

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

SENATE

COMMITTEE REPORT NO. 294

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. 4910**

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. 4910**, introduced by **Reps. Guingona, et al**, entitled:

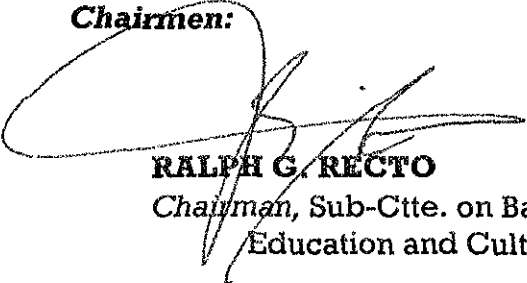
**“AN ACT
CONVERTING THE BUKIDNON STATE COLLEGE IN THE
CITY OF MALAYBALAY, PROVINCE OF BUKIDNON,
INTO A STATE UNIVERSITY, TO BE KNOWN AS THE
BUKIDNON STATE UNIVERSITY AND APPROPRIATING
FUNDS THEREFOR”**

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:

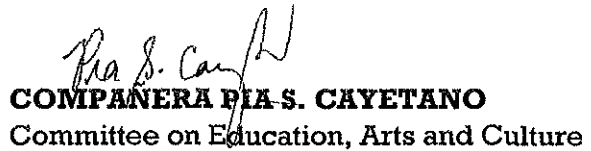
FRANKLIN M. DRILON
Chairman, Committee on
Finance


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

Members:

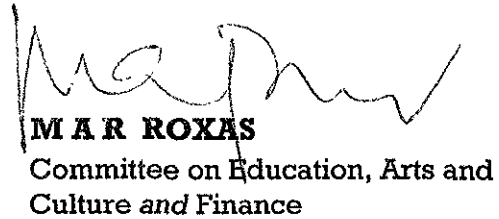


RAMON B. MACSAYSAY, JR.
Committee on Education, Arts and
Culture and Finance



COMPANERA PIA S. CAYETANO
Committee on Education, Arts and Culture

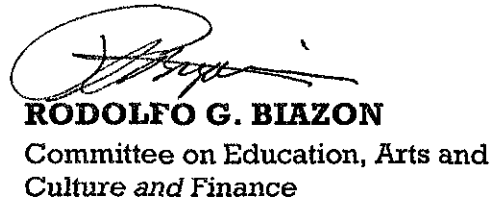
MIRIAM DEFENSOR SANTIAGO
Committee on Finance



MAR ROXAS
Committee on Education, Arts and
Culture and Finance



JOKER P. ARROYO
Committee on Finance

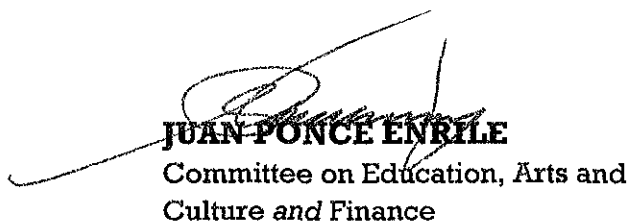


RODOLFO G. BIAZON
Committee on Education, Arts and
Culture and Finance

RICHARD J. GORDON
Committee on Education, Arts and
Culture and Finance

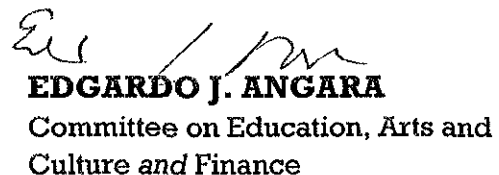
RAMON "BONG" REVILLA, JR.
Committee on Education, Arts and
Culture and Finance

MANUEL "LITO" M. LAPID
Committee on Education, Arts and
Culture and Finance



JUAN PONCE ENRILE
Committee on Education, Arts and
Culture and Finance

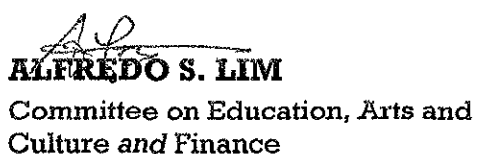
SERGIO R. OSMEÑA III
Committee on Education, Arts and
Culture and Finance



EDGARDO J. ANGARA
Committee on Education, Arts and
Culture and Finance



PANFILO M. LACSON
Committee on Finance




ALFREDO S. LIM
Committee on Education, Arts and
Culture and Finance

LUISA "LOI" EJERCITO ESTRADA
Committee on Education, Arts and
Culture and Finance



M.A. MADRIGAL
Committee on Education, Arts and
Culture and Finance

Ex-Officio Members:



JUAN M. FLAVIER
President Pro-Tempore



FRANCIS N. PANGILINAN
Majority Leader



AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. MANNY VILLAR
President
Senate of the Philippines
Pasay City



HOUSE OF REPRESENTATIVES

H. No. 4910

BY REPRESENTATIVES GUINGONA, VILLAR, ABAYON, ANDAYA, LAPUS, TEVES
AND MAGSAYSAY (E.), PER COMMITTEE REPORT NO. 1200

AN ACT CONVERTING THE BUKIDNON STATE COLLEGE IN THE
CITY OF MALAYBALAY, PROVINCE OF BUKIDNON, INTO A
STATE UNIVERSITY, TO BE KNOWN AS THE BUKIDNON
STATE 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 Bukidnon State College in the City of
2 Malaybalay, Province of Bukidnon is hereby converted into a state university,
3 to be known as the Bukidnon State University, hereinafter referred to as the
4 University.

5 SEC. 2. *General Mandate.* – The University shall primarily provide
6 advanced education, higher technological, professional instruction and training
7 in the fields of education, arts and sciences, public administration, information
8 technology, accountancy, law and other relevant fields of study. It shall also
9 promote research and extension service, and provide progressive leadership in
10 its areas of specialization.

11 SEC. 3. *Curricular Offerings.* – The University shall offer graduate,
12 undergraduate and short-term technical courses within its areas of

1 specialization and according to its capabilities, as the Board of Regents may
2 deem necessary to carry out its objectives, particularly to meet the needs of the
3 Province of Bukidnon and Region X.

4 The existing elementary and high schools shall be transferred to the
5 jurisdiction and supervision of the Department of Education (DepEd):
6 *Provided*, That the elementary and high schools shall be allowed to remain and
7 operate within the campus of the University until the existing students shall
8 have completed their elementary and high school education: *Provided*,
9 *further*, That the University may operate a reasonably-sized laboratory school,
10 if it has a College of Education.

11 SEC. 4. *Administration.* – The University shall have the general
12 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
13 otherwise known as “The Corporation Code of the Philippines”. The
14 administration of the University and the exercise of its corporate powers shall
15 be vested exclusively in the Board of Regents and the president of the
16 University, insofar as authorized by the Board.

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

20 (a) The chairperson of the Commission on Higher Education (CHED),
21 chairperson;

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

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

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

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

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

3 (g) The president of the faculty association of the University, member;

4 (h) The president of the student council of the University, member;

5 (i) The president of the alumni association of the University, member;

6 and

7 (j) Two prominent citizens from the private sector who have
8 distinguished themselves in their profession or fields of specialization of the
9 University, members.

10 The Board shall appoint the two prominent citizens from among a list
11 of at least five persons qualified in the Province of Bukidnon, as
12 recommended by the search committee constituted by the University president,
13 in consultation with the chairperson of the CHED and other members of the
14 Board, based on the normal standards and qualifications for the position set by
15 the Board.

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

18 The term of office of the president of the faculty association, the
19 president of the student council and the president of the alumni association
20 shall be coterminous with their respective terms of office, as set forth in their
21 respective constitutions and bylaws.

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

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

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

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

10 (c) *To import duty-free economic, technical and cultural books and/or*
11 *publications, upon certification by the CHED that such imported books and/or*
12 *publications are for economic, technical, vocational, scientific, philosophical,*
13 *historical or cultural purposes in accordance with the provisions of the Tariff*
14 *and Customs Code, as amended;*

15 (d) *To receive in trust legacies, gifts and donations of real and personal*
16 *properties of all kinds and to administer and dispose of the same when*
17 *necessary for the benefit of the University, and subject to the limitations,*
18 *directions and instructions of the donor, if any.*

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

24 (e) *To fix the tuition fees and other necessary school charges, such as,*
25 *but not limited to, matriculation fees, graduation fees and laboratory fees, as*
26 *the Board may deem proper to impose, after due consultations with the*
27 *involved sectors.*

1 Such fees and charges, including government subsidies and other
2 *income generated by the University*, shall constitute special trust funds and
3 shall be deposited in any authorized government depository bank, and all
4 interests that shall accrue therefrom shall form part of the same funds for the
5 use of the University.

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

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

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

21 (g) To authorize the construction or repair of its buildings, machinery,
22 equipment and other facilities, and the purchase and acquisition of real
23 property, including necessary supplies, materials and equipment;

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

27 (i) To fix and adjust salaries of faculty members and administrative
28 officials and employees, subject to the provisions of the Revised

1 Compensation and Position Classification System and other pertinent budget
2 and compensation laws governing hours of service and such other duties and
3 conditions as it may deem proper; to grant them, at its discretion, leaves of
4 absence under such regulations as it may promulgate, any provisions of
5 existing laws to the contrary notwithstanding; and to remove them for cause in
6 accordance with the requirements of due process of law;

7 (j) To approve the curricula, instructional programs and rules of
8 discipline drawn by the administrative and academic councils as herein
9 provided;

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

11 (l) To award honorary degrees upon persons in recognition of their
12 outstanding contribution in the fields of education, public service, arts, science
13 and technology, agriculture or in any field of specialization within the
14 academic competence of the University; and to authorize the awarding of
15 certificates of completion of nondegree and nontraditional courses;

16 (m) To establish and absorb nonchartered tertiary institutions within
17 Region X as branches and centers in coordination with the CHED, and in
18 consultation with the Department of Budget and Management (DBM), and to
19 offer therein programs or courses, to promote and carry out equal access to
20 educational opportunities as mandated by the Constitution;

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

23 (o) To establish chairs in the University and to provide fellowships for
24 qualified faculty members and scholarships to deserving students;

25 (p) To delegate any of its powers and duties provided for hereinabove
26 to the president and/or other officials of the University as it may deem
27 appropriate, so as to expedite the administration of the affairs of the
28 University;

1 (q) To authorize an external management audit of the University, to be
2 financed by the CHED, subject to the Commission on Audit rules and
3 regulations; and to institute reforms, including academic and structural
4 changes, on the basis of the audit results and recommendations;

5 (r) To collaborate with other governing boards of the state colleges
6 and universities within the Province of Bukidnon or Region X, under the
7 supervision of the CHED and in consultation with the DBM, and work
8 towards the restructuring of the University to become more efficient, relevant,
9 productive and competitive;

10 (s) To enter into joint ventures with business and industry for the
11 profitable development and management of the economic assets of the
12 University, the proceeds from which shall be used for the development and
13 strengthening of the University;

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

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

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

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

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

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

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

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

17 In the absence of the chairperson of the CHED, a commissioner of the
18 CHED, duly designated by him/her, shall represent him/her in the meeting
19 with all the rights and responsibilities of a regular member: *Provided,*
20 *however,* That during this meeting, the president of the University as vice
21 chairperson shall be the presiding officer: *Provided, further,* That this *proviso*
22 notwithstanding, the chairperson of the CHED is hereby authorized to
23 designate a CHED commissioner as the regular chair of the Board, in which
24 case said CHED commissioner shall act as the presiding officer.

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

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

6 SEC. 9. *The University President.* – The University shall be headed by
7 a president, who shall render full time service. He/she shall be appointed by
8 the Board, subject to the guidelines, qualifications and/or standards set by the
9 Board, upon recommendation of a duly constituted search committee. He/she
10 shall have a term of four years and shall be eligible for reappointment for
11 another term: *Provided*, That in order to effect a smooth transition to a state
12 university, the incumbent president of the Bukidnon State College shall serve
13 as the first president of the University.

14 Within six months before the expiration of the term of office of the
15 incumbent president of the Bukidnon State University, the Board shall
16 constitute the Search Committee for the Presidency (SCP).

17 In case of vacancy in the office of the president by reason of death,
18 compulsory retirement, resignation, removal for cause or incapacity of the
19 president to perform the functions of his/her office, the Board shall designate
20 an officer-in-charge of the University within six months from date of vacancy,
21 pending the appointment of a new president.

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

25 The powers and duties of the president of the University, in addition to
26 those specifically provided in this Act, shall be those usually pertaining to the
27 office of the president of similar universities, and those delegated by the
28 Board.

1 The salary of the president of the University shall be in accordance with
2 the Revised Compensation and Position Classification System and shall be
3 comparable to that being received by the presidents of similar educational
4 institutions.

5 The president of the University shall be assisted by a vice president for
6 academic affairs and a vice president for administration, who shall be
7 appointed by the Board upon recommendation of the president.

8 SEC. 10. *The Administrative Council.* – There shall be an
9 administrative council consisting of the president of the University as
10 chairperson, vice presidents, deans, directors and other officials of equal rank
11 as members, whose duty is to review and recommend to the Board the policies
12 governing the administration, management and development planning of the
13 University.

14 SEC. 11. *The Academic Council.* – There shall be an academic council
15 with the president of the University as chairperson and all members of the
16 academic staff with the rank of not lower than assistant professor as members.

17 The academic council shall have the power to review and recommend
18 the curricular offerings and rules of discipline of the University, subject to the
19 approval of the Board. It shall fix the requirements for the admission of
20 students, as well as for their graduation and the conferment of degrees, subject
21 to review and/or approval of the Board through the president of the University.
22 It shall have the disciplinary power over students of the University and shall
23 formulate academic policies and rules and regulations on discipline, subject to
24 the approval of the Board.

25 SEC. 12. *The Secretary of the University.* – The Board shall appoint a
26 secretary, who shall serve as such for both the Board and the University and
27 shall keep all records and proceedings of the Board. He/she shall serve upon
28 each member of the Board the appropriate notice of the Board's meetings.

1 SEC. 13. *The Treasurer of the University.* – The Treasurer of the
2 Philippines shall be the *ex officio* treasurer of the University.

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

10 SEC. 15. *Scholarship Program/Admission.* – The University shall
11 provide a scholarship program and other affirmative action programs to assist
12 poor but deserving students who qualify for admission to the University.

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

15 SEC. 16. *Academic Freedom and Institutional Autonomy.* – The
16 University shall enjoy academic freedom and institutional autonomy, pursuant
17 to Paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
18 the Philippines.

19 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
20 *and Detail of Personnel.* – The heads of the bureaus and offices of the national
21 government are hereby authorized to loan or transfer, upon the request of the
22 president of the University, such apparatus, equipment or supplies as may be
23 needed by the University, and to detail employees for duty therein when, in the
24 judgment of the head of bureau or office, such apparatus, equipment, supplies
25 or services of such employees can be spared without serious detriment to the
26 public service.

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

4 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
5 personal, personnel and records of the Bukidnon State College, as well as
6 liabilities or obligations, are hereby transferred to the University. The
7 positions, rights and security of tenure of faculty members and personnel
8 therein employed under existing laws prior to the conversion into a University
9 shall be respected.

10 All parcels of land belonging to the government occupied by the
11 Bukidnon State College are hereby declared to be property of the Bukidnon
12 State University, and shall be titled under that name: *Provided*, That should
13 the University cease to exist or be abolished or should such parcels of land
14 aforementioned be no longer needed by the University, the same shall revert to
15 the local government unit concerned.

16 SEC. 19. *Appropriations.* – The amount necessary for the initial
17 implementation of this Act shall be charged against the current year's
18 appropriations of the Bukidnon State College, except the sums needed to
19 continue the operations of the existing elementary and high schools.
20 Thereafter, such sums as may be necessary for the continued operation and
21 maintenance of the Bukidnon State University shall be included in the annual
22 General Appropriations Act.

23 SEC. 20. *Development Plan, Management Audit, Organizational/
24 Administrative/Academic Structure.* – Within the period of one hundred
25 twenty (120) days after the approval of this Act, the University shall
26 accomplish the following:

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

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

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

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

12 SEC. 22. *Suppletory Application.* – The provisions of Republic Act
13 No. 8292, otherwise known as the “Higher Education Modernization Act of
14 1997”, shall be an integral part of this Act and shall serve as part of the
15 governing charter of the University.

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

20 SEC. 24. *Implementing Rules and Regulations.* – The Board, in
21 consultation with the CHED, shall formulate the guidelines to fully implement
22 the provisions of this Act.

23 SEC. 25. *Separability Clause.* – If, for any reason, any part or
24 provision of this Act is declared invalid or unconstitutional, the remaining
25 parts or provisions not affected shall remain in full force and effect.

26 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
27 orders, rules and regulations contrary to or inconsistent with the provisions of
28 this Act are hereby repealed or modified accordingly.

1 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
2 its publication in two newspapers of general circulation.

Approved,

○