

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 25 P6 25

SENATE

COMMITTEE REPORT NO. 400

RECEIVED BY: 

Submitted by the Committee on Education, Arts and Culture, the Committee on Finance and the Committee on Ways and Means on JAN 25 2016

Re: House Bill No. 6212

Recommending its approval without amendments

Sponsor: Senator Pia S. Cayetano


Mr. President:


The Committee on Education, Arts and Culture, the Committee on Finance and the Committee on Ways and Means to which was referred House Bill No. 6212, introduced by Representatives Villanueva, Romulo, Yap, et al entitled:

**"AN ACT
CONVERTING THE TARLAC COLLEGE OF AGRICULTURE (TCA) IN THE
MUNICIPALITY OF CAMILING, PROVINCE OF TARLAC INTO A STATE
UNIVERSITY TO BE KNOWN AS THE TARLAC AGRICULTURAL
UNIVERSITY AND APPROPRIATING FUNDS THEREFOR"**

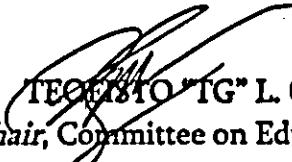
have considered the same and have the honor to report back to the Senate with the recommendation that House Bill No. 6212 be approved without amendments.


RESPECTFULLY SUBMITTED:



LOREN B. LEGARDA
Chairperson
Committee on Finance
Vice Chair, Committee on Education, Arts
and Culture
Member, Committee on Ways and Means

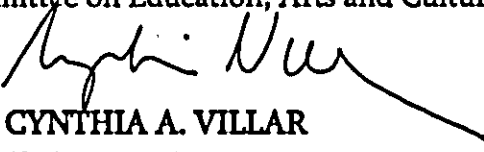

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Majority Leader

JUAN PONCE ENRILE
Minority Leader

HON. FRANKLIN M. DRILON
President
Senate of the Philippines



HOUSE OF REPRESENTATIVES

II. No. 6212

BY REPRESENTATIVES VILLANUEVA, ROMULO, YAP (S.), ANGARA-CASTILLO, ANTONINO, BONDOC, CRUZ-GONZALES, DELOSO-MONTALLA, GARCIA (E.), GUANLAO, GULAO, KIONGHUN, MACAPAGAL-ARROYO, MENDOZA (J.), PANTO, ROBES, RODRIGUEZ (O.), ROMAN, SANTIAGO, SUANSING, SY-ALVARADO, TUGNA, UMALI (C.), VILLARICA, VIOLAGO, UNGAB, QUMBO, ABU, AMATONG (I.), GARIN (S.), DATOCABE AND ONO, PER COMMITTEE REPORT NO. 921

AN ACT CONVERTING THE TARLAC COLLEGE OF AGRICULTURE (TCA) IN THE MUNICIPALITY OF CAMILING, PROVINCE OF TARLAC INTO A STATE UNIVERSITY TO BE KNOWN AS THE TARLAC AGRICULTURAL 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 Tarlac College of Agriculture (TCA)
2 in the Municipality of Camiling, Province of Tarlac is hereby converted into
3 a state university to be known as the Tarlac Agricultural University,
4 hereinafter referred to as the University.

5 SEC. 2. *General Mandate.* – The University shall primarily provide
6 advance education, higher technological and professional instruction and
7 training in the fields of agriculture, agribusiness management, science and
8 technology, engineering, teacher education, nontraditional courses, and other
9 relevant fields of study. It shall also undertake research, extension services.

1 and production activities in support of the development of the Province of
2 Tarlac, and provide 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, agribusiness
9 management, science and technology, agricultural and other branches of
10 engineering, and other courses within its areas of specialization, and according
11 to its capabilities as the Board may deem necessary to carry out its objectives,
12 particularly in meeting the needs of the Province of Tarlac and Region III.

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

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

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

24 (a) The Chairperson of the Commission on Higher Education (CHED),
25 Chairperson;

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

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

- 1 (d) The Chairperson of the Committee on Higher and Technical
2 Education of the House of Representatives, member;
- 3 (e) The Regional Director of the National Economic and Development
4 Authority (NEDA), member;
- 5 (f) The Regional Director of the Department of Agriculture (DA),
6 member;
- 7 (g) The President of the federation of faculty associations of the
8 University, member;
- 9 (h) The President of the federation of student councils of the
10 University, member;
- 11 (i) The President of the federation of alumni associations of the
12 University, member; and
- 13 (j) Two (2) prominent citizens from the private sector who have
14 distinguished themselves in their profession or fields of specialization,
15 members.

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

21 The Presidents of the federation of faculty associations, the federation
22 of student councils and the federation of alumni associations shall serve in the
23 Board only for the duration of their respective terms of office, as set forth in
24 their respective constitutions and bylaws.

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

27 **SEC. 7. Powers and Duties of the Board.** – The Board shall, in addition
28 to its general powers of administration and the exercise of all the powers

1 granted to the board of directors of a corporation under existing laws, have the
2 following specific powers and duties:

3 (a) Promulgate and implement policies in accordance with the declared
4 State policies and the provisions of the Philippine Constitution on education,
5 agriculture, science and technology, as well as the policies, standards and
6 thrusts of the CHED under Republic Act No. 7722, otherwise known as the
7 "Higher Education Act of 1994";

8 (b) Promulgate rules and regulations not contrary to law as may be
9 necessary to carry out the purposes and functions of the University;

10 (c) Receive and appropriate all sums as may be provided for the
11 support of the University in the manner it may determine in its discretion, in
12 order to carry out the purposes and functions of the University;

13 (d) Import economic, technical and cultural books and publications;

14 (e) Receive in trust, legacies, gifts and donations of real and personal
15 properties of all kinds, and to administer and dispose of the same, when
16 necessary, for the benefit of the University, and subject to the limitations,
17 directions and instructions of the donor, if any;

18 (f) Fix the tuition fees and other necessary school charges such as
19 matriculation fees, graduation fees, and laboratory fees, as the Board may
20 deem proper to impose, after due consultations with the involved sectors.

21 Such fees and charges, including government subsidies and other
22 income generated by the University, shall constitute a special trust fund and
23 shall be deposited in any authorized government depository bank, and all
24 interests that shall accrue therefrom shall form part of the same funds for the
25 use of the University.

26 Any provision of existing laws, rules and regulations to the contrary
27 notwithstanding, any income generated by the University from tuition fees and
28 other charges, as well as from the operation of auxiliary services and land
29 grants, shall be retained by the University and may be disbursed by the Board

1 for instruction, research, extension or other programs/projects of the
2 University: *Provided*, That all fiduciary fees shall be disbursed for the specific
3 purposes for which these are collected.

4 If, for reasons beyond its control, the University shall not be able to
5 pursue any project for which the funds have been appropriated and allocated
6 under its approved program of expenditures, the Board may authorize the use
7 of said funds for any reasonable purpose which, in its discretion, may be
8 necessary and urgent for the attainment of the objectives and goals of the
9 University;

10 (g) Adopt and implement a socialized scheme of tuition and other
11 school fees for greater access to education of poor but deserving students;

12 (h) Authorize the construction or repair of its buildings, machinery,
13 equipment, and other facilities, and the purchase and acquisition of real
14 property, including necessary supplies, materials, and equipment;

15 (i) Appoint, upon the recommendation of the President of the
16 University, vice presidents, deans, directors, heads of campuses, faculty
17 members, and other officials and employees of the University;

18 (j) Fix and adjust the salaries of faculty members, administrative
19 officials and employees, subject to the provisions of the Revised
20 Compensation and Position Classification System and other pertinent budget
21 and compensation laws governing hours of service, and such other duties and
22 conditions as it may deem proper; grant them, at its discretion, leaves of
23 absence under such regulations as it may promulgate, any provision of existing
24 law to the contrary notwithstanding; and remove them for cause in accordance
25 with the requirements of due process of law;

26 (k) Approve the curricula, instructional programs, and rules of
27 discipline drawn by the Administrative and Academic Councils herein
28 provided;

29 (l) Set policies on admission and graduation of students;

1 (m) Award honorary degrees upon persons in recognition of their
2 outstanding contribution in the fields of education, public service, arts, science
3 and technology, agriculture or in any field of specialization within the
4 academic competence of the University, and authorize the awarding of
5 certificates of completion of nondegree and nontraditional courses;

6 (n) Establish and absorb non-chartered tertiary institutions within the
7 Province of Tarlac as branches and centers, in coordination with the CIED
8 and in consultation with the Department of Budget and Management (DBM),
9 and offer therein programs or courses in order to carry out the constitutional
10 mandate of providing equal access to educational opportunities;

11 (o) Establish research and extension centers to promote the
12 development of the University;

13 (p) Establish professorial chairs in the University and provide
14 fellowships for qualified faculty members, and scholarships to deserving
15 students;

16 (q) Delegate any of its powers and duties to the President and other
17 officials of the University, as it may deem appropriate, so as to expedite the
18 administration of the affairs of the University;

19 (r) Authorize an external management audit of the University, to be
20 financed by the CIED, subject to the rules and regulations of the Commission
21 on Audit (COA), and institute reforms, including academic and structural
22 changes, on the basis of the audit results and recommendations;

23 (s) Collaborate with governing boards of other state universities and
24 colleges within the Province of Tarlac or Region III, under the supervision of
25 the CIED and in consultation with the DBM, and work towards the
26 restructuring of the University to become more efficient, relevant, productive,
27 and competitive;

28 (t) Enter into joint ventures with business and industry for the
29 profitable development and management of the economic assets of the

1 University, the proceeds from which shall be used for the development and
2 strengthening of the University;

3 (u) Develop consortia and other economic forms of linkages with local
4 government units (LGUs), institutions and agencies, both public and private,
5 local and foreign, in the furtherance of the purposes and objectives of the
6 University;

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

11 (w) Set up the adoption of modern and innovative modes of
12 transmitting knowledge such as the use of information technology, the dual
13 training system, open distance learning, and community laboratory for the
14 promotion of greater access to education;

15 (x) Establish policy guidelines and procedures for participative
16 decision-making and transparency within the University;

17 . . . (y) Outsource, where most advantageous to the University, the
18 management of nonacademic services such as health, food, building or
19 grounds or property maintenance, and such other similar activities; and

20 (z) Extend the term of the President of the University, whose
21 performance has been rated by the Board as outstanding, beyond the age of
22 retirement but not beyond the age of seventy (70), upon the unanimous
23 recommendation of the search committee.

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

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

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

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

12 In case the Chairpersons of the Senate Committee on Education, Arts
13 and Culture and the House Committee on Higher and Technical Education will
14 not be able to attend the board meeting, they may duly designate their
15 respective representatives to attend the meeting, who shall have the same
16 rights and responsibilities as regular members of the Board.

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

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

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

4 The Board shall designate an Officer-in-Charge of the University in
5 case of a vacancy in the Office of the President by reason of death,
6 compulsory retirement, resignation, removal for cause, or incapacity of the
7 President to perform the functions of the office, pending the appointment of a
8 new President: *Provided*, That the Officer-in-Charge shall serve only the
9 unexpired portion of the term.

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

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

18 The President of the University shall be assisted by a Vice President for
19 Academic Affairs, a Vice President for Finance and Administration, and a
20 Vice President for Research, Extension and Training, who shall be appointed
21 by the Board upon the recommendation of the President.

22 **SEC. 10. *The Secretary of the University.*** – The Board shall appoint a
23 Secretary, who shall serve as such for both the Board and the University, and
24 shall keep all records and proceedings of the Board in addition to other duties
25 and responsibilities. The Secretary of the University shall serve upon each
26 member of the Board the appropriate notice of the Board meetings.

27 **SEC. 11. *The Treasurer of the University.*** – The Treasurer of the
28 Philippines shall be the *ex officio* Treasurer of the University.

1 **SEC. 12. *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. 13. *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 of the 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 the review and approval of the Board, through the President of the University.
16 It shall have the disciplinary power over the students of the University, and
17 shall formulate academic policies, and rules and regulations on discipline,
18 subject to the approval of the Board.

19 **SEC. 14. *The Faculty.*** – No political belief, 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
22 of the University: *Provided*, That the 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. 15. *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. 16. 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 the 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. 17. Assets, Liabilities and Personnel.** – All assets, real and
15 personal, personnel and records of the TCA, as well as liabilities or
16 obligations, are hereby transferred to the University: *Provided*, That the
17 positions, rights and security of tenure of faculty members and personnel
18 therein employed under existing laws prior to the conversion into a university
19 shall be respected: *Provided, further*, That the incumbents of the positions
20 shall remain in the same status until otherwise provided for by the Board:
21 *Provided, finally*, That the College shall also include an upgrade or increase in
22 its human resource component.

23 All parcels of land belonging to the government occupied by the TCA
24 are hereby declared to be property of the University, and shall be titled under
25 that name: *Provided*, That should the University cease to exist or be abolished
26 or should such parcels of land aforementioned be no longer needed by the
27 University, the same shall revert to the LGU concerned or to the Republic of
28 the Philippines, as the case may be.

1 **SEC. 18. Tax Exemption.** -- The Importation of economic, technical
2 and cultural books and publications, which is for economic, technical,
3 vocational, scientific, philosophical, historical or cultural purposes made by
4 the University, upon certification by the CHED, shall be exempt from customs
5 duties in accordance with the provisions of the Tariff and Customs Code of the
6 Philippines, as amended.

7 All grants, bequests, endowments, donations and contributions made to
8 the University, to be used actually, directly and exclusively by the University,
9 shall be exempt from the donor's tax and the same shall be allowed as
10 deduction from the gross income of the donor for purposes of computing the
11 taxable income of the donor, in accordance with the provisions of the National
12 Internal Revenue Code of 1997, as amended.

13 **SEC. 19. Appropriations.** -- The amount necessary to carry out the
14 provisions of this Act shall be charged against the current year's
15 appropriations of the TCA, except the sums needed for the continued operation
16 of the existing high school. Thereafter, such sums as may be necessary for the
17 continued operation and maintenance of the University shall be included in the
18 annual General Appropriations Act.

19 **SEC. 20. Development Plan, Management Audit, Organizational/
20 Administrative/Academic Structure.** -- Within the period of one hundred
21 twenty (120) days after the approval of this Act, the University shall
22 accomplish the following:

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

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

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

1 **SEC. 21. *Annual Report.*** – On or before the fifteenth (15th) day of the
2 second (2nd) month after the opening of the regular classes each year, the
3 Board shall file with the Office of the President of the Philippines and both
4 Houses of Congress, through the Chairperson of the CHED, a detailed report
5 on the progress, conditions and needs of the University.

6 **SEC. 22. *Suppletory Application.*** – The provisions of Republic Act
7 No. 8292, otherwise known as the “Higher Education Modernization Act of
8 1997”, shall be an integral part of this Act and shall serve as part of the
9 Governing Charter of the University.

10 **SEC. 23. *Compliance with CHED Requirements.*** – The provisions of
11 this Act notwithstanding, the conversion of the institution into a university,
12 shall become effective only upon the determination and declaration by the
13 CHED, based on the recommendation of a panel of experts it shall constitute
14 for the purpose, that the institution has complied with the requirements for a
15 university status based on CHED Memorandum Order No. 46, series of 2012
16 (Policy-Standard to Enhance Quality Assurance (QA), in Philippine Higher
17 Education, through an Outcomes-Based and Typology-Based QA: *Provided,*
18 That the panel may issue such a recommendation when the institution has
19 substantially complied with the requirements for the grant of university status.

20 The following operational requirements for a university as established
21 by the CHED shall be complied with:

22 (a) Faculty members who possess relevant degrees in their areas of
23 specialization as required by the CHED, and who must have participated in
24 research and development activities in their respective disciplines, as
25 evidenced by refereed publications and other scholarly outputs;

26 (b) A comprehensive range of degree programs in all levels, from basic
27 post-secondary to doctoral programs;

1 (c) Viable research programs in specific (disciplinal and
2 multidisciplinary) areas of study that produce new knowledge as evidenced by
3 refereed publications, citations, inventions, and patents, among others;

4 (d) Comprehensive learning resources and support structures (e.g.
5 libraries, practicum laboratories, relevant educational resources, and linkages
6 with the relevant disciplinal and professional sectors) to allow students to
7 explore basic, advance, and even cutting edge knowledge in a wide range of
8 disciplines or professions;

9 (e) Active and ongoing linkage and affiliation with other research
10 institutions in various parts of the world that would ensure that the research
11 activities of the university are functioning at current global standards; and

12 (f) Outreach activities that allow the students, faculty, and research
13 staff to apply the new knowledge they generate to address specific social
14 development problems broadly defined.

15 The institution shall retain its status prior to the effectivity of this Act,
16 unless in the meantime it is able to comply with the requirements provided
17 herein, within a period not later than January 01, 2020.

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

22 **SEC. 25. Implementing Rules and Regulations.** – Within sixty (60)
23 days from the effectivity of this Act, the Board, in consultation with the
24 CHED, shall formulate the rules and regulations to fully implement the
25 provisions of this Act.

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

1 **SEC. 27. Repealing Clause.** — All laws, presidential decrees, executive
2 orders, rules and regulations contrary to or inconsistent with the provisions of
3 this Act are hereby repealed or modified accordingly.

4 **SEC. 28. Effectivity.** — This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

VICENTE FOX
PRESIDENT OF THE REPUBLIC
O