

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

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SENATE

COMMITTEE REPORT NO. 293

Submitted jointly by the Committees on Education, Arts and Culture (Sub-Ctte. on Basic and Higher Education and Culture) and Finance on
FEB 07 2007

Re: **House Bill No. 5953**

Recommending its approval without amendment.

Sponsor: Senator Recto

Mr. President:

The Senate Committees on Education, Arts and Culture and Finance, to which was referred **House Bill No. 5953**, introduced by **Reps. Bueser, et al**, entitled:

**"AN ACT
CONVERTING THE LAGUNA STATE POLYTECHNIC
COLLEGE IN THE PROVINCE OF LAGUNA INTO A
STATE UNIVERSITY TO BE KNOWN AS THE LAGUNA
STATE POLYTECHNIC UNIVERSITY AND
APPROPRIATING FUNDS THEREFOR"**

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved without amendment.


Respectfully submitted:

Chairmen:


FRANKLIN M. DRILON
Chairman, Committee on
Finance

RALPH G. RECTO
Chairman, Sub-Ctte on Basic and Higher
Education and Culture

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Committee on Education, Arts and
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MIRIAM DEFENSOR SANTIAGO
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MANUEL "LITO" M. LAPID
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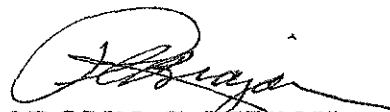
SERGIO R. OSMEÑA III
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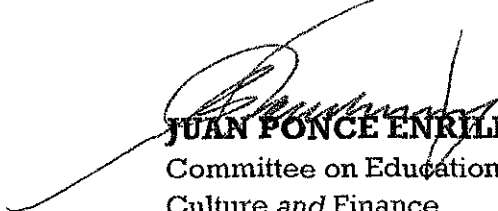
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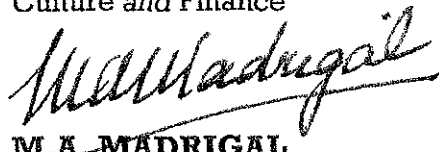

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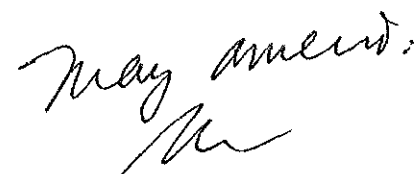

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Ex-Officio Members:


JUAN M. FLAVIER
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AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. MANNY VILLAR
President
Senate of the Philippines
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CONGRESS OF THE PHILIPPINES
THIRTEENTH CONGRESS
Third Regular Session



HOUSE OF REPRESENTATIVES

H. No. 5953

BY REPRESENTATIVES BUESER, AGARAO, CHIPECO, JOAQUIN, VILLAR,
ABAYON, AGUJA, SALCEDA AND TEVES, PER COMMITTEE REPORT
No. 2073

AN ACT CONVERTING THE LAGUNA STATE POLYTECHNIC
COLLEGE IN THE PROVINCE OF LAGUNA INTO A STATE
UNIVERSITY TO BE KNOWN AS THE LAGUNA STATE
POLYTECHNIC UNIVERSITY AND APPROPRIATING FUNDS
THEREFOR

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

1 SECTION 1. *Conversion.* – The Laguna State Polytechnic College
2 (LSPC) in the Province of Laguna, which is composed of LSPC Siniloan
3 Campus in the Municipality of Siniloan, LSPC Sta. Cruz Campus in the
4 Municipality of Sta. Cruz, LSPC Los Baños Campus in the Municipality of
5 Los Baños, and LSPC San Pablo City Campus in the City of San Pablo, and
6 the satellite campuses located in the municipalities of Cabuyao, Nagcarlan and
7 Sta. Cruz Sports Complex, is hereby converted into a state university to be
8 known as the Laguna State Polytechnic University, hereinafter referred to as
9 the University. The main campus of the University shall be in Sta. Cruz,
10 Laguna.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, professional, technological and vocational instruction in
3 agriculture, fisheries, forestry, science, engineering, industrial technologies,
4 teacher education, medicine, law, arts and sciences, information technology
5 and other related fields. It shall also undertake research and extension
6 services, and provide progressive leadership in its areas of specialization.

7 SEC. 3. *Curricular Offerings.* – The University shall offer graduate,
8 undergraduate, and short-term technical courses within its areas of
9 specialization and according to its capabilities, as the Board of Regents may
10 deem necessary to carry out its objectives and in order to meet the needs of the
11 Province of Laguna and Region IV-A.

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

18 SEC. 4. *Administration.* – The University shall have the general powers
19 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
20 known as the “Corporation Code of the Philippines.” The administration of the
21 University and the exercise of its corporate powers shall be vested exclusively
22 in the Board of Regents and the president of the University.

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

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

28 (b) The president of the University, vice chairperson;

1 (c) The chairperson of the Committee on Education, Arts and Culture
2 of the Senate, member;

3 (d) The chairperson of the Committee on Higher and Technical
4 Education of the House of Representatives, member;

5 (e) The regional director of the National Economic and Development
6 Authority (NEDA), member;

7 (f) The regional director of the Department of Science and Technology
8 (DOST), member;

9 (g) The president of the federation of faculty associations of the
10 University, member;

11 (h) The president of the federation of student councils of the
12 University, member;

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

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

18 The Board shall appoint the two prominent citizens from among a list of
19 at least five qualified persons in the Province of Laguna, as recommended by
20 the search committee constituted by the University president, in consultation
21 with the chairperson of the CHED and the other members of the Board, based
22 on the normal standards and qualifications for the position, set by the Board.

23 The term of office of the president of the federation of faculty
24 associations, the president of the federation of student councils, and the
25 president of the federation of alumni associations shall be coterminous with
26 their respective terms of office, as set forth in their respective constitutions and
27 bylaws.

1 The two prominent citizens shall serve for a term of two years from the
2 date of appointment.

3 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
4 shall promulgate and implement policies in accordance with the declared State
5 policies on education and other pertinent provisions of the Philippine
6 Constitution on education, agriculture, science and technology, as well as the
7 policies, standards and thrusts of the CHED under Republic Act No. 7722,
8 otherwise known as the “Higher Education Act of 1994.”

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

13 (a) To promulgate rules and regulations as may be necessary to carry
14 out the purposes and functions of the University;

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

18 (c) To import duty-free economic, technical and cultural books and/or
19 publications, upon certification by the CHED that such imported books and/or
20 publications are for economic, technical, vocational, scientific, philosophical,
21 historical or cultural purposes, in accordance with the provisions of the Tariff
22 and Customs Code, as amended;

23 (d) To receive in trust legacies, gifts and donations of real properties of
24 all kinds and to administer and dispose of the same when necessary for the
25 benefit of the University, and subject to the limitations, directions and
26 instructions of the donor, if any.

27 Such donations shall be exempt from the donor’s tax and the same shall
28 be considered as allowable deductions from the gross income in the

1 computation of the income tax of the donor, in accordance with the provisions
2 of the National Internal Revenue Code (NIRC) of 1997, as amended:
3 *Provided, That such donations shall not be disposed of, transferred or sold;*

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

8 Such fees and charges, including government subsidies and other
9 income generated by the University, shall constitute special trust funds and
10 shall be deposited in any authorized government depository bank, and all
11 interests that shall accrue therefrom shall form part of the same funds for the
12 use of the University.

13 Any provision of existing laws, rules and regulations to the contrary
14 notwithstanding, any income generated by the University from tuition fees and
15 other charges, as well as from the operation of auxiliary services and land
16 grants, shall be retained by the University, and may be disbursed by the Board
17 for instruction, research, extension or other programs/projects of the
18 University: *Provided, That all fiduciary fees shall be disbursed for the specific*
19 *purposes for which they are collected.*

20 If, for reasons beyond its control, the University shall not be able to
21 pursue any project for which the funds have been appropriated and allocated
22 under its approved program of expenditures, the Board may authorize the use
23 of said funds for any reasonable purpose which, in its discretion, may be
24 necessary and urgent for the attainment of the objectives and goals of the
25 University;

26 (f) To adopt and implement a socialized scheme of tuition and school
27 fees for greater access to poor but deserving students;

1 (n) To establish research and extension centers of the University where
2 such will promote the development of the latter;

3 (o) To establish professorial chairs in the University and to provide
4 fellowships for qualified faculty members and scholarships to deserving
5 students;

6 (p) To delegate any of its powers and duties provided hereinabove to
7 the president and/or other officials of the University as it may deem
8 appropriate, so as to expedite the administration of the affairs of the
9 University;

10 (q) To authorize an external management audit of the University, to be
11 financed by the CHED, subject to Commission on Audit (COA) rules and
12 regulations; and to institute reforms, including academic and structural
13 changes, on the basis of the audit results and recommendations;

14 (r) To collaborate with other governing boards of the state colleges and
15 universities within the Province of Laguna or Region IV-A, under the
16 supervision of the CHED and in consultation with the DBM, and work towards
17 the restructuring of the University to become more efficient, relevant,
18 productive and competitive;

19 (s) To enter into joint ventures with business and industry for the
20 profitable development and management of the economic assets of the
21 University, the proceeds from which shall be used for the development and
22 strengthening of the University;

23 (t) To develop consortia and other economic forms of linkages with
24 local government units (LGUs), institutions and agencies, both public and
25 private, local and foreign, in the furtherance of the purposes and objectives of
26 the University;

27 (u) To develop academic arrangements for institutional capability
28 building with appropriate institutions and agencies, public and private, local

1 and foreign, and to appoint experts/specialists as consultants, part-time or
2 visiting or exchange professors, scholars or researchers, as the case may be;

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

7 (w) To establish policy guidelines and procedures for participative
8 decision-making and transparency within the University;

9 (x) To privatize, where most advantageous to the University,
10 management of nonacademic services such as health, food, building or grounds
11 or property maintenance and such other similar activities; and

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

17 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
18 least once every quarter. However, the chairperson of the Board may, upon
19 three days' prior written notice, call a maximum of two special meetings
20 whenever necessary.

21 A quorum of the Board shall consist of majority of all its members
22 holding office at the time of the meeting: *Provided, however,* That the
23 chairperson of the Board or the president of the University is among those
24 present in the meeting.

25 In the absence of the chairperson of the CHED, a commissioner of the
26 CHED, duly designated by him/her, shall represent him/her in the meeting with
27 all the rights and responsibilities of a regular member: *Provided, however,*
28 That during this meeting, the president of the University as vice chairperson

1 shall be the presiding officer: *Provided, further,* That this *proviso*
2 notwithstanding, the chairperson of the CHED is hereby authorized to
3 designate a CHED commissioner as the regular chair of the Board, in which
4 case said CHED commissioner shall act as the presiding officer.

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

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

14 SEC. 9. *The University President.* -- The University shall be headed by
15 a president, who shall render full time service. He/she shall be appointed by
16 the Board, subject to the guidelines, qualifications and/or standards set by the
17 Board, upon recommendation of a duly constituted search committee. He/she
18 shall have a term of four years and shall be eligible for reappointment for
19 another term: *Provided,* That in order to effect a smooth transition to a state
20 university, the incumbent president of the LSPC, if qualified, shall serve as the
21 first president of the University.

22 *Within six months before the expiration of the term of office of the*
23 *incumbent president of the Laguna State Polytechnic University, the Board*
24 *shall constitute the Search Committee for the Presidency (SCP).*

25 In case of vacancy in the office of the president by reason of death,
26 compulsory retirement, resignation, removal for cause or incapacity of the
27 president to perform the functions of his office, the Board shall have the

1 authority to designate an officer-in-charge of the University pending the
2 appointment of a new president.

3 In case of vacancy in the office of the president as mentioned in the
4 immediately preceding paragraph, his successor or the officer-in-charge shall
5 serve only the unexpired portion of the term.

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

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

14 The president of the University shall be assisted by a vice president for
15 academic affairs, a vice president for administration, a vice president for
16 research and development, and a vice president for external affairs, who shall
17 be appointed by the Board upon the recommendation of the president.

18 SEC. 10. *Heads of University Campuses.* -- Campus directors shall
19 head the University campuses and they shall render full time service. They
20 shall be appointed by the Board upon the recommendation of the search
21 committee and the University president, subject to the guidelines,
22 qualifications and/or standards set by the Board: *Provided,* That the
23 incumbent college administrators of the extension campuses shall serve as
24 campus directors of their respective campuses.

25 SEC. 11. *The Administrative Council.* -- There shall be an
26 administrative council consisting of the president of the University as
27 chairperson, vice presidents, deans, directors and other officials of equal rank
28 as members, whose duty is to review and recommend to the Board the policies

1 governing the administration, management and development planning of the
2 University.

3 SEC. 12. *The Academic Council.* – There shall be an academic council
4 to be composed of the president of the University, who shall act as chairperson,
5 and all academic staff with the rank of at least an assistant professor, as
6 members.

7 The academic council shall have the power to review and recommend
8 the curricular offerings and rules of discipline of the University, subject to the
9 approval of the Board. It shall fix the requirements for the admission of
10 students, as well as for their graduation and the conferment of degrees, subject
11 to review and/or approval by the Board through the president of the University.
12 It shall have the disciplinary power over students of the University and shall
13 formulate academic policies and rules and regulations on discipline, subject to
14 the approval of the Board.

15 SEC. 13. *The Secretary of the University.* – The Board shall appoint a
16 secretary, who shall serve as such for both the Board and the University and
17 shall keep all records and proceedings of the Board. He/she shall serve upon
18 each member of the Board the appropriate notice of the Board's meetings.

19 SEC. 14. *The Treasurer of the University.* – The Treasurer of the
20 Philippines shall be the *ex officio* treasurer of the University.

21 SEC. 15. *Faculty.* – No political beliefs, gender preference, cultural or
22 community affiliation or ethnic origin, and religious opinion or affiliation shall
23 be a matter of inquiry in the appointment of faculty members of the University:
24 *Provided,* That said appointment shall be subject to the guidelines,
25 qualifications and/or standards set by the Board: *Provided, further,* That no
26 member of the faculty shall teach for or against any particular church or
27 religious sect.

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

4 No student shall be denied admission to the University by reason of sex,
5 religion, cultural or community affiliation or ethnic origin.

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

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

20 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
21 personal, personnel and records of the LSPC, as well as liabilities or
22 obligations, are hereby transferred to the University. The positions, rights and
23 security of tenure of faculty members and personnel therein employed under
24 existing laws prior to the conversion into a University shall be respected.

25 All parcels of land belonging to the government occupied by the LSPC
26 are hereby declared to be property of the Laguna State Polytechnic University,
27 and shall be titled under that name: *Provided*, That should the University
28 cease to exist or be abolished or should such parcels of land aforementioned be

1 no longer needed by the University, the same shall revert to the LGUs
2 concerned.

3 SEC. 20. *Appropriations.* – The amount necessary to carry out the
4 provisions of this Act shall be charged against the current year’s appropriations
5 of the LSPC, except the sums needed to continue the operations of the existing
6 high schools. Thereafter, such sums as may be necessary for the continued
7 operation and maintenance of the Laguna State Polytechnic University shall be
8 included in the annual General Appropriations Act.

9 SEC. 21. *Development Plan, Management Audit, Organizational/
10 Administrative/Academic Structure.* – Within the period of one hundred twenty
11 (120) days after the approval of this Act, the University shall accomplish the
12 following:

- 13 (a) Submit a five-year development plan, including its corresponding
14 program budget to the CHED, for corresponding recommendation to the DBM;
15 (b) Undergo a management audit in cooperation with the CHED; and
16 (c) Accordingly set up its organizational, administrative as well as
17 academic structure, including the appointment of the University key officials.

18 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of
19 the second month after the opening of the regular classes each year, the Board
20 shall file with the Office of the President of the Philippines through the
21 chairperson of the CHED, and with both Houses of Congress a detailed report
22 on the progress, conditions and needs of the University.

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

27 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,
28 responsibilities and limitations to state universities and/or their officials under

1 existing laws shall be deemed granted to or imposed upon the University
2 and/or its officials whenever appropriate.

3 SEC. 25. *Implementing Rules and Regulations.* – The Board, in
4 consultation with the CHED, shall formulate the guidelines to fully implement
5 the provisions of this Act.

6 SEC. 26. *Separability Clause.* – If, for any reason, any part or
7 provision of this Act is declared invalid or unconstitutional, the remaining
8 parts or provisions not affected shall remain in full force and effect.

9 SEC. 27. *Repealing Clause.* – All laws, presidential decrees, executive
10 orders, rules and regulations contrary to or inconsistent with the provisions of
11 this Act are hereby repealed or modified accordingly.

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

Approved,

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