

(AS AMENDED BY THE SENATE)

CONGRESS OF THE PHILIPPINES
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}

HOUSE OF REPRESENTATIVES

H. No. 6741

BY REPRESENTATIVES LOBREGAT, HOFER, NOGRALES (K.A.), CUA AND
DALIPE, PER COMMITTEE REPORT NO. 497

AN ACT CONVERTING THE ZAMBOANGA CITY STATE
POLYTECHNIC COLLEGE INTO A STATE
UNIVERSITY TO BE KNOWN AS THE
ZAMBOANGA PENINSULA POLYTECHNIC 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 Zamboanga City State
2 Polytechnic College in the City of Zamboanga is hereby converted
3 into a state university to be known as the Zamboanga Peninsula
4 Polytechnic State University, hereinafter referred to as the
5 University.

6 The University may establish regular campuses, branches,
7 and external campuses and programs upon the effectivity of this
8 Act.

9 SEC. 2. *Purpose of the University.* – The University shall be
10 an institution of higher learning which leads in dynamic, unique
11 and distinct academic standards in technology education,

1 advancement of innovations and discoveries through science and
2 technology researchers, instructions, advance graduate and
3 professional education and training and other related undertakings
4 supportive to technology and higher than minimum standards set
5 by the Commission on Higher Education (CHED).

6 SEC. 3. *General Mandate.* – The University shall have the
7 mandate to conduct technology researches for commercialization
8 purposes, linkages with industries and manufacturers, and shall
9 have the sole authority to determine the details of program success
10 in terms of its collaboration and partnership with other agencies
11 and industries, domestic or foreign.

12 SEC. 4. *Academic Freedom and Institutional Autonomy.* –
13 The University shall enjoy academic freedom and institutional
14 autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the
15 Constitution.

16 SEC. 5. *Curricular Offerings.* – The University shall offer
17 advance and graduate studies, undergraduate and diploma
18 programs and short-term technical programs within the purview of
19 its area of specialization as its Board of Regents may deem
20 necessary to carry out its objectives in order to meet the needs of its
21 service area and demands for global competitiveness.

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

24 SEC. 6. *Administration.* – The University shall have the
25 general powers of a corporation set forth in Batas Pambansa
26 Blg. 68, as amended, otherwise known as “The Corporation Code of
27 the Philippines”. The administration of the University and the

1 exercise of its corporate powers shall be vested exclusively in the
2 Board of Regents and the President of the University.

3 SEC. 7. *The Governing Board.* – The governing body of the
4 University shall be the Board of Regents, hereinafter referred to as
5 the Board, which shall be composed of the following:

6 (a) The Chairperson of the CHED, Chairperson;

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

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

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

12 (e) The Regional Director of the National Economic and
13 Development Authority in Region IX, member;

14 (f) The Regional Director of the Department of Science and
15 Technology in Region IX, member;

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

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

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

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

25 The Board shall appoint the (2) prominent citizens from
26 among a list of at least five (5) qualified persons in the Province of
27 Zamboanga where the University and its campuses are located, as

1 recommended by a search committee constituted by the President of
2 the University, in consultation with the Chairperson of the CHED
3 and the other members of the Board, based on the standards and
4 qualifications for the position.

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

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

12 SEC. 8. *Powers and Duties of the Board of Regents.* – In
13 addition to its general powers of administration and the powers
14 granted to the Board of Directors of a corporation under existing
15 laws, the Board shall have the following specific powers and duties:

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

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

25 (c) To receive and appropriate all sums as may be provided
26 for the support of the University in the manner it may determine, in

1 its discretion, in order to carry out the purposes and functions of
2 the University;

3 (d) To import economic, technical and cultural books and
4 publications;

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

9 (f) To fix the tuition fees and other necessary school charges
10 including matriculation fees, graduation fees and laboratory fees, as
11 the Board may deem proper to impose, after due consultations with
12 the involved sectors. Such fees and charges, including government
13 subsidies and other income generated by the University, shall
14 constitute a special trust fund and shall be deposited in any
15 authorized government depository bank: *Provided*, That all
16 interests that shall accrue therefrom shall form part of the same
17 funds for the use of the University.

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

26 If, for reasons beyond its control, the University shall not be
27 able to pursue any project for which the funds have been

1 appropriated and allocated under its approved program of
2 expenditures, the Board may authorize the use of said funds for any
3 reasonable purpose which, in its discretion, may be necessary and
4 urgent for the attainment of the objectives and goals of the
5 University;

6 (g) To adopt and implement a socialized scheme of tuition
7 and school fees for greater access to poor but deserving students in
8 accordance with the provisions of Republic Act No. 10931 or the
9 "Universal Access to Quality Tertiary Education Act";

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

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

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

1 (k) To approve the curricula, instructional programs, and
2 rules of discipline drawn by the Administrative Council and the
3 Academic Council herein provided;

4 (l) To set the policies on admission and graduation of
5 students;

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

12 (n) To establish and absorb non-chartered tertiary
13 institutions within the Province of Zamboanga as branches and
14 centers, in coordination with the CHED, and in consultation with
15 the Department of Budget and Management (DBM), and to offer
16 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
19 University where such will promote the development of the
20 University;

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

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

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

6 (s) To collaborate with other governing boards of state
7 colleges and universities within the Province of Zamboanga or
8 Region IX, under the supervision of the CHED and in consultation
9 with the DBM, and work towards the restructuring of the
10 University to become more efficient, relevant, productive and
11 competitive;

12 (t) To enter into joint ventures with business and industry for
13 the profitable development and management of the economic assets
14 of the University, the proceeds from which shall be used for the
15 development and strengthening of the University;

16 (u) To develop consortia and other economic forms of linkages
17 with local government units (LGUs), institutions and agencies, both
18 public and private, local and foreign, in the furtherance of the
19 purposes and objectives of the University;

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

25 (w) To set up the adoption of modern and innovative modes of
26 transmitting knowledge such as the use of information technology,

1 the dual training system, open distance learning, and community
2 laboratory for the promotion of greater access to education;

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

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

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

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

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

25 In case the CHED Chairperson cannot attend a meeting of the
26 Board, a CHED Commissioner, duly designated by the CHED
27 Chairperson as representative to the meeting, shall have all the

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

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

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

20 SEC. 10. *The University President.* - The University shall
21 be headed by a President, who shall render full-time service and
22 who shall be appointed by the Board, subject to the guidelines,
23 qualifications and standards set by the Board, upon the
24 recommendation of a duly constituted search committee. The
25 University President shall have a term of four (4) years and shall be
26 eligible for reappointment for another term: *Provided,* That in order
27 to effect the smooth transition to a state university, the incumbent

1 President of the Zamboanga City State Polytechnic College, [if
2 qualified,] shall serve as the first president of the University.

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

6 In case of vacancy in the Office of the President by reason of
7 death, compulsory retirement, resignation, removal for cause or
8 incapacity of the President to perform the functions of the office, the
9 Board shall designate an Officer-in-Charge (OIC), [of the University
10 within six (6) months from the date of vacancy,] pending the
11 appointment of a new President OF THE UNIVERSITY. [The
12 successor or the OIC shall serve only for the unexpired portion of
13 the term.] WITHIN SIX (6) MONTHS FROM THE DATE OF
14 VACANCY, THE BOARD SHALL CONSTITUTE A SEARCH
15 COMMITTEE FOR THE PRESIDENCY.

16 IN CASE OF VACANCY IN THE OFFICE OF THE
17 PRESIDENT AS MENTIONED IN THE IMMEDIATELY
18 PRECEDING PARAGRAPH, HIS OR HER SUCCESSOR
19 SHALL HOLD OFFICE FOR THE UNEXPIRED TERM.

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

24 The salary of the President of the University shall be in
25 accordance with the Revised Compensation and Position

1 Classification System and shall be comparable to that being
2 received by the presidents of similar educational institutions.

3 The President of the University shall be assisted by a Vice
4 President for Academic Affairs and a Vice President for
5 Administration, who shall be appointed by the Board upon the
6 recommendation of the President of the University.

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

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

14 SEC. 13. *The Administrative Council.* – There shall be an
15 Administrative Council consisting of the President of the University
16 as Chairperson, and the vice presidents, deans, directors and other
17 officials of equal rank as members, whose duties are to review and
18 recommend to the Board the policies governing the administration,
19 management and development planning of the University.

20 SEC. 14. *The Academic Council.* – There shall be an Academic
21 Council to be composed of the President of the University, who shall
22 act as Chairperson, and all academic staff with the rank of at least
23 an assistant professor, as members.

24 The Academic Council shall have the power to review and
25 recommend the curricular offerings and rules of discipline of the
26 University, subject to the approval of the Board. It shall fix the
27 requirements for the admission of students, as well as for their

1 graduation and conferment of degrees, subject to review and
2 approval by the Board through the President of the University. It
3 shall have the disciplinary power over students of the University
4 and shall formulate academic policies and rules and regulations on
5 discipline, subject to the approval of the Board.

6 SEC. 15. *The Faculty.* – No political belief, gender preference,
7 cultural or community affiliation or ethnic origin, and religious
8 opinion or affiliation shall be a matter of inquiry in the appointment
9 of faculty members of the University: *Provided*, That said
10 appointment shall be subject to the guidelines, qualifications and
11 standards set by the Board: *Provided, further*, That no member of
12 the faculty shall teach for or against any particular church or
13 religious sect.

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

18 No student shall be denied admission to the University by
19 reason of gender, religion, cultural or community affiliation or
20 ethnic origin.

21 SEC. 17. *Authority to Loan or Transfer Apparatus,*
22 *Equipment, Supplies and Detail of Personnel.* – The heads of the
23 bureaus and offices of the national government are hereby
24 authorized to loan or transfer, upon the request of the President of
25 the University, such apparatus, equipment or supplies as may be
26 needed by the University, and to detail employees for duty therein
27 when, in the judgment of the head of the bureau or office, such

1 apparatus, equipment, supplies or services of such employees can be
2 spared without serious detriment to public service.

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

6 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real
7 and personal, personnel and records of the Zamboanga City State
8 Polytechnic College, [including those of the extension campus in the
9 Municipality of Kabasalan in the Province of Zamboanga Sibugay,]
10 as well as liabilities or obligations, are hereby transferred to the
11 University. The positions, rights and security of tenure of faculty
12 members and personnel therein employed under existing laws prior
13 to the conversion into a University shall be respected.

14 All parcels of land belonging to the government occupied by
15 the Zamboanga City State Polytechnic College [and its campuses
16 and extension centers] are hereby declared to be of the University,
17 and shall be titled under that name: *Provided*, That should the
18 University cease to exist or be abolished or should such
19 aforementioned parcels of land be no longer needed by the
20 University, the same shall revert to the City of Zamboanga.

21 SEC. 19. *Tax Exemption on Importation and Donations.* –
22 The importation of economic, technical and cultural books or
23 publications, which are for economic, technical, vocational,
24 scientific, philosophical, historical or cultural purposes made by the
25 University upon certification by the CHED, shall be exempt from
26 customs duties in accordance with the provisions of Republic Act

1 No. 10863, otherwise known as the "Customs Modernization and
2 Tariff Act (CMTA)".

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

10 SEC. 20. *Appropriations.* – The amount necessary to carry
11 out the provisions of this Act shall be charged against the current
12 year's appropriations of the Zamboanga City State Polytechnic
13 College. Thereafter, such sums as may be necessary for the
14 continued operation and maintenance of the University shall be
15 included in the annual General Appropriations Act.

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

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

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

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

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

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

12 SEC. 24. *Compliance with CHED Requirements.* – The
13 provisions of this Act notwithstanding, the conversion of the
14 institution into a state university shall become effective only upon
15 the determination and declaration by the CHED, based on the
16 recommendation of a panel of experts it shall constitute for the
17 purpose, that the institution has complied with the requirements for
18 a university status based on CHED Memorandum Order No. 46,
19 series of 2012 (Policy Standards to Enhance Quality Assurance in
20 Philippine Higher Education, through the Outcomes-Based and
21 Typology-Based Quality Assurance).[: *Provided*, That the panel may
22 issue such a recommendation when the institution has substantially
23 complied with the requirements for the grant of university status.

24 The following operational requirements for a university, as
25 established by the CHED, shall be complied with:

26 (a) Faculty members who possess relevant degrees in their
27 areas of specialization, as required by the CHED, and shall have]

1 [participated in research and development activities in their
2 respective disciplines, as evidenced by refereed publications and
3 other scholarly outputs;

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

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

10 (d) Comprehensive learning resources and support structures,
11 to include libraries, practicum laboratories, relevant educational
12 resources, and linkages with the relevant disciplinal and
13 professional sectors, to allow students to explore basic, advance, and
14 even cutting edge knowledge in a wide range of disciplines or
15 professions;

16 (e) Active and ongoing linkages and affiliation with other
17 research institutions in various parts of the world that would
18 ensure that the research activities of the University are functioning
19 at current global standards; and

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

23 The institution shall retain its status prior to the effectivity of
24 this Act, unless in the meantime it is able to comply with the
25 requirements of the CHED.

26 SEC. 25. *Parity Clause.* – All other powers, functions and
27 privileges, responsibilities and limitations to state universities

1 and their officials under existing laws shall be deemed granted to
2 or imposed upon the University and its officials, whenever
3 appropriate.

4 SEC. 26. *Implementing Rules and Regulations.* – Within
5 sixty (60) days from the effectivity of this Act, the Board, in
6 consultation with the CHED, shall formulate the rules and
7 regulations to fully implement the provisions of this Act.

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

12 SEC. 28. *Repealing Clause.* – All laws, presidential decrees,
13 executive orders, rules and regulations contrary to or inconsistent
14 with the provisions of this Act are hereby repealed or modified
15 accordingly.

16 SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15)
17 days after its publication in the *Official Gazette* or in a newspaper of
18 general circulation.

Approved,

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