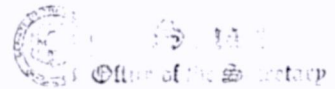


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'19 JAN 30 P 1 :51

SENATE

RECEIVED

COMMITTEE REPORT NO. 607

Submitted jointly by the Committees on Education, Arts and Culture, Ways and Means and Finance on JAN 30 2019

Re: House Bill No. 8731

Recommending its approval without amendments.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Education, Arts and Culture, Ways and Means and Finance to which was referred House Bill No. 8731, introduced by Rep. Nava, P., *et al.*, entitled:

"AN ACT
CONVERTING THE GUIMARAS STATE COLLEGE IN THE PROVINCE OF GUIMARAS,
INTO A STATE UNIVERSITY, TO BE KNOWN AS THE GUIMARAS STATE
UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR"

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved without amendments.

Respectfully submitted:




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*Chairperson, Committee on Finance
Vice Chairperson, Committee on
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Member, Committee on Education,
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HON. VICENTE C. SOTTO III
Senate President

HOUSE OF REPRESENTATIVES

H. No. 8731

BY REPRESENTATIVES NAVA, JAVIER, ZAMORA (M.C.), SUANSING (E.), SY-ALVARADO, RADAZA, UY (J.), YU, AGGABAO, NUÑEZ-MALANYAON, ROBES, NIETO, BAUTISTA-BANDIGAN, LABADLABAD AND ACOSTA-ALBA, PER COMMITTEE REPORT NO. 1010

AN ACT
CONVERTING THE GUIMARAS STATE COLLEGE IN THE PROVINCE OF
GUIMARAS, INTO A STATE UNIVERSITY, TO BE KNOWN AS THE GUIMARAS
STATE UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

2 **SECTION 1. Conversion.** - The Guimaras State College in the Municipality of
3 Buenavista, Province of Guimaras, including its Mosqueda Campus in the Municipality of
4 Jordan and its Baterna Campus in the Municipality of San Lorenzo, all in the Province of
5 Guimaras is hereby converted into a state university to be known as the Guimaras State
6 University, and hereinafter referred to as the University. The main campus of the University
7 shall be in the Municipality of Buenavista.
8

9 **SEC. 2. General Mandate.** - The University shall primarily provide advance education,
10 higher technological, professional instruction and training in the fields of education,
11 technology, agriculture, fisheries, engineering, arts and sciences, forestry, business
12 administration, hotel and restaurant management, tourism, health sciences, computer
13 technology, criminology, maritime and aviation education, and other related fields of study. It
14 shall also undertake research and extension services, as well as production activities, in support
15 of the socio-economic development of the Province of Guimaras and Region VI, and provide
16 progressive leadership in its areas of specialization.
17

18 **SEC. 3. Curricular Offerings.** - The University shall offer undergraduate, graduate and
19 short-term courses within its areas of competence and specialization, and as the Board of
20 Regents may deem necessary to carry out its objectives, and meet the human resource
21 development needs of the Province of Guimaras and Region VI.
22

23 **SEC. 4. Administration.** - The University shall have the general powers of a
24 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
25 "Corporation Code of the Philippines". The administration of the University and the exercise
26 of its corporate powers shall be vested exclusively in the Board of Regents and the President
27 of the University.
28

29 **SEC. 5. The Governing Board.** - The governing board of the University shall be the
30 Board of Regents, hereinafter referred to as the Board, which shall be chaired and co-chaired

1 by the Chairperson of the Commission on Higher Education (CHED) and the President of the
2 University, respectively, with the following as members:
3

- 4 a. Chairperson of the Committee on Education, Arts and Culture of the Senate;
- 5 b. Chairperson of the Committee on Higher and Technical Education of the House of
6 Representatives;
- 7 c. Regional Director of the National Economic and Development Authority (NEDA);
- 8 d. Regional Director of the Department of Agriculture (DA);
- 9 e. Regional Director of the Department of Science and Technology (DOST);
- 10 f. President of the federation of faculty associations, of the University;
- 11 g. President of the federation of student councils, of the University;
- 12 h. President of the federation of alumni associations, of the University; and
- 13 i. two (2) prominent citizens from the private sector who have distinguished
14 themselves in their professions or fields of specialization.
15

16 The Board shall appoint the two (2) prominent citizens from a list of at least five (5)
17 qualified persons in the Province of Guimaras where the University and its campuses are
18 located, as recommended by the search committee to be constituted by the University President,
19 in consultation with the CHED Chairperson and the other members of the Board, based on the
20 standards and qualifications for the position set by the Board. They shall serve for a term of
21 two (2) years from the date of appointment.
22

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

28 **SEC. 6. Powers and Duties of the Board.** - In addition to its general powers of
29 administration and the powers granted to the Board of Directors of a corporation under existing
30 laws, the Board shall have the following specific powers and duties:
31

32 a. Promulgate and implement policies in accordance with the declared state
33 policies and the provisions of the Philippine Constitution on education, agriculture, science and
34 technology, as well as the policies, standards and thrusts of the CHED under Republic Act No.
35 7722, otherwise known as the "Higher Education Act of 1994";
36

37 b. Approve the curricula, instructional programs, and rules of discipline drawn by
38 the Administrative and the Academic Councils herein provided;
39

40 c. Appoint, upon the recommendation of the President of the University, the vice
41 presidents, deans, directors, heads of the campuses, faculty members and other officials and
42 employees of the University;
43

44 d. Fix and adjust the salaries of faculty members, and administrative officials and
45 employees, subject to the provisions of the Revised Compensation and Position Classification
46 System and other pertinent budget and compensation laws, including those governing hours of
47 service and such other duties and conditions as it may deem proper; grant them, at its discretion,
48 leaves of absence under such regulations as it may promulgate, any provision of existing law
49 to the contrary notwithstanding; and remove them for cause in accordance with the
50 requirements of due process of law;
51

52 e. Fix the tuition fees and other necessary school charges, such as matriculation
53 fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due
54 consultation with the concerned sectors. The fees and charges, including government subsidies
55 and other income generated by the University, shall constitute its special trust funds, and shall

1 be deposited in any authorized government depository bank: *Provided*, all interests that shall
2 accrue therefrom shall form part of the same funds for the use of the University;
3

4 Any provision of existing law, rules or regulations to the contrary notwithstanding, any
5 income generated by the University from tuition fees and other charges, as well as from the
6 operation of auxiliary services and land grants, shall be retained by the University, and may be
7 disbursed by the Board for instruction, research, extension services or other programs and
8 projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific
9 purposes for which these are collected; *Provided* however, That if, for reasons beyond its
10 control, the University shall not be able to pursue any project for which the funds have been
11 appropriated and allocated under its approved program of expenditures, the Board may
12 authorize the use of the funds for any reasonable purpose which, in its discretion, may be
13 necessary and urgent for the attainment of the objectives and goals of the University;
14

15 f. Adopt and implement a socialized scheme of tuition and other school fees for
16 greater access of poor but deserving students in accordance with RA No. 10931, or "Universal
17 Access to Quality Tertiary Education Act";
18

19 g. Establish professorial chairs in the University and provide fellowships for
20 qualified faculty members, and scholarships to deserving students;
21

22 h. Receive and appropriate all sums as may be provided for the support of the
23 University in the manner it may determine, in its discretion, in order to carry out the purposes
24 and functions of the University;
25

26 i. Set the policies on admission and graduation of students;
27

28 j. Award honorary degrees upon persons in recognition of their outstanding
29 contribution in the fields of education, public service, arts, science and technology, agriculture
30 or any field of specialization within the academic competence of the University, and authorize
31 the awarding of certificates of completion of nondegree and nontraditional courses;
32

33 k. Establish research and extension centers to promote the development of the
34 University;
35

36 l. Develop academic arrangements for institution capability building with
37 appropriate institutions and agencies, whether public, private, local or foreign, and appoint
38 experts/specialists as consultants, part-time visiting/exchange professors, scholars or
39 researchers, as the case may be;
40

41 m. Adopt modern and innovative modes of transmitting knowledge for the
42 promotion of greater access to education such as the use of information technology, the dual
43 training system, open distance learning, and community laboratory;
44

45 n. Collaborate with the governing boards of state universities and colleges (SUCs)
46 within the Province of Guimaras and Region VI, under the supervision of the CHED and in
47 consultation with the Department of Budget and Management (DBM), in restructuring the
48 University to make it more efficient, relevant, productive and competitive;
49

50 o. Absorb non-chartered tertiary institutions within the Province of Guimaras as
51 branches extension/external centers, in coordination with the CHED and in consultation with
52 the DBM, and offer therein programs or courses to promote and carry out equal access to
53 educational opportunities, as mandated by the Constitution;

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

6 q. Develop consortia and other economic forms of linkages with local government
7 units (LGUs), public, private, local and foreign institutions and agencies, in the furtherance of
8 the purposes and objectives of the University;
9

10 r. Import economic, technical and cultural books and publications;
11

12 s. Enter into joint ventures with business and industry for the profitable
13 development and management of the economic assets of the University, the proceeds from
14 which shall be used for the development and strengthening of the University;
15

16 t. Receive, in trust, legacies, gifts and donations of real and personal properties of
17 all kinds and administer and dispose of the same, when necessary, for the benefit of the
18 University, and subject to the limitations, directions and instructions of the donor, if any;
19

20 u. Authorize the construction or repair of its buildings, machinery, equipment and
21 other facilities, and the purchase and acquisition of real property, including the necessary
22 supplies, materials and equipment;
23

24 v. Extend the term of the President of the University beyond the age of retirement,
25 but not beyond the age of seventy (70), based on the guidelines, qualifications and standards
26 set by the Board: *Provided*, That the President's performance has been rated by the Board as
27 outstanding and unanimous recommendation has been decided by the search committee;
28

29 w. Delegate any of its powers and duties provided to the President and other
30 officials of the University, as it may deem appropriate, so as to expedite the administration of
31 the affairs of the University;
32

33 x. Establish policy guidelines and procedures for participative decision-making
34 and transparency within the University;
35

36 y. Where most advantageous to the University, privatize the management of non-
37 academic services such as health, food, building or grounds or property maintenance, and such
38 other similar activities;
39

40 z. Promulgate rules and regulations, as may be necessary, to carry out the purposes
41 and functions of the University.
42

43 **SEC. 7. Meetings of the Board.** – The Board shall regularly convene once every
44 quarter. The Chairperson of the Board may, however, upon three (3) days' prior written notice,
45 call a maximum of two (2) special meetings whenever necessary within the year.
46

47 A quorum of the Board shall consist of majority of all its members holding office at
48 the time of the meeting: *Provided, however*, That the Chairperson of the Board or the President
49 of the University is among those present in the meeting.
50

51 In the absence of the CHED Chairperson, a Commissioner of the CHED, duly
52 designated by the CHED Chairperson as representative in the meeting, shall have all the rights
53 and responsibilities of a regular member: *Provided*, however, That during this meeting, the
54 President of the University, as Vice Chairperson, shall be the Presiding Officer: *Provided*,
55 *further*, That this *proviso*, notwithstanding, the Chairperson of the CHED is hereby authorized

1 to designate a CHED Commissioner as the regular Chairperson of the Board, in which case
2 said CHED Commissioner, shall act as the Presiding Officer.
3

4 In case the Chairpersons of the Senate Committee on Education, Arts and Culture and
5 the House Committee on Higher and Technical Education will not be able to attend the Board
6 meeting, they may designate their respective representatives to attend the meeting, who shall
7 have the same rights and responsibilities as the regular members of the Board.
8

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

14 **SEC. 8. *The University President.*** - The University shall be headed by a President,
15 who shall render full-time service and shall be appointed by the Board, upon the
16 recommendation of a duly constituted search committee. The President shall serve a term of
17 four (4) years and shall be eligible for reappointment to another term: *Provided*, That in order
18 to effect the smooth transition of the Guimaras State College to a state university, the incumbent
19 President of the Guimaras State College, if qualified, shall serve as the first President of the
20 University.
21

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

25 The Board shall designate an officer-in-charge of the University in case of vacancy in
26 the Office of the President by reason of death, compulsory retirement, resignation, removal for
27 cause, or incapacity of the President to perform the functions of the office, pending the
28 appointment of a new President: *Provided*, That the OIC shall serve only for the unexpired
29 portion of the term.
30

31 The powers and duties of the President of the University, in addition to those provided
32 in this Act, shall be those usually pertaining to the Office of the President of similar universities
33 and those delegated by the Board.
34

35 The salary of the President of the University shall be in accordance with the Revised
36 Compensation and Position Classification System, as modified by Joint Resolution No. 4 dated
37 June 17, 2009, and by such other laws amendatory thereto, which may hereinafter be enacted,
38 and shall be comparable to that being received by the Presidents of similar educational
39 institutions.
40

41 The President of the University shall be assisted by a Vice-President for Academic
42 Affairs, a Vice-President for Finance and Administration, and a Vice-President for Research,
43 Extension and Training, who shall be appointed by the Board upon recommendation of the
44 President of the University.
45

46 **SEC. 9. *The Secretary of the University.*** - The Board shall appoint a Secretary who
47 shall serve as such for both the Board and the University and shall keep all records and
48 proceedings of the Board in addition to other duties and responsibilities. The Secretary of the
49 University shall serve upon each member of the Board the appropriate notice of Board
50 meetings.
51

52 **SEC. 10. *The Treasurer of the University.*** - The Treasurer of the Philippines shall be
53 the *ex-officio* treasurer of the University.

1 **SEC. 11. *Administrative Council.*** - There shall be an Administrative Council
2 consisting of the President of the University, as Chairperson, and the vice presidents, deans,
3 directors and other officials of equal rank, as members, whose duty is to review and recommend
4 to the Board such policies governing the administration, management and development
5 planning of the University.
6

7 **SEC. 12. *The Academic Council.*** - There shall be an Academic Council to be
8 composed of the President of the University, who shall act as its Chairperson, and all academic
9 staff with the rank of at least an assistant professor, as members.
10

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

17 It shall have disciplinary power over the students of the University and shall formulate
18 academic policies, rules and regulations on discipline, subject to the approval of the Board.
19

20 **SEC. 13. *Heads of University Campuses.*** - The Campus Directors shall serve as heads
21 or administrators of the University campuses and shall render full-time service.
22

23 They shall be appointed or designated by the Board upon the recommendation of the
24 Search Committee and the President, subject to the guidelines, qualifications and standards set
25 by the Board: *Provided*, That the incumbent Campus Directors of the existing campuses of the
26 Guimaras State College shall serve as Campus Directors of their respective campuses upon the
27 effectivity of this Act.
28

29 **SEC. 14. *The Faculty.*** - No political belief, gender preference, cultural or community
30 affiliation, ethnic origin, nor religious opinion or affiliation shall be a matter of inquiry in the
31 appointment of faculty members of the University: *Provided*, That the appointment shall be
32 subject to the guidelines, qualifications and standards set by the Board: *Provided, further*, That
33 a member of the faculty shall not criticize, vouch for, recruit members in behalf of, or preach
34 about any particular church or religious sect.
35

36 **SEC. 15. *Academic Freedom and Institutional Autonomy.*** - The University shall
37 enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2, Section 5 of
38 Article XIV of the Philippine Constitution.
39

40 **SEC.16. *Scholarship Program/Admission.*** - The University shall provide a
41 scholarship program and other affirmative action programs to assist poor but deserving students
42 who qualify for admission to the University.
43

44 No student shall be denied admission to the University by reason of sex, religion,
45 political, cultural or community affiliation, and ethnic origin.
46

47 **SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail***
48 ***of Personnel.*** - The heads of the bureaus and offices of the national government are hereby
49 authorized to loan or transfer, upon the request of the President of the University, such
50 apparatus, equipment or supplies as may be needed by the University, and to detail employees
51 for duty therein when, in the judgment of the head of bureau or office, such apparatus,
52 equipment, supplies or services of such employees can be spared without serious detriment to
53 public service. The employees so detailed shall perform such duties as required of them by the
54 President of the University, and the time so employed shall be counted as part of their regular
55 service.

1
2 **SEC. 18. Assets, Liabilities and Personnel.** - All assets, real and personal, personnel
3 and records of the Guimaras State College, as well as liabilities or obligations, are hereby
4 transferred to the University: *Provided*, That the positions, rights and security of tenure of the
5 faculty members and personnel therein employed under existing laws prior to the conversion
6 into a University shall be respected: *Provided, further*, That the incumbents of the positions
7 shall remain in the same status until otherwise provided for by the Board: *Provided, finally*,
8 That the University shall also include an upgrade or increase in its human resource component.
9

10 All parcels of land belonging to the government occupied by the Guimaras State
11 College are hereby declared to be property of the University, and shall be titled under its name:
12 *Provided*, That should the University cease to exist or be abolished or should such
13 aforementioned parcels of land be no longer needed by the University, the same shall revert to
14 the concerned LGU or to the Republic of the Philippines, as the case may be.
15

16 **SEC. 19. Tax Exemption.** - The importation of economic, technical and cultural books
17 and publications, which are for economic, technical-vocational, scientific, philosophical,
18 historical or cultural purposes made by the University, upon certification by the CHED, shall
19 be exempt from customs duties in accordance with the provisions of RA No. 10863, otherwise
20 known as the "Customs Modernization and Tariff Act."
21

22 All grants, bequest, endowments, donations and contributions made to the University
23 and used actually, exclusively and directly by it, shall be exempt from the donor's tax and the
24 same shall be considered as allowable deduction from the gross income in the computation of
25 the income tax of the donor, in accordance with the provisions of the National Internal Revenue
26 Code of 1997, as amended.
27

28 **SEC. 20. Appropriations.** - The amount necessary to carry out the provisions of this
29 Act shall be charged against the current year's appropriations of the Guimaras State College.
30 Thereafter, such sums as may be necessary for the continued operation and maintenance of the
31 University shall be included in the annual General Appropriations Act.
32

33 **SEC. 21. Development Plan, Management Audit, Organization**
34 **/Administrative/Academic Structure.** - Within a period of one hundred twenty (120) days after
35 the approval of this Act, the University shall accomplish the following:
36

- 37 a. Submit a five (5)-year development plan, including its program budget to the CHED
38 for corresponding recommendation to the DBM;
39 b. Undergo a management audit in cooperation with the CHED; and
40 c. Set up its organizational, administrative, and academic structure, including the
41 appointment of key officials of the University.
42

43 **SEC. 22. Compliance with CHED Requirements.** - - The provisions of this Act
44 notwithstanding, the conversion of the institution into a state university, shall become effective
45 only upon the determination and declaration by the CHED, based on the recommendation of a
46 panel of experts it shall constitute for the purpose, that the institution has complied with the
47 requirements for a university status based on CHED Memorandum Order No. 46, series of
48 2012 (Policy Standards to Enhance Quality Assurance) in Philippine Higher Education through
49 the Outcomes-Based and Typology-Based Quality Assurance): *Provided*, That the panel may
50 issue such a recommendation when the institution has substantially complied with the
51 requirements for the grant of university status.
52

53 The following requirements for a university, as established by the CHED, shall be
54 complied with:

1 a. Faculty members must possess relevant degrees in their areas of specialization, as
2 required by the CHED, and shall have participated in research and development activities in
3 their respective disciplines, as evidenced by refereed publications and other scholarly outputs;
4

5 b. The University must offer a comprehensive range of degree programs in all levels,
6 from basic post-secondary to doctoral programs;
7

8 c. The University shall have conducted viable research programs in specific (disciplinal
9 and multidisciplinary) areas of study, produce new knowledge, as evidenced by refereed
10 publications, citations, inventions, and patents, among others;
11

12 d. The University shall possess comprehensive learning resources and support structures
13 (such as libraries, practicum laboratories, relevant educational resources, and linkages with the
14 relevant disciplinal and professional sectors) so as to allow students to explore basic, advance,
15 and even cutting edge knowledge in a wide range of disciplines or professions;
16

17 e. The University must have and maintain linkages with other research institutions in
18 various parts of the world to ensure that the research activities of the university are functioning
19 at current global standards; and
20

21 f. The University must conduct outreach activities that allow the students, faculty, and
22 research staff to apply the new knowledge they generate to address specific social development
23 problems.
24

25 The CHED, through its regional office, shall regularly provide technical assistance to
26 the institution and monitor compliance with the requirements of the Commission.
27

28 The institution shall retain its status prior to the effectivity of this Act until it is able to
29 comply with the requirements provided herein.
30

31 **SEC. 23. Filing of Annual Report.** - On or before the fifteenth (15th) day of the second
32 month after opening of the regular classes each year, the Board shall file with the Office of the
33 President of the Philippines and both Houses of Congress, through the CHED Chairperson, a
34 detailed report on the progress, conditions and needs of the University.
35

36 **SEC. 24. Supplementary Application.** - The provisions of RA No. 8292, otherwise
37 known as the "Higher Education Modernization Act of 1997", shall be an integral part of this
38 Act and shall serve as part of the Governing Charter of the University.
39

40 **SEC. 25. Parity Clause.** -All other powers, functions and privileges, responsibilities
41 and limitations to state universities and their officials under existing laws shall be deemed
42 granted to or imposed upon the University or its officials, whenever appropriate.
43

44 **SEC. 26. Implementing Rules and Regulations.** -Within sixty (60) days from the
45 effectivity of this Act, the Board, in consultation with the CHED, shall formulate the rules and
46 regulations to fully implement the provisions of this Act.
47

48 **SEC. 27. Separability Clause.** - If, for any reason, any part or provision of this Act is
49 declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain
50 in full force and effect.
51

52 **SEC. 28. Repealing Clause.** - All laws, presidential decrees, executive orders, and
53 rules and regulations contrary to or inconsistent with the provisions of this Act are hereby
54 repealed or modified accordingly.

1 **SEC. 29. Effectivity.** - This Act shall take effect fifteen (15) days after its publication
2 in the *Official Gazette* or in a newspaper of general circulation.
3

4 Approved,