35  
36 **SEC. 11. *Secretary.*** -The Board shall appoint a Secretary, who shall serve as  
37 such for both the Board and the University, and shall keep all records and

1 proceedings of the Board. He /she shall serve upon each member of the Board the  
2 appropriate notice of the Board's meetings.

3  
4  
5 **SEC. 12. *Treasurer.*** - The Treasurer of the Philippines shall be the *ex officio*  
6 treasurer of the University.

7  
8  
9 **SEC. 13. *Faculty.*** - No political beliefs, gender preference, cultural or  
10 community affiliation or ethnic origin, religious opinion or affiliation shall be a  
11 manner of inquiry in the appointment of faculty members of the University: *Provided,*  
12 *That said appointment shall be subject to the guidelines, qualifications and/or*  
13 *standards set by the Board: Provided, further,* That no member of the faculty shall  
14 teach for or against any particular church or religious sect.

15  
16  
17 **SEC. 14. *Admission and Scholarships.*** - No student shall be denied admission  
18 to the University by reason of gender, nationality, religion, cultural, or community  
19 affiliation or ethnic origin, or political affiliation.

20  
21 The University shall provide a scholarship program and other subsidies to  
22 assist poor but deserving students who qualify for admission to the university.

23  
24  
25 **SEC. 15. *Academic Freedom and Institutional Autonomy.*** - The University  
26 shall enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2,  
27 Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

28  
29  
30 **SEC. 16. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and***  
31 ***Detail of Personnel.*** - The heads of bureaus and offices of the national government are  
32 hereby authorized to loan or transfer, upon request of the president of the University,  
33 such apparatus, equipment or supplies as may be needed by the University, and to  
34 detail employees for duty therein when, in the judgment of the head of bureau or  
35 office, such apparatus, equipment, supplies or services of such employees can be  
36 spared without serious detriment to the public service.

37

1           The employees so detailed shall perform such duties as required of them by  
2 the president of the University and the time so employed shall be counted as part of  
3 their regular services.

4  
5  
6           **SEC. 17. *Assets, Liabilities and Personnel.*** - All assets, real and personal,  
7 personnel and records of the Northern Mindanao State Institute of Science and  
8 Technology; the Northern Mindanao College of Arts, Science and Technology; and  
9 the Siargao National College of Science and Technology, as well as liabilities or  
10 obligations, are hereby transferred to the University: *Provided*, That the positions,  
11 rights and security of tenure of faculty members and personnel therein employed  
12 under existing laws shall be respected.

13  
14           All parcels of land belonging to the government and occupied by the  
15 Northern Mindanao State Institute of Science and Technology; the Northern  
16 Mindanao College of Arts, Science and Technology; and the Siargao National  
17 College of Science and Technology are hereby declared to be property of the Caraga  
18 State University and shall be titled under that name: *Provided, further*, That should the  
19 University cease to exist or be abolished or should such parcels of land  
20 aforementioned be no longer needed by the University, the same shall revert to the  
21 national government.

22  
23  
24           **SEC. 18. *Appropriations.*** -The amount necessary for the implementation of  
25 this Act shall be charged against the current year's appropriations of the Northern  
26 Mindanao State Institute of Science and Technology, the Northern Mindanao  
27 College of Arts, Science and Technology, and the Siargao National College of  
28 Science and Technology, except the sums needed to continue the operations of the  
29 existing high school/s. Thereafter, such sums as may be necessary for the continued  
30 operation and maintenance of the Caraga State University shall be included in the  
31 annual General Appropriations Act.

32  
33  
34           **SEC. 19. *Development Plan, Management Audit, Organizational/***  
35 ***Administrative/Academic Structure.*** - Within the period of one hundred twenty (120)  
36 days after the approval of this Act, the University shall accomplish the following:

1 (a) Submit a five (5) year development plan, including its corresponding  
2 program budget to the CHED, for corresponding recommendation to the  
3 Department of Budget and Management;

4  
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 University key officials.

8  
9  
10 **SEC. 20. *Filing of Report.*** - On or before the fifteenth (15<sup>th</sup>) day of the second  
11 month after the opening of the regular classes each year, the Board shall file with the  
12 Office of the President of the Philippines, through the chairperson of the CHED, and  
13 to both Houses of Congress, a detailed report on the progress, conditions and needs  
14 of the University.

15  
16  
17 **SEC. 21. *Supplementary Application.*** - The provisions of Republic Act No. 8292,  
18 otherwise known as the "Higher Education Modernization Act of 1997, shall be an  
19 integral part of this Act and shall serve as part of the governing charter of the  
20 University.

21  
22  
23 **SEC. 22. *Parity Clause.*** - All other powers, functions and privileges,  
24 responsibilities and limitations to state universities and/or their officials under  
25 existing laws shall be deemed granted to or imposed upon the University and/or its  
26 officials whenever appropriate.

27  
28  
29 **SEC. 23. *Implementing Rules and Regulations.*** - Within ninety (90) days from  
30 the effectivity of this Act, the Board, in consultation with the CHED, shall formulate  
31 the guidelines to fully implement the provisions of this Act.

32  
33  
34 **SEC. 24. *Separability Clause*** - If, for any reason, any part or provision of this  
35 Act is declared invalid or unconstitutional, the remaining parts or provisions not  
36 affected shall remain in full force and effect.

1           **SEC. 25. *Repealing Clause.*** - All laws, presidential decrees, executive orders,  
2 rules and regulations contrary to or inconsistent with the provisions of this Act are  
3 hereby repealed or modified accordingly.

4

5

6           **SEC. 26. *Effectivity.*** - This Act shall take effect fifteen (15) days after its full  
7 publication in the Official Gazette or in two (2) newspapers of general circulation,  
8 whichever comes first.

9

10

11 *Approved,*