

Submitted Jointly by the Committees on Education, Arts and Culture and on Finance on JUL 29 2009.

Re: House Bill No. 4415, taking into consideration Senate Bill No. 1383

Recommending its approval with amendments.

Sponsors: Senators MAR Roxas, Loren B. Legarda and Edgardo J. Angara

Mr. President:

The Committees on Education, Arts and Culture and on Finance to which was referred House Bill No. 4415, introduced by Representatives Javier, Villar, Lagman and Remulla, entitled:

“AN ACT  
CONVERTING THE POLYTECHNIC STATE COLLEGE OF ANTIQUE IN THE MUNICIPALITY OF SIBALOM INTO A STATE UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF ANTIQUE, INCLUDING ITS EXTENSION CAMPUSES IN THE MUNICIPALITIES OF HAMTIC AND TIBIAO, ALL LOCATED IN THE PROVINCE OF ANTIQUE AND APPROPRIATING FUNDS THEREFOR”

taking into consideration Senate Bill No. 1383, introduced by Senator Loren B. Legarda, entitled:

“AN ACT  
CREATING THE STATE UNIVERSITY SYSTEM OF ANTIQUE, AND FOR OTHER PURPOSES”

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the followings amendments:

1. On Page 2, Line 14, After the words “Region VI” insert: “PROVIDED, That no degree program shall be offered without the approval of the Commission on Higher Education before the same shall be approved by its Board.”
2. On Page 10, Delete Lines 17-19, and replace with: “The President of the University shall be assisted by the Vice-President/s, who shall be appointed by the Board upon recommendation of the President.”
3. On Page 13, Line 24, Insert a new section:  
“SECTION 22. CHED Monitoring and Evaluation. – The Commission on Higher Education shall conduct regular monitoring and evaluation to determine continuing compliance with the requirements on university status. In the event that the Commission finds that the University does not maintain compliance thereof, it shall submit the appropriate recommendation for the

revocation of the University status to the Senate Committee on Education, Arts, and Culture, and the House Committee on Higher and Technical Education.

4. Renumber the subsequent sections accordingly.

RESPECTFULLY SUBMITTED:



EDGARDO J. ANGARA

*Chairperson*

Committee on Finance

*Member, Committee on Education,  
Arts and Culture*

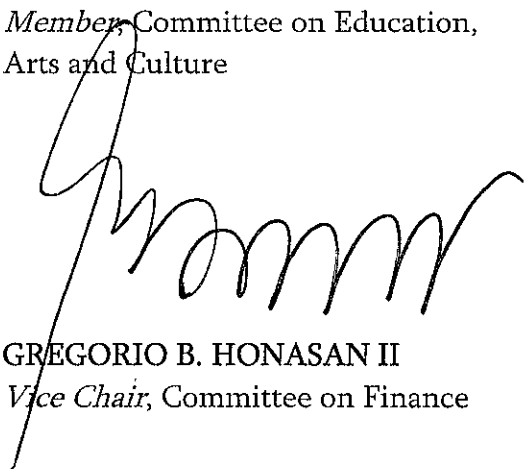


MAR ROXAS

*Chairperson*

Committee on Education, Arts and Culture

*Member, Committee on Finance*



GREGORIO B. HONASAN II

*Vice Chair, Committee on Finance*

JOKER P. ARROYO

*Vice Chair, Committee on Finance*

*Members*

MIRIAM DEFENSOR SANTIAGO

Committee on Finance

RICHARD J. GORDON

Committee on Education, Arts and  
Culture; Committee on Finance



FRANCIS G. ESCUDERO

Committee on Education, Arts and  
Culture

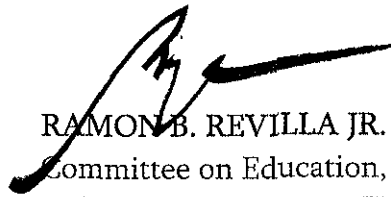


PIA "COMPANERA" S. CAYETANO

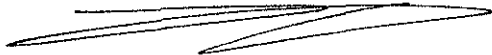
Committee on Education, Arts and  
Culture; Committee on Finance



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



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



LOREN B. LEGARDA  
Committee on Education, Arts and  
Culture; Committee on Finance

PANFILO M. LACSON  
Committee on Finance

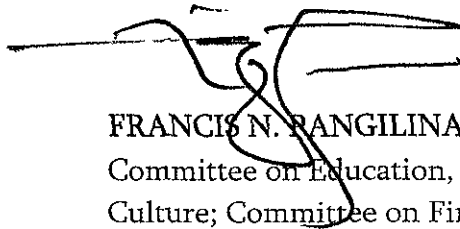
M.A. MADRIGAL  
Committee on Education, Arts and  
Culture; Committee on Finance



ALAN PETER S. CAYETANO  
Committee on Education, Arts and  
Culture; Committee on Finance

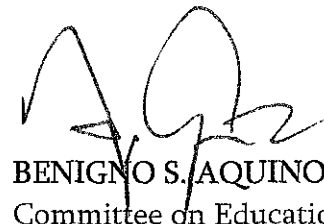


RODOLFO G. BIAZON  
Committee on Education, Arts and  
Culture; Committee on Finance



FRANCIS N. PANGILINAN  
Committee on Education, Arts and  
Culture; Committee on Finance

MANNY VILLAR  
Committee on Education, Arts and  
Culture; Committee on Finance




BENIGNO S. AQUINO III  
Committee on Education, Arts and  
Culture; Committee on Finance

ANTONIO F. TRILLANES IV  
Committee on Finance

*Ex-Officio Members*

  
JINGGOY EJERCITO ESTRADA  
*President Pro-Tempore*

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*Minority Leader*

HON. JUAN PONCE ENRILE  
*President*  
Senate of the Philippines



HOUSE OF REPRESENTATIVES

H. No. 4415

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BY REPRESENTATIVES JAVIER, VILLAR, LAGMAN AND REMULLA, PER  
COMMITTEE REPORT NO. 753

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AN ACT CONVERTING THE POLYTECHNIC STATE COLLEGE OF  
ANTIQUÉ IN THE MUNICIPALITY OF SIBALOM INTO A STATE  
UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF  
ANTIQUÉ, INCLUDING ITS EXTENSION CAMPUSES IN THE  
MUNICIPALITIES OF HAMTIC AND TIBIAO, ALL LOCATED IN  
THE PROVINCE OF ANTIQUÉ 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 Polytechnic State College of Antique  
2 (PSCA) in the Municipality of Sibalom, Province of Antique, including the  
3 PSCA – Hamtic Campus in the Municipality of Hamtic and the PSCA – Tario  
4 Lim Ruiz Campus in the Municipality of Tibiao, all located in the Province of  
5 Antique is hereby converted into a state university to be known as the  
6 University of Antique (UA), hereinafter referred to as the University. The  
7 main campus of the University shall be in Sibalom, Antique.

8           SEC. 2. *General Mandate.* – The University shall primarily provide  
9 advanced education, higher technological, professional instruction and training

1 in the fields of education, agriculture, forestry, fishery, maritime education,  
2 ecology, engineering, philosophy, information and communications  
3 technology, letters, arts and sciences, nursing, medicine and other relevant  
4 fields of study. It shall also undertake research and extension services in  
5 support of the socioeconomic development of Antique, and provide  
6 progressive leadership in its areas of specialization.

7       SEC. 3. *Curricular Offerings.* – The University shall offer  
8 undergraduate and graduate courses in the fields of education, agriculture,  
9 forestry, fishery, maritime education, ecology, engineering, philosophy,  
10 information and communications technology, letters, arts and sciences, nursing,  
11 medicine and other degree courses within its areas of specialization and  
12 according to its capabilities, as the Board of Regents may deem necessary to  
13 carry out its objectives, in order to meet the needs of the Province of Antique  
14 and Region VI.

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

21       SEC. 4. *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. 5. *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 professions 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 the Province of Antique, 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.

26          The term of office of the President of the federation of faculty  
27 associations, the President of the federation of student councils and the  
28 President of the federation of alumni associations shall be coterminous with

1 their respective terms of office, as set forth in their respective constitutions and  
2 bylaws

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

7 (i) 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 laws to the contrary notwithstanding; and to remove them for cause in  
14 accordance with the requirements of due process of law;

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

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

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

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

1 equal and greater access to educational opportunities as mandated by the  
2 Constitution;

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

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

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

12 (q) 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 audit results and recommendations;

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

21 (s) 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 same;

25 (t) 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 furtherance of the purposes and objectives of the  
28 University;

1 (u) 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, researchers, as the case may be;

5 (v) 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 higher education and graduate studies, as the  
9 case may be;

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

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

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

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

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

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

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

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

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

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

1           In case of vacancy in the Office of the President by reason of death,  
2 compulsory retirement, resignation, removal for cause or incapacity of the  
3 President to perform the functions of his/her office, the Board shall designate  
4 an *Officer-in-Charge of the University* within six (6) months from date of  
5 vacancy, pending the appointment of a new President.

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

9           The powers and duties of the President of the University, in addition to  
10 those specifically provided in this Act, shall be those usually pertaining to the  
11 Office of the President of similar universities, and those delegated by the  
12 Board.

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

17           The President shall be assisted by a *Vice President for Academic Affairs*  
18 and a *Vice President for Administration*, who shall be appointed by the Board  
19 upon recommendation of the President.

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

27           SEC. 11. *The Administrative Council.* -- There shall be an  
28 Administrative Council consisting of the President of the University as

1 Chairperson, Vice Presidents, deans, directors and other officials of equal rank,  
2 as members, whose duty is to review and recommend to the Board the policies  
3 governing the administration, management and development planning of the  
4 University.

5 SEC. 12. *The Academic Council.* – There shall be an Academic Council  
6 to be composed of the President of the University, who shall act as  
7 Chairperson, and all the academic staff with the rank of at least an assistant  
8 professor, as members.

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

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

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

23 SEC. 15. *The Faculty.* – No political beliefs, gender preference,  
24 cultural or community affiliation or ethnic origin, and religious opinion or  
25 affiliation shall be a matter of inquiry in the appointment of faculty members of  
26 the University: *Provided,* That said appointment shall be subject to the  
27 guidelines, qualifications and/or standards set by the Board. *Provided, further,*

1 That no member of the faculty shall teach for or against any particular church  
2 or religious sect.

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

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

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

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

23 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and  
24 personal, personnel and records of the Polytechnic State College of Antique, as  
25 well as liabilities or obligations, are hereby transferred to the University. The  
26 positions, rights and security of tenure of faculty members and personnel  
27 therein employed under existing laws prior to the conversion into a University  
28 shall be respected.



1 All parcels of land belonging to the government occupied by the PSCA  
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 LGUs concerned.

6 SEC. 20. *Appropriations.* – The amount necessary to carry out the  
7 provisions of this Act shall be charged against the current year's appropriations  
8 of the Polytechnic State College of Antique (PSCA), except the sums needed  
9 to continue the operations of the existing high school/s. Thereafter, such sums  
10 as may be necessary for the continued operation and maintenance of the  
11 University of Antique shall be included in the annual General Appropriations  
12 Act.

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

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

20 (2) Undergo a management audit in cooperation with the CHED; and

21 (3) Accordingly set up its organizational, administrative as well as  
22 academic structure, including the appointment of the key officials of the  
23 University.

24 SEC. 22. *Filing of Report.* – On or before the fifteenth (15<sup>th</sup>) day of the  
25 second (2<sup>nd</sup>) 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, condition and needs of the University.

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

5           SEC. 24. *Parity Clause* – All other powers, functions and privileges,  
6 responsibilities and limitations to state universities and/or their officials under  
7 existing laws shall be deemed granted to or imposed upon the University  
8 and/or 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 provision  
13 of this Act is declared invalid or unconstitutional, the remaining parts or  
14 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, amended 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,

○