



HOUSE OF REPRESENTATIVES

H. No. 4449

BY REPRESENTATIVES DALOG AND ANGARA, PER COMMITTEE REPORT
No. 825

AN ACT CONVERTING THE MOUNTAIN PROVINCE STATE
POLYTECHNIC COLLEGE IN THE MUNICIPALITY OF BONTOC,
MOUNTAIN PROVINCE INTO A STATE UNIVERSITY TO BE
KNOWN AS THE MOUNTAIN PROVINCE STATE UNIVERSITY,
WITH CAMPUSES IN THE MUNICIPALITIES OF TADIAN,
BAUKO, PARACELIS AND BARLIG, ALL LOCATED IN
MOUNTAIN PROVINCE 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 Mountain Province State Polytechnic
- 2 College in the Municipality of Bontoc, including its external campuses in the
- 3 municipalities of Tadian, Bauko, Paracelis and Barlig, all located in Mountain
- 4 Province, is hereby converted into a state university to be known as the
- 5 Mountain Province State University, hereinafter referred to as the University.
- 6 The main campus of the University shall be located in the Municipality of
- 7 Bontoc.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in forestry and agriculture, teacher education, engineering and technology, arts,
4 humanities, sciences and other relevant fields of study. It shall also promote
5 and undertake research, extension services and production activities in support
6 of the socioeconomic development of Mountain Province, and provide
7 progressive leadership in its areas of specialization.

8 SEC. 3. *Academic Freedom and Institutional Autonomy.* – The
9 University shall enjoy academic freedom and institutional autonomy, pursuant
10 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
11 the Philippines.

12 SEC. 4. *Curricular Offerings.* – The University shall offer
13 undergraduate and graduate courses in the fields of forestry and agriculture,
14 teacher education, engineering and technology, arts, humanities, sciences and
15 other degrees within its areas of specialization and according to its capabilities
16 as the Board of Regents may deem necessary to carry out its objectives in
17 order to meet the needs of Mountain Province and the Cordillera
18 Administrative Region.

19 The University shall maintain and operate a reasonably-sized laboratory
20 school under its College of Education in the main campus.

21 SEC. 5. *Administration.* – The University shall have the general powers
22 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
23 known as “The Corporation Code of the Philippines”. The administration of
24 the University and the exercise of its corporate powers shall be vested
25 exclusively in the Board of Regents and the President of the University.

26 SEC. 6. *The Governing Board.* – The governing board of the
27 University shall be the Board of Regents, hereinafter referred to as the Board,
28 which shall be composed of the following:

- 1 (a) The Chairperson of the Commission on Higher Education (CHED),
2 Chairperson;
- 3 (b) The President of the University, Vice Chairperson;
- 4 (c) The Chairperson of the Committee on Education, Arts and Culture
5 of the Senate, member;
- 6 (d) The Chairperson of the Committee on Higher and Technical
7 Education of the House of Representatives, member;
- 8 (e) The Regional Director of the National Economic and Development
9 Authority (NEDA), member;
- 10 (f) The Regional Director of the Department of Science and
11 Technology (DOST), member;
- 12 (g) The President of the federation of faculty associations of the
13 University, member;
- 14 (h) The President of the federation of student councils of the
15 University, member;
- 16 (i) The President of the federation of alumni associations of the
17 University, member; and
- 18 (j) Two (2) prominent citizens from the private sector who have
19 distinguished themselves in their profession or fields of specialization of the
20 University, members.

21 The Board shall appoint the two (2) prominent citizens from among a
22 list of at least five (5) qualified persons in Mountain Province, as
23 recommended by the search committee constituted by the University President,
24 in consultation with the Chairperson of the CHED and the other members of
25 the 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. 7. *Powers and Duties of the Board of Regents.* – The Board shall
9 have the following specific powers and duties, in addition to its general powers
10 of administration and the exercise of all the powers granted to the board of
11 directors of a corporation under existing laws:

12 (a) To promulgate and implement policies in accordance with the
13 declared State policies and the provisions of the Philippine Constitution on
14 education, agriculture, science and technology, as well as the policies,
15 standards and thrusts of the CHED under Republic Act No. 7722, otherwise
16 known as the “Higher Education Act of 1994”;

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

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

22 (d) To import economic, technical and cultural books and/or
23 publications;

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

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

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

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

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

23 (g) To adopt and implement a socialized scheme of tuition and school
24 fees for greater access to poor but deserving students;

25 (h) To authorize the construction or repair of its buildings, machinery,
26 equipment and other facilities, and the purchase and acquisition of real property,
27 including necessary supplies, materials and equipment;

1 (i) To appoint upon recommendation of the President of the University,
2 Vice Presidents, deans, directors, heads of campuses, faculty members, and other
3 officials and employees of the University;

4 (j) To fix and adjust salaries of faculty members and administrative
5 officials and employees, subject to the provisions of the Revised Compensation
6 and Position Classification System and other pertinent budget and
7 compensation laws including those governing hours of service, and such other
8 duties and conditions as it may deem proper; to grant them, at its discretion,
9 leaves of absence under such regulations as it may promulgate, any provision
10 of existing law to the contrary notwithstanding; and to remove them for cause
11 in accordance with the requirements of due process of law;

12 (k) To approve the curricula, instructional programs and rules of
13 discipline drawn by the Administrative and the Academic Councils herein
14 provided;

15 (l) To set policies on admission and graduation of students;

16 (m) To award honorary degrees upon persons in recognition of their
17 outstanding contribution in the fields of education, public service, arts, science
18 and technology, agriculture or in any field of specialization within the
19 academic competence of the University; and to authorize the awarding of
20 certificates of completion of nondegree and nontraditional courses;

21 (n) To establish and absorb nonchartered tertiary institutions within
22 Mountain Province as branches and centers in coordination with the CHED,
23 and in consultation with the Department of Budget and Management (DBM),
24 and to offer therein programs or courses to promote and carry out equal access
25 to educational opportunities as mandated by the Constitution;

26 (o) To establish research and extension centers of the University where
27 such will promote the development of the latter;

1 (p) To establish professorial chairs in the University and to provide
2 fellowships for qualified faculty members and scholarships to deserving
3 students;

4 (q) To delegate any of its powers and duties provided for hereinabove to
5 the President and/or other officials of the University as it may deem
6 appropriate, so as to expedite the administration of the affairs of the
7 University;

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

12 (s) To collaborate with other governing boards of state colleges and
13 universities within Mountain Province or the Cordillera Administrative Region,
14 under the supervision of the CHED and in consultation with the DBM, and
15 work towards the restructuring of the University to become more efficient,
16 relevant, productive and competitive;

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

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

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

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

5 (x) To establish policy guidelines and procedures for participative
6 decision-making and transparency within the University;

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

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

15 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene
16 once every three (3) months. Whenever necessary, the Chairperson of the
17 Board may call, upon three (3) days' prior written notice, a maximum of two
18 (2) special meetings within the same period.

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

23 In one's absence, the Chairperson of the CHED shall designate a
24 Commissioner of the CHED as representative in the meeting with all the rights
25 and responsibilities of a regular member: *Provided, however,* That during this
26 meeting, the President of the University as Vice Chairperson shall be the

1 Presiding Officer: *Provided, further,* That this *proviso* notwithstanding, the
2 Chairperson of the CHED is hereby authorized to designate a CHED
3 Commissioner as the regular Chair of the Board, in which case said CHED
4 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 a
15 President, who shall render full-time service and who shall be appointed by the
16 Board, subject to the guidelines, qualifications and standards set by the Board,
17 upon recommendation of a duly constituted search committee. The University
18 President shall have a term of four (4) years and shall be eligible for
19 reappointment for another term: *Provided,* That in order to effect a smooth
20 transition to a state university, the incumbent President of the Mountain
21 Province State Polytechnic College shall serve as the interim President of the
22 University.

23 Within three (3) months from the approval of the law establishing the
24 University, the Board shall constitute the Search Committee for the Presidency
25 (SCP).

26 In case of vacancy in the Office of the President by reason of death,
27 compulsory retirement, resignation, removal for cause or incapacity of the
28 President to perform the functions of the office, the Board shall designate an

1 Officer-in-Charge of the University within six (6) months from the date of
2 vacancy, pending the appointment of a new President. The successor or the
3 Officer-in-Charge shall serve only the unexpired portion of the term.

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

8 The salary of the President of the University shall be in accordance with
9 the Revised Compensation and Position Classification System, as modified by
10 Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and
11 compensation laws, and shall be comparable to that being received by the
12 Presidents of similar educational institutions.

13 The President of the University shall be assisted by a Vice President for
14 Academic Affairs, a Vice President for Administration and Finance and a Vice
15 President for Research and Extension, who shall be appointed by the Board
16 upon recommendation of the President.

17 SEC. 10. *Heads of University Campuses.* – Each extension campus in
18 the municipalities of Tadian, Bauko, Paracelis and Barlig shall be referred to
19 as a University Campus.

20 A Campus Administrator shall head each University Campus and shall
21 render full-time service. The Campus Administrator shall be appointed by the
22 Board upon recommendation of the search committee and the University
23 President, subject to the guidelines, qualifications and standards set by the
24 Board: *Provided*, That the incumbent college administrators of the extension
25 campuses shall serve as the respective Campus Administrator.

1 SEC. 11. *The Secretary of the University.* – The Board shall appoint a
2 secretary, who shall serve as such for both the Board and the University and
3 shall keep all records and proceedings of the Board. The secretary shall serve
4 upon each member of the Board the appropriate notice of the Board meetings.

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

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

13 SEC. 14. *The Academic Council.* – There shall be an Academic
14 Council to be composed of the President of the University, who shall act as
15 Chairperson, and all academic staff with the rank of at least an assistant
16 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 conferment of degrees, subject to
21 review and approval by the Board through the President of the University. It
22 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. 15. *The Faculty.* – No political beliefs, gender preference,
26 cultural or community affiliation or ethnic origin, and religious opinion or
27 affiliation shall be a matter of inquiry in the appointment of faculty members of
28 the University: *Provided*, That said appointment shall be subject to the

1 guidelines, qualifications and standards set by the Board: *Provided, further,*
2 That no member of the faculty shall teach for or against any particular church
3 or religious sect.

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

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

9 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
10 *and Detail of Personnel.* – The heads of the bureaus and offices of the
11 national government are hereby authorized to loan or transfer, upon the request
12 of the President of the University, such apparatus, equipment or supplies as
13 may be needed by the University, and to detail employees for duty therein
14 when, in the judgment of the head of bureau or office, such apparatus,
15 equipment, supplies or services of such employees can be spared without
16 serious detriment to public service.

17 The employees so detailed shall perform such duties as required of them
18 by the President of the University, and the time so employed shall be counted
19 as part of their regular services.

20 SEC. 18. *Assets, Liabilities and Personnel,* – All assets, real and
21 personal, personnel and records of the Mountain Province State Polytechnic
22 College including its campuses in the municipalities of Tadian, Bauko,
23 Paracelis and Barlig, as well as liabilities or obligations, are hereby transferred
24 to the University. The positions, rights and security of tenure of faculty
25 members and personnel therein employed under existing laws prior to the
26 conversion into a University shall be respected.

1 All parcels of land belonging to the government occupied by the
2 Mountain Province State Polytechnic College including its extension campuses
3 are hereby declared to be property of the University, and shall be titled under
4 the Mountain Province State University: *Provided*, That should the University
5 cease to exist or be abolished or should such parcels of land aforementioned be
6 no longer needed by the University, the same shall revert to the LGUs
7 concerned.

8 SEC. 19. *Tax Exemption on Importation and Donations.* -- The
9 importation of economic, technical and cultural books or publications, which is
10 for economic, technical, vocational, scientific, philosophica^l, historical or
11 cultural purposes made by the University, upon certification by the CHED,
12 shall be exempt from customs duties in accordance with the provisions of the
13 Tariff and Customs Code of the Philippines, as amended.

14 Donations in any form to the University shall be exempt from the
15 donor's tax and the same shall be considered as allowable deduction from the
16 gross income in the computation of the income tax of the donor, in accordance
17 with the provisions of the *National Internal Revenue Code of 1997*, as
18 amended.

19 SEC. 20. *Appropriations.* -- The amount necessary to carry out the
20 provisions of this Act shall be charged against the current year's appropriations
21 of the Mountain Province State Polytechnic College, except the sums needed
22 to continue the operations of the existing high schools. Thereafter, such sums
23 as may be necessary for the continued operation and maintenance of the
24 University and its extension campuses shall be included in the annual General
25 Appropriations Act.

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

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

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

9 (c) Set up its organizational, administrative as well as academic
10 structure, including the appointment of the key officials of the University.

11 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the
12 second (2nd) month after the opening of the regular classes each year, the
13 Board shall file with the Office of the President of the Philippines, through the
14 Chairperson of the CHED, and with both Houses of Congress, a detailed report
15 on the progress, conditions and needs of the University.

16 SEC. 23. *Suppletory Application.* – The provisions of Republic Act
17 No. 8292, otherwise known as the “Higher Education Modernization Act of
18 1997”, shall be an integral part of this Act and shall serve as part of the
19 Governing Charter of the University.

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

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

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

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

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

Approved,

○