



HOUSE OF REPRESENTATIVES

H. No. 4450

BY REPRESENTATIVES LAZATIN AND ANGARA, PER COMMITTEE REPORT
No. 826

AN ACT CONVERTING THE PAMPANGA AGRICULTURAL COLLEGE
(PAC) IN THE MUNICIPALITY OF MAGALANG, PROVINCE OF
PAMPANGA INTO A STATE UNIVERSITY TO BE KNOWN AS
THE DIOSDADO MACAPAGAL AGRICULTURE AND SCIENCE
STATE UNIVERSITY (DMASSU) 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 Pampanga Agricultural College
2 (PAC) in the Municipality of Magalang, Province of Pampanga is hereby
3 converted into a state university to be known as the Diosdado Macapagal
4 Agriculture and Science State University (DMASSU), hereinafter referred to
5 as the University.

6 SEC. 2. *General Mandate.* – The University shall primarily provide
7 advanced education, higher technological, professional instruction and training
8 in the fields of agriculture, arts and sciences, teacher education, industrial
9 technology and engineering, information technology, business management
10 and accountancy, nontraditional courses and other relevant fields of study. It
11 shall also undertake research, extension services and production activities in

1 support of the development of the Province of Pampanga and provide
2 progressive leadership in its areas of specialization.

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

7 SEC. 4. *Curricular Offerings.* – The University shall offer
8 undergraduate and graduate courses in the fields of agriculture, arts and
9 sciences, teacher education, industrial technology and engineering, information
10 technology, business management and accountancy, tourism, health services
11 and other courses within its areas of specialization and according to its
12 capabilities as the Board of Regents may deem necessary to carry out its
13 objectives, particularly in meeting the needs of the Province of Pampanga and
14 Region III.

15 The University may operate a reasonably-sized laboratory school under
16 its College of Education.

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

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

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

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

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

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

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

7 (f) The Regional Director of the Department of Agriculture (DA),
8 member;

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

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

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

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

18 The Board shall appoint the two (2) prominent citizens from among a
19 list of at least five (5) qualified persons in the Province of Pampanga, as
20 recommended by the search committee constituted by the University President,
21 in consultation with the Chairperson of the CHED and the other members of
22 the Board, based on the normal standards and qualifications for the position.

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

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

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

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

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

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

17 (d) To import economic, technical and cultural books and/or
18 publications;

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

23 (f) To fix the tuition fees and other necessary school charges such as,
24 but not limited to, matriculation fees, graduation fees and laboratory fees, as
25 the Board may deem proper to impose, after due consultations with the
26 involved sectors. Such fees and charges, including government subsidies and
27 other income generated by the University, shall constitute special trust funds
28 and shall be deposited in any authorized government depository bank, and all

1 interests that shall accrue therefrom shall form part of the same funds for the
2 use of the University.

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

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

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

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

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

24 (j) To fix and adjust salaries of faculty members and administrative
25 officials and employees, subject to the provisions of the Revised Compensation
26 and Position Classification System and other pertinent budget and
27 compensation laws governing hours of service and such other duties and
28 conditions as it may deem proper; to grant them, at its discretion, leaves of

1 absence under such regulations as it may promulgate, any provision of existing
2 law to the contrary notwithstanding; and to remove them for cause in
3 accordance with the requirements of due process of law;

4 (k) To approve the curricula, instructional programs and rules of
5 discipline drawn by the Administrative and Academic Councils herein
6 provided;

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

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

13 (n) To establish and absorb nonchartered tertiary institutions within the
14 Province of Pampanga as branches and centers in coordination with the CHED,
15 and in consultation with the Department of Budget and Management (DBM),
16 and to offer therein programs or courses, to promote and carry out equal access
17 to educational opportunities as mandated by the Constitution;

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

20 (p) To establish professorial chairs in the University and to provide
21 fellowships for qualified faculty members and scholarships to deserving
22 students;

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

27 (r) To authorize an external management audit of the University, to be
28 financed by the CHED, subject to the rules and regulations of the Commission

1 on Audit (COA); and to institute reforms, including academic and structural
2 changes, on the basis of the audit results and recommendations;

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

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

12 (u) To develop consortia and other economic forms of linkages with
13 local government units (LGUs), institutions and agencies, both public and
14 private, local and foreign, in the furtherance of the purposes and objectives of
15 the University;

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

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

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

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

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

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

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

14 In one's absence, the Chairperson of the CHED shall designate a
15 Commissioner of the CHED as representative in the meeting with all the rights
16 and responsibilities of a regular member: *Provided, however,* That during this
17 meeting, the President of the University as Vice Chairperson shall be the
18 Presiding Officer: *Provided, further,* That this *proviso* notwithstanding, the
19 Chairperson of the CHED is hereby authorized to designate a CHED
20 Commissioner as the regular Chair of the Board, in which case said CHED
21 Commissioner shall act as the Presiding Officer.

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

26 The members of the Board shall not receive any salary but shall be
27 entitled to reimbursements for actual and necessary expenses incurred, either in
28 their attendance to meetings of the Board or in connection with other official

1 business authorized by resolution of the Board, subject to existing laws and
2 regulations.

3 SEC. 9. *The University President.* – The University shall be headed by
4 a President, who shall render full-time service and who shall be appointed by
5 the Board, subject to the guidelines, qualifications and standards set by the
6 Board, upon recommendation of a duly constituted search committee. The
7 University President shall have a term of four (4) years and shall be eligible
8 for reappointment for another term: *Provided*, That in order to effect a smooth
9 transition to a state university, the incumbent President of the PAC shall serve
10 as the first President of the University.

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

14 In case of vacancy in the Office of the President by reason of death,
15 compulsory retirement, resignation, removal for cause or incapacity of the
16 President to perform the functions of the office, the Board shall designate an
17 Officer-in-Charge of the University within six (6) months from the date of
18 vacancy, pending the appointment of a new President. The successor or the
19 Officer-in-Charge shall serve only the unexpired portion of the term.

20 The powers and duties of the President of the University, in addition to
21 those specifically provided in this Act, shall be those usually pertaining to the
22 Office of the President of similar universities, and those delegated by the
23 Board.

24 The salary of the President of the University shall be in accordance
25 with the Revised Compensation and Position Classification System and shall
26 be comparable to that being received by the Presidents of similar educational
27 institutions.

1 The President of the University shall be assisted by a Vice President for
2 Academic Affairs and a Vice President for Finance and Administration who
3 shall be appointed by the Board upon recommendation of the President.

4 SEC. 10. *The Secretary of the University.* -- The Board shall appoint a
5 Secretary, who shall serve as such for both the Board and the University and
6 shall keep all records and proceedings of the Board. The Secretary of the
7 University shall serve upon each member of the Board the appropriate notice
8 of the Board meetings.

9 SEC. 11. *The Treasurer of the University.* -- The Treasurer of the
10 Philippines shall be the *ex officio* Treasurer of the University.

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

17 SEC. 13. *The Academic Council.* -- There shall be an Academic
18 Council to be composed of the President of the University, who shall act as
19 Chairperson, and all academic staff with the rank of at least an assistant
20 professor, as members.

21 The Academic Council shall have the power to review and recommend
22 the curricular offerings and rules of discipline of the University, subject to the
23 approval of the Board. It shall fix the requirements for the admission of
24 students, as well as for their graduation and conferment of degrees, subject to
25 review and approval by the Board through the President of the University. It
26 shall have the disciplinary power over students of the University and shall
27 formulate academic policies and rules and regulations on discipline, subject to
28 the approval of the Board.

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

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

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

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

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

24 SEC. 17. *Assets, Liabilities and Personnel.* – All assets, real and
25 personal, personnel and records of the PAC, as well as liabilities or
26 obligations, are hereby transferred to the University. The positions, rights and
27 security of tenure of faculty members and personnel therein employed under
28 existing laws prior to the conversion into a University shall be respected.

1 All parcels of land belonging to the government occupied by the PAC
2 are hereby declared to be property of the University and shall be titled under
3 that name: *Provided*, That should the University cease to exist or be abolished
4 or should such parcels of land aforementioned be no longer needed by the
5 University, the same shall revert to the LGU concerned or the Republic of the
6 Philippines, as the case may be.

7 SEC. 18. *Tax Exemption on Importation and Donations.* – The
8 importation of economic, technical and cultural books and/or publications,
9 which is for economic, technical, vocational, scientific, philosophical,
10 historical or cultural purposes made by the University upon certification by the
11 CHED shall be exempt from customs duties in accordance with the provisions
12 of the Tariff and Customs Code of the Philippines, as amended.

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

18 SEC. 19. *Appropriations.* – The amount necessary to carry out the
19 provisions of this Act shall be charged against the current year's appropriations
20 of the PAC except the sums needed for the continued operation of the existing
21 high school. Thereafter, such sums as may be necessary for the continued
22 operation and maintenance of the University shall be included in the annual
23 General Appropriations Act.

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

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

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

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

7 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of
8 the second (2nd) month after the opening of the regular classes each year, the
9 Board 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 their officials under
18 existing laws shall be deemed granted to or imposed upon the University and
19 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 thereby 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 (2) newspapers of general circulation.

Approved,

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