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REPUBLIC OF THE PHILIPPINES )  
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SENATE

S.B. No. 1383

RECEIVED BY: 

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Introduced by Senator LOREN LEGARDA

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**EXPLANATORY NOTE**

This bill seeks to establish a State University System in the province of Antique which will offer quality tertiary, graduate and vocational education to the Filipinos, most especially the Antiqueños.

Article 14 Section 1 of the 1987 Philippine Constitution states that the State shall protect and promote the right of all citizens to quality education to all levels and shall take appropriate steps to make such education accessible to all. Section 2, Paragraph 1 of the same Article further assert 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.


The province of Antique is located in the Western Visayas Region. It is subdivided into 18 municipalities and its capital is San Jose. According to the 2000 Census, it has a population of 471,088 scattered over the provincial area of 2,522 square kilometers. The province has several colleges and vocational schools such as the Polytechnic State College of Antique (PCSCA), Antique College of Agriculture (ACA) and the Tario-Lim Memorial Antique School of Fisheries (TLMASF). But it does not have a university to speak of. Most of the universities and colleges of the region can be found about 100 kilometers away in the province of Iloilo. A significant number of the students from Antique seek their higher educational needs in Iloilo. Since most of the students and their families cannot afford the tuition and school fees of private universities and colleges, there is a growing need to establish a university system in the province that will provide quality education to the residents and non-residents of the province.

This measure seeks to integrate the state colleges and vocational schools in the area to a State University System. The University shall offer undergraduate graduate and short term courses within its areas of specialization. The main campus shall be located in what will become the former Polytechnic State College of Antique in the Municipality of Sibalom.

To ensure the proper integration and operation of the University, it shall be governed by a Board of Trustees. The Chairman of the Commission on Higher Education (CHED) shall serve as the Chairman of the Board. Some of the members of the Board include the President of the State University, the chairman of the Congressional Committees on Education and the Regional Director of the National Economic Development Authority.

Because it is the State's responsibility to make education accessible to all, no student shall be denied admission to the State University by reason of sex, nationality, religion, political affiliation or physical disability. This will ensure that everyone shall have an equal chance to receive quality and affordable education in the province of Antique.

In view of the foregoing, the immediate passage of this bill is sought.



**LOREN LEGARDA**

Senator



**SECTION 5. Governing Body.** - The Governing body of the State University shall be the Board of trustees, hereinafter referred to as the Board, which shall be composed of the following;

- a) Chairman of the Commission on Higher Education (CHED) who shall be designated as the Chairman of the Board;
- b) President of the State University;
- c) Chairman of the Congressional Committees on Education;
- d) Regional Director of the National Economic Development Authority;
- e) Regional Director of the Department of Agriculture;
- f) President of the Faculty Associations of the State College;
- g) President of the student councils or the student representative elected by the student council of the state college;
- h) President of the Alumni Association of the state college; and,
- i) Two (2) prominent citizens who have distinguished themselves in their professions or field of specialization of the institution concerned shall be chosen from among a list of at least five (5) persons qualified in the province of Antique, as recommended by the search committee constituted by the school president in consultation with the Chairman of CHED based on the normal standards and qualifications for the position.

**SECTION 6. Term of Office.** - The first five (5) members of the Board as mentioned above shall have an ex-officio term office.

The presidents of the faculty and alumni association and the student regent shall sit in the Board until the expiration of their term of office in such capacities.

The prominent citizens shall serve for a term of two (2) years.

For the purpose of this section, the associations of faculty, alumni and student councils in each branch of the University shall organize themselves to form their respective federations which in turn shall elect their respective officials.

In case of vacancy in the office of the president, the members of the board shall elect an officer-in-charge who shall serve for the unexpired term only.

**SECTION 7. Promulgation and Implementation of Policies.** - The Board shall promulgate and implement policies in accordance with declared policies on education and other pertinent provisions of the Philippine Constitution on Education, science and technology, arts culture and sports as well as the policies, standards and thrusts of the CHED under R.A. 7722.

**SECTION 8. Board of Trustees.** - The University shall have the general powers of a corporation set forth in the corporation law. The administration of the State University and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the State University in so far as authorized by the board.

**SECTION 9. Powers and Duties of the Governing Board.** - the Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

- a) to enact rules and regulations not contrary to law as may be necessary to carry out the purpose and functions of the University;
- b) To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, in its discretion, to carry out the purposes and functions of the University;
- c) To receive in trust legacies, gifts and donations of real and personal properties of all kinds to administer and dispose the same when necessary for the benefit of the University, subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;
- d) To fix tuition fees and other necessary school charges such as but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose after due consultations with the involved sectors; such fees and charges, including government subsidies and other income generated by the University, shall constitute special trusts funds and shall be deposited in any authorized government depository bank, and all interest that shall accrue there from shall form part of the same fund for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for Instruction, research extension or other programs/projects of the University; Provided that, all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If for reason beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and, allocated under its approved program of expenditures, the board may authorized the use of said funs for any reasonable purpose which in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University.

- a) To adopt and implement socialized scheme of tuition and school fees for greater access to poor but deserving students;
- b) To authorize the construction or repair of its buildings, machineries, equipment, and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment, purchases and other transactions entered into by the University through the Board hall be exempt from all taxes and duties;
- c) To appoint, upon the recommendation of the president, deans, directors, heads of the departments, faculty members and other officials and employees;
- d) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and classification system and other pertinent budget and compensation laws governing the hours of services, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- e) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- f) To set policies on admission and graduation of students;
- g) To award honorary degrees upon person in recognition of outstanding contributions in the fields of education, public service, arts, science and technology, or in any fields of specialization within the academic competence

- of the University and to authorize the awarding of certificates for completion of non-degree and non-traditional courses;
- h) To absorb non-chartered tertiary institutions within the province of antique in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
  - i) To establish research and extension centers where such will promote the development of the University;
  - j) To establish chairs in the University and to provide fellowship for qualified faculty members and scholarships for deserving students.
  - k) To delegate any of its powers and duties provided for hereinabove to the president and/or other officials of the University as it may deem appropriate so as expedite and administration of the affairs of the University;
  - l) To authorize an external management audit the institution to be financed by the CHED and to institute reforms, including academic and structural changes, on the basis of audit result and recommendation;
  - m) To collaborate with other governing board of state collage and universities within the province or region under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of the University to become more efficient, relevant, productive, and competitive;
  - n) To enter into joint ventures with business and industry for profitable development and management of the economic assets of the University, the proceeds from which to be used for the development and strengthening of the University;
  - o) To develop academic arrangements for institutions and agencies, both public and private, local and foreign in furtherance of the purposes and objectives of the University;
  - p) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialist as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;
  - q) To set up the adoption of modern innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning. Community laboratory, etc., for the promotion of greater access to higher education;
  - r) To establish policy guidelines and procedures for participative decision making and transparency within the University;
  - s) To privatize, where most advantageous to the institution management and non-academic service such as health, food, building or ground or property maintenance and
  - t) To extend the term of the President of the University beyond the age of retirement but not later than age of seventy(70) whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee for the president of the institution concerned;

**SECTION 10. Board Meetings.** -the board of trustees shall regularly convene at least once every quarter. The chairman of the Board Trustees may call a special meeting whenever necessary; provided that members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings; provided that members the chairman of the CHED who I the chairman of the board or the president of the University is among those present in the meeting.

In the absence of the chairman of the CHED, a Commissioner of the CHED duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member; provided likewise that in the said meeting, president of the University as vice-chairman shall be the presiding officer; provided however that during the meeting the President of the University as vice-chairman shall be the presiding officer; provided further that, this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner as the presiding officer.

The members of the board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meetings of the Board or in connection with their official business authorized by the resolution of the Board.

**SECTION 11. The Administration.** - the administration of the University shall be vested in the President of the University who shall render full-time service. He shall be appointed by the Board of trustees, upon the recommendation of a duly constituted search committee, he shall have a term of four (4) years and shall be eligible for reappointment for another term; provided that, this proviso notwithstanding in order to effect a smooth transition to a University, the incumbent President of the Polytechnic State Collage of Antique shall act as the first University President.

In case of vacancy in the office of the President as mentioned in the immediately preceding paragraph his successor shall hold office for the unexpired term.

The powers and duties of the President of the University in addition to those specifically provided in this Act, shall be those equally pertaining to the office of the President of the similar University.

The salary of the President of the University shall be in accordance with the Revised Compensation and position Classification System and shall be comparable to that being received by the Presidents of similar institutions of like enrollment and standing.

**SECTION 12. Administrative Council-** there shall be an administrative council with the President of the of the University as Chairman, the vice-president(s), deans, directors and other officials of equal rank whose duty is to implement the policies governing the administration management and development planning of the University, as approved by the Board.

**SECTION 13. Academic Council.** - there shall be an academic council with the President of the University as Chairman and all the members of the Instructional staff with the rank not lower than assistant professor, as members.

The academic council shall have the power to recommend the curricular offerings and rules of discipline of the university subject to the appropriate action of the Board it shall fix the requirements for the admission to the University, as well as for graduation and conferring of degrees, subject to the review and/or approval by the board through the President of the University. It shall also have the disciplinary powers

over the students through the President within limits prescribed by the rules of discipline, as approved by the board.

**SECTION 14. Secretary of the University.** - the Board shall appoint a secretary who shall serve as such for both the Board and the university and shall keep records and proceedings of the board. He shall communicate to each member of the Board notice of meetings.

**SECTION 15. Treasurer of the Philippines.** - the treasurer of the Philippines shall be the ex-officio treasurer of the university. All accounts and expenses of the university shall be audited by COA or its duly authorized representative.

**SECTION 16. Admission** - No student shall be denied admission to the University by reason of sex, nationality, religion, political affiliation or physical disability.

**SECTION 17. Academic Freedom.** - pursuant to paragraph 2 section 5 of Article XIV of the Constitution, the University shall enjoy academic freedom and Institutional autonomy.

**SECTION 18. Filing Report.** - ON or before the fifteenth (15<sup>th</sup>) day of the second month after the opening of the regular classes each year, the president of the University shall file with the Office of the President, through the Chairperson of the CHED and to both Houses of Congress a detailed report on the progress, conditions and needs of the University.

**SECTION 19. Transfer of Assets, Liabilities, Personnel and Records.** - All assets, fixed and movable, personnel and records of the Polytechnic State College of Antique, Antique College of Agriculture Vocational School and Libertad National Vocational School, as well as the liabilities or obligations are hereby transferred to the University; Provided that, the positions, rights and security of tenure of personnel therein employed under the existing laws prior to absorption by the University are not impaired; Provided, further, that the incumbents of the position shall remain in the same status until otherwise provided for by the board.

All parcels of land belonging to the government occupied by the above mentioned schools and colleges are hereby declared property of the State University System of Antique and shall be titled under that name; Provided furthermore, that, should the University cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the University, the same shall revert to the Polytechnic State College of Antique, Antique College of Agriculture, Tario-Lim Memorial Antique School of Fisheries, Northern Antique Vocational School and Libertad National Vocational School.

**SECTION 20. Authority to Loan or Transfer Equipment.** - The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the President of the University, such apparatus, equipment or supplies as may be needed by the university, and to detail employees for duty therein when in the judgment of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service, employees so detailed shall perform such duties required of them by the president of the University, and the time employed shall be counted as part of their regular service.

**SECTION 21. Funding.** - The amount necessary to carry out the provisions of the Act shall be charged against current year's appropriations of the Polytechnic State College of Antique, Antique College of Agriculture, Tario-Lim Memorial, Antique School of Fisheries, Northern Antique Vocational School and Libertad National Vocational School. Thereafter, such amount as may be necessary for the continued operation and maintenance of the State University System of Antique shall be included in the Annual General Appropriation Act.

**SECTION 22. Repealing Clause.** - All laws presidential decrees executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed amended or modified accordingly.

**SECTION 23. Separability Clause.** - if, for any reason any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

**SECTION 24. Effectivity-** this act shall take effect upon approval.

Approved,