



HOUSE OF REPRESENTATIVES

H. No. 4411

BY REPRESENTATIVES PICHAY, VILLAR, LAGMAN, JAVIER AND REMULLA, PER
COMMITTEE REPORT NO. 749

AN ACT CONVERTING THE SURIGAO DEL SUR POLYTECHNIC
STATE COLLEGE (SSPSC) IN THE PROVINCE OF SURIGAO DEL
SUR INTO A STATE UNIVERSITY TO BE KNOWN AS THE
SURIGAO DEL SUR 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 Surigao del Sur Polytechnic State
2 College in the Province of Surigao del Sur, composed of SSPSC – Tandag
3 Campus in the Municipality of Tandag, SSPSC – Cantilan Campus in the
4 Municipality of Cantilan, SSPSC – Lianga Campus in the Municipality of
5 Lianga, SSPSC – Tagbina Campus in the Municipality of Tagbina, SSPSC –
6 San Miguel Campus in the Municipality of San Miguel, and SSPSC – Cagwait
7 Campus in the Municipality of Cagwait, is hereby converted into a state
8 university to be known as the Surigao del Sur State University, hereinafter
9 referred to as the University. The main campus of the University shall be in
10 Tandag, Surigao del Sur.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in trade, fishery, agriculture, science, education, commerce, engineering,
4 forestry, nautical courses and other related fields. It shall also undertake
5 research and extension services, and provide progressive leadership in its areas
6 of specialization.

7 SEC. 3. *Curricular Offerings.* – The University shall offer undergraduate,
8 graduate and post-graduate programs and short-term courses in the fields of
9 agriculture and environment studies, fishery, marine biology, marine
10 transportation, engineering, forestry, industrial technology, education, law,
11 medicine, nursing, midwifery and other health-related programs, information
12 technology, arts and sciences, public administration, business administration
13 and other business courses, and other degree courses within its areas of
14 specialization and according to its capabilities, as the Board of Regents may
15 deem necessary to carry out its objectives, and in order to meet the needs of the
16 Province of Surigao del Sur or Region XIII (CARAGA) and the nation for
17 socioeconomic and sustainable development and competitiveness.

18 The existing high schools shall be transferred to the jurisdiction and
19 supervision of the Department of Education (DepEd): *Provided*, That the high
20 schools shall be allowed to remain and operate within the campus of the
21 University until its students, who are currently enrolled, shall have completed
22 their high school education; *Provided, further*, That the University may operate
23 a reasonably-sized laboratory school, if it has a College of Education.

24 SEC. 4. *Administration.* – The University shall have the general powers
25 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
26 known as the “Corporation Code of the Philippines”. The administration of the
27 University and the exercise of its corporate powers shall be vested exclusively
28 in the Board of Regents and the President of the University.

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

4 (a) The Chairperson of the Commission on Higher Education (CHED),
5 Chairperson;

6 (b) The President of the University, Vice Chairperson;

7 (c) The Chairperson of the Committee on Education, Arts and Culture
8 of the Senate, member;

9 (d) The Chairperson of the Committee on Higher and Technical
10 Education of the House of Representatives, member;

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

13 (f) The Regional Director of the Department of Science and
14 Technology (DOST), member;

15 (g) The President of the federation of faculty associations of the
16 University, member;

17 (h) The President of the federation of student councils of the
18 University, member;

19 (i) The President of the federation of alumni associations of the
20 University, member; and

21 (j) Two (2) prominent citizens from the private sector who have
22 distinguished themselves in their profession or fields of specialization of the
23 University, members.

24 The Board shall appoint the two (2) prominent citizens from among a
25 list of at least five (5) qualified persons in the Province of Surigao del Sur, as
26 recommended by the search committee constituted by the University President,
27 in consultation with the Chairperson of the CHED and other members of the
28 Board, based on the normal standards and qualifications for the position.

1 The term of office of the President of the federation of faculty
2 associations, the President of the federation of student councils and the
3 President of the federation of alumni associations shall be coterminous with
4 their respective terms of office, as set forth in their respective constitutions and
5 bylaws.

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

8 SEC. 6. *Promulgation and Implementation of Policies.* -- The Board
9 shall promulgate and implement policies in accordance with the declared State
10 policies on education and other pertinent provisions of the Philippine
11 Constitution on education, agriculture, science and technology, as well as the
12 policies, standards and thrusts of the CHED under Republic Act No. 7722,
13 otherwise known as the "Higher Education Act of 1994".

14 SEC. 7. *Powers and Duties of the Board of Regents.* -- The Board shall
15 have the following specific powers and duties, in addition to its general powers
16 of administration and the exercise of all the powers granted to the board of
17 directors of a corporation under existing laws:

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

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

23 (c) To import duty-free economic, technical and cultural books and/or
24 publications, upon certification by the CHED that such imported books and/or
25 publications are for economic, technical, vocational, scientific, philosophical,
26 historical or cultural purposes, in accordance with the provisions of the Tariff
27 and Customs Code of the Philippines, as amended;

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

5 Such donations shall be exempt from the donor's tax and the same shall
6 be considered as allowable deductions from the gross income in the
7 computation of the income tax of the donor, in accordance with the provisions
8 of the National Internal Revenue Code (NIRC) of 1997, as amended: *Provided,*
9 That such donations shall not be disposed of, transferred or sold;

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

14 Such fees and charges, including government subsidies and other
15 income generated by the University, shall constitute special trust funds and
16 shall be deposited in any authorized government depository bank, and all
17 interests that shall accrue therefrom shall form part of the same funds for the
18 use of the University.

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

26 If, for reasons beyond its control, the University shall not be able to
27 pursue any project for which the funds have been appropriated and allocated
28 under its approved program of expenditures, the Board may authorize the use

1 of said funds for any reasonable purpose which, in its discretion, may be
2 necessary and urgent for the attainment of the objectives and goals of the
3 University;

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

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

9 (h) To appoint, upon recommendation of the President of the
10 University, Vice Presidents, deans, directors, heads of campuses, faculty
11 members, and other officials and employees of the University;

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

20 (j) To approve the curricula, instructional programs and rules of
21 discipline drawn by the Administrative and Academic Councils herein
22 provided;

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

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

1 (m) To establish and absorb nonchartered tertiary institutions within the
2 Province of Surigao del Sur as *branches and centers in coordination with the*
3 *CHED, and in consultation with the Department of Budget and Management*
4 *(DBM), and to offer therein programs or courses, to promote and carry out*
5 *equal access to educational opportunities as mandated by the Constitution;*

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

8 (o) To establish professorial chairs in the University and to provide
9 fellowships for qualified faculty members and scholarships to deserving
10 students;

11 (p) To delegate any of its powers and duties provided hereinabove to
12 the President and/or other officials of the University as it may deem
13 appropriate, so as to expedite the administration of the affairs of the
14 University;

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

19 (r) To collaborate with other governing boards of the state colleges and
20 universities within the Province of Surigao del Sur or Region XIII (CARAGA)
21 under the supervision of the CHED and in consultation with the DBM, and
22 work towards the restructuring of the University to become more efficient,
23 relevant, productive and competitive;

24 (s) To enter into joint ventures with business and industry for the
25 profitable development and management of the economic assets of the
26 University, the proceeds from which shall be used for the development and
27 strengthening of the University;

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

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

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

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

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

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

23 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
24 least once every quarter. However, the Chairperson of the Board may, upon
25 three (3) days' prior written notice, call a maximum of two (2) special
26 meetings whenever necessary.

27 A quorum of the Board shall consist of majority of all its members
28 holding office at the time of the meeting: *Provided, however,* That the

1 Chairperson of the Board or the President of the University is among those
2 present in the meeting.

3 In the absence of the Chairperson of the CHED, a Commissioner of the
4 CHED, duly designated by him/her, shall represent him/her in the meeting with
5 all the rights and responsibilities of a regular member: *Provided, however,*
6 That during this meeting, the President of the University as Vice Chairperson
7 shall be the Presiding Officer: *Provided, further,* That this *proviso*
8 notwithstanding, the Chairperson of the CHED is hereby authorized to
9 designate a CHED Commissioner as the regular Chair of the Board of Regents,
10 in which case said CHED Commissioner shall act as the Presiding Officer.

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

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

20 *SEC. 9. The University President.* – The University shall be headed by
21 a President, who shall render full-time service. He/She shall be appointed by
22 the Board, subject to the guidelines, qualifications and/or standards set by the
23 Board, upon recommendation of a duly constituted search committee. He/She
24 shall have a term of four (4) years and shall be eligible for reappointment for
25 another term: *Provided,* That in order to effect a smooth transition to a state
26 university, the incumbent President of the Surigao del Sur Polytechnic State
27 College, if qualified, shall serve as the first President of the University.

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

4 In case of vacancy in the Office of the President by reason of death,
5 compulsory retirement, resignation, removal for cause or incapacity of the
6 President to perform the functions of his office, the Board shall have the
7 authority to designate an Officer-in-Charge of the University pending the
8 appointment of a new President.

9 In case of vacancy in the Office of the President as mentioned in the
10 immediately preceding paragraph, his/her successor or the Officer-in-Charge
11 shall serve only the unexpired portion of the term.

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

16 The salary of the President of the University shall be in accordance with
17 the Revised Compensation and Position Classification System and shall be
18 comparable to that being received by the Presidents of similar educational
19 institutions.

20 The President of the University shall be assisted by a Vice President for
21 Academic Affairs and a Vice President for Administration, who shall be
22 appointed by the Board upon recommendation of the President.

23 SEC. 10. *Heads of University Campuses.* – Campus Directors shall
24 head the University campuses and they shall render full-time service. They
25 shall be appointed by the Board upon recommendation of the search committee
26 and the University President, subject to the guidelines, qualifications and/or
27 standards set by the Board: *Provided, That the incumbent college*

1 administrators of the extension campuses shall serve as Campus Directors of
2 their respective campuses.

3 SEC. 11. *The Administrative Council.* There shall be an
4 Administrative Council consisting of the *President of the University* as
5 Chairperson, Vice Presidents, deans, directors and other officials of equal rank,
6 as members, whose duty is to review and recommend to the Board the policies
7 governing the administration, management and development planning of the
8 University.

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

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

21 SEC. 13. *The Secretary of the University.* – The Board shall appoint a
22 secretary, who shall serve as such for both the Board and the University and
23 shall keep all records and proceedings of the Board. He/She shall serve upon
24 each member of the Board the appropriate notice of the Board meetings.

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

27 SEC. 15 *The Faculty.* – No political beliefs, gender preference,
28 cultural or community affiliation or ethnic origin, and religious opinion or

1 affiliation shall be a matter of inquiry in the appointment of faculty members of
2 the University: *Provided*, That said appointment shall be subject to the
3 guidelines, qualifications and/or standards set by the Board: *Provided, further*,
4 That no member of the faculty shall teach for or against any particular church
5 or religious sect.

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

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

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

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

25 SEC. 19. *Assets, Liabilities and Personnel*. – All assets, real and
26 personal, personnel and records of the Surigao del Sur Polytechnic State
27 College, as well as liabilities or obligations, are hereby transferred to the
28 University. The positions, rights and security of tenure of faculty members and

1 personnel therein employed under existing laws prior to the conversion into a
2 University shall be respected.

3 All parcels of land belonging to the government occupied by the
4 Surigao del Sur Polytechnic State College are hereby declared to be property
5 of the University, and shall be titled under that name: *Provided*, That should
6 the University cease to exist or be abolished or should such parcels of land
7 aforementioned be no longer needed by the University, the same shall revert to
8 the national government.

9 SEC. 20. *Appropriations.* – The amount necessary to carry out the
10 provisions of this Act shall be charged against the current year’s appropriations
11 of the Surigao del Sur Polytechnic State College, except the sums needed to
12 continue the operations of the existing high school. Thereafter, such sums as
13 may be necessary for the continued operation and maintenance of the Surigao
14 del Sur State University shall be included in the annual General Appropriations
15 Act.

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

20 (a) Submit a five (5)-year development plan, including its
21 corresponding program budget to the CHED, for corresponding
22 recommendation to the DBM;

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

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

27 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the
28 second month after the opening of the regular classes each year, the Board

1 shall file with the Office of the President of the Philippines through the
2 Chairperson of the CHED, and with both Houses of Congress a detailed report
3 on the progress, conditions and needs of the University.

4 SEC. 23. *Suppletory Application.* – The provisions of Republic Act No.
5 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
6 shall be an integral part of this Act and shall serve as part of the Governing
7 Charter of the University.

8 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,
9 responsibilities and limitations to state universities and/or their officials under
10 existing laws shall be deemed granted to or imposed upon the University
11 and/or its officials whenever appropriate.

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

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

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

21 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after
22 its publication in two (2) newspapers of general circulation.

Approved,