



HOUSE OF REPRESENTATIVES

H. No. 4448

BY REPRESENTATIVES VALENCIA AND ANGARA, PER COMMITTEE
REPORT NO. 824

AN ACT CONVERTING THE MINDORO STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY IN THE MUNICIPALITY OF VICTORIA, PROVINCE OF ORIENTAL MINDORO INTO A STATE UNIVERSITY TO BE KNOWN AS THE ORIENTAL MINDORO 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 Mindoro State College of Agriculture
2 and Technology (MINS CAT) in the Municipality of Victoria, including the
3 MINS CAT external campuses, namely: the Polytechnic College of Calapan in
4 Calapan City and the Bongabong College of Fisheries in the Municipality of
5 Bongabong, all located in the Province of Oriental Mindoro, is hereby
6 converted into a state university to be known as the Oriental Mindoro State
7 University (OMSU), hereinafter referred to as the University. The main
8 campus of the University shall be in the Municipality of Victoria, Province of
9 Oriental Mindoro.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in agriculture and forestry, fisheries and environmental studies, information
4 and computer technology, arts and sciences, education and other related fields
5 of study. It shall also undertake research and extension services in support of
6 the socioeconomic development of the Province of Oriental Mindoro, and
7 provide 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 course in the fields of agriculture and forestry,
14 fishery and environmental studies, information and computer technology, arts
15 and sciences, education and other degrees/courses within its areas of
16 specialization and according to its capabilities as the Board of Regents may
17 deem necessary to carry out its objectives, in order to meet the needs of the
18 Province of Oriental Mindoro and Region IV-B.

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

25 SEC. 5. *Administration.* – The University shall have the general
26 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
27 otherwise known as “The Corporation Code of the Philippines”. The
28 administration of the University and the exercise of its corporate powers shall

1 be vested exclusively in the Board of Regents and the President of the
2 University.

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

6 (a) The Chairperson of the Commission on Higher Education (CHED),
7 Chairperson;

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

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

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

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

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

17 (g) The President of the federation of faculty associations of the
18 University, member;

19 (h) The President of the federation of student councils of the
20 University, member;

21 (i) The President of the federation of alumni associations of the
22 University, member; and

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

26 The Board shall appoint the two (2) prominent citizens from among a
27 list of at least five (5) qualified persons in the Province of Oriental Mindoro, as
28 recommended by the search committee constituted by the University President,

1 in consultation with the Chairperson of the CHED and the other members of
2 the Board, based on the normal standards and qualifications for the position.

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

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

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

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

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

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

24 (d) To import economic, technical and cultural books and/or
25 publications;

26 (e) To receive in trust legacies, gifts and donations of real and personal
27 properties of all kinds and to administer and dispose of the same when

1 necessary for the benefit of the University, and subject to the limitations,
2 directions and instructions of the donor, if any;

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

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

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

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

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

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

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

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

15 (k) To approve the curricula, instructional programs and rules of
16 discipline drawn by the Administrative and the Academic Councils herein
17 provided;

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

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

24 (n) To establish and absorb nonchartered tertiary institutions within
25 the Province of Oriental Mindoro as branches and centers in coordination with
26 the CHED, and in consultation with the Department of Budget and
27 Management (DBM), and to offer therein programs or courses to promote and

1 carry out equal access to educational opportunities as mandated by the
2 Constitution;

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

5 (p) To establish professorial chairs in the University and to provide
6 fellowships for qualified faculty members and scholarships to deserving
7 students;

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

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

16 (s) To collaborate with other governing boards of the state colleges
17 and universities within the Province of Oriental Mindoro or Region IV-B,
18 under the supervision of the CHED and in consultation with the DBM, and
19 work towards the restructuring of the University to become more efficient,
20 relevant, productive and competitive;

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

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

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

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

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

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

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

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

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

27 In one's absence, the Chairperson of the CHED shall designate a
28 Commissioner of the CHED as representative in the meeting with all the rights

1 and responsibilities of a regular member: *Provided, however,* That during this
2 meeting, the President of the University as Vice Chairperson shall be the
3 Presiding Officer: *Provided, further,* That this *proviso* notwithstanding, the
4 Chairperson of the CHED is hereby authorized to designate a CHED
5 Commissioner as the regular Chair of the Board, in which case said CHED
6 Commissioner shall act as the Presiding Officer.

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

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

16 SEC. 9. *The University President.* – The University shall be headed by
17 a President, who shall render full-time service and who shall be appointed by
18 the Board, subject to the guidelines, qualifications and standards set by the
19 Board, upon recommendation of a duly constituted search committee. The
20 University President shall have a term of four (4) years and shall be eligible for
21 reappointment for another term: *Provided,* That in order to effect a smooth
22 transition to a state university, the incumbent President of the MINSCAT shall
23 serve as the first President of the University.

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

27 In case of vacancy in the Office of the President by reason of death,
28 compulsory retirement, resignation, removal for cause or incapacity of the

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

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

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

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

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

23 SEC. 11. *The Secretary of the University.* – The Board shall appoint a
24 Secretary, who shall serve as such for both the Board and the University and
25 shall keep all records and proceedings of the Board. The Secretary shall serve
26 upon each member of the Board the appropriate notice of the Board meetings.

27 SEC. 12. *The Treasurer of the University.* – The Treasurer of the
28 Philippines shall be the *ex officio* Treasurer of the University.

1 SEC. 13. *The Administrative Council.* -- There shall be an
2 Administrative Council consisting of the President of the University as
3 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
4 as members, whose duty is to review and recommend to the Board the policies
5 governing the administration, management and development planning of the
6 University.

7 SEC. 14. *The Academic Council.* -- There shall be an Academic
8 Council to be composed of the President of the University, who shall act as
9 Chairperson, and all academic staff with the rank of at least an assistant
10 professor, as members.

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

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

26 SEC. 16. *Scholarship Program/Admission.* -- The University shall
27 provide a scholarship program and other affirmative action programs to assist
28 poor but deserving students who qualify for admission to the University.

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

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

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

14 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
15 personal, personnel and records of the MINS CAT, as well as liabilities or
16 obligations, are hereby transferred to the University. The positions, rights and
17 security of tenure of faculty members and personnel therein employed under
18 existing laws prior to the conversion into a University shall be respected.

19 All parcels of land belonging to the government occupied by the
20 MINS CAT are hereby declared to be property of the University, and shall be
21 titled under that name: *Provided*, That should the University cease to exist or
22 be abolished or should such parcels of land aforementioned be no longer
23 needed by the University, the same shall revert to the Province of Oriental
24 Mindoro.

25 SEC. 19. *Tax Exemption on Importation and Donations.* – The
26 importation of economic, technical and cultural books and/or publications,
27 which is for economic, technical, vocational, scientific, philosophical,
28 historical or cultural purposes made by the University, upon certification by the

1 CHED, shall be exempt from customs duties in accordance with the provisions
2 of the Tariff and Customs Code of the Philippines, as amended.

3 Donations in any form to the University shall be exempt from the
4 donor's tax and the same shall be considered as allowable deduction from the
5 gross income in the computation of the income tax of the donor, in accordance
6 with the provisions of the National Internal Revenue Code of 1997, as
7 amended.

8 SEC. 20. *Appropriations.* – The amount necessary to carry out the
9 provisions of this Act shall be charged against the current year's appropriations
10 of the MINS CAT, except the sums needed to continue the operations of the
11 existing high schools. Thereafter, such sums as may be necessary for the
12 continued operation and maintenance of the University shall be included in the
13 annual General Appropriations Act.

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

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

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

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

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

1 SEC. 23. *Suppletory Application.* – The provisions of Republic Act
2 No. 8292, otherwise known as the “Higher Education Modernization Act of
3 1997”, shall be an integral part of this Act and shall serve as part of the
4 Governing Charter of the University.

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

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

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

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

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

Approved,

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