

FOURTEENTH CONGRESS OF THE )  
 REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

7 JUL -3 P5:49

SENATE

S. B. No. 884RECEIVED BY: 


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Introduced by SENATOR EDGARDO J. ANGARA

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## EXPLANATORY NOTE


The Caraga Administrative Region (Region XIII), located at the northeastern portion of the island of Mindanao, is the newest region in the Philippines. It was created through Republic Act No. 7901 on 25 February 1995. The region has four (4) provinces, *namely*: Agusan del Norte, Agusan del Sur, Surigao del Norte and Surigao del Sur; three (3) cities: Butuan, Surigao and Bislig; seventy (70) municipalities and 1,346 barangays, with Butuan City as the regional center. All these four (4) provinces are included in the poorest 44 provinces in the country.

One of the findings of the 1993 EDCOM Report is that higher education in the Philippines is characterized by an "imbalanced distribution of state colleges and universities in the country." True to form, though it has four state colleges, the Caraga Region is the only region in the country today that has no state university.

This bill now seeks to convert the Northern Mindanao State Institute of Science and Technology (NORMISIST), the Northern Mindanao College of Arts, Science and Technology (NMCAST), the Siargao National College of Science and Technology (SNCST) into the CARAGA STATE UNIVERSITY SYSTEM (CSUS). The NORMISIST in Butuan City shall be the main campus, with the NMCAST in Cabadbaran, Agusan del Norte and SNCST in Siargao, Surigao del Norte as the other campuses.

As a region with one of the highest poverty and subsistence incidence in the country (2003 NSCB statistics), there is a need to exert efforts in building human resource to guarantee manpower development in Caraga. The creation of the CSUS would make available quality and competitive learning to its populace thru wider range of course offerings, graduate studies and extension research programs. Further, this would address the urgent need of supporting effective mechanisms to bring affordable and relevant education responsive to the needs of the region and its people.

For these reasons, I urge my colleagues to support the immediate passage of this bill.

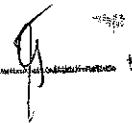
  
 EDGARDO J. ANGARA  
 Senator

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**AN ACT ESTABLISHING THE CARAGA STATE UNIVERSITY IN THE CARAGA REGION BY INTEGRATING THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY, THE NORTHERN MINDANAO COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN, AGUSAN DEL NORTE, AND THE SIARGAO NATIONAL COLLEGE OF SCIENCE AND TECHNOLOGY (SNCST) IN DEL CARMEN, SIARGAO, SURIGAO DEL NORTE AND APPROPRIATING FUNDS THEREFOR.**

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

1           **SECTION 1. *Integration and Conversion.*** – The present Northern  
2 Mindanao State Institute of Science and Technology (NORMISIST) in  
3 Ampayon, Butuan City, the Northern Mindanao College of Arts, Science and  
4 Technology (NMCAST) in Cabadharan, Agusan del Norte, and the Siargao  
5 National College of Science and Technology (SNCST) in Del Carmen, Siargao,  
6 Surigao del Norte are hereby integrated and converted into the Caraga State  
7 University (CSU), hereinafter referred to as the “University.”

8

9           The main campus of the University shall be in Butuan City.

10

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12           **SEC. 2. *General Mandate.*** - The University shall primarily provide  
13 advanced education, higher technological, professional instruction and  
14 training in the fields of agriculture and environmental studies, fishery,  
15 engineering, forestry, industrial technology, education, law, medicine and  
16 other health related programs, information technology, arts and sciences and

1 other related courses. It shall undertake research and extension services, and  
2 provide progressive leadership in its areas of specialization.

3 The University shall offer undergraduate, graduate and short-term  
4 technical courses within its areas of specialization specifically, but not  
5 limited to, the fields of agriculture and environmental studies, fishery,  
6 engineering, forestry, industrial technology, education, law, medicine and  
7 other health related programs, information technology, arts and sciences and  
8 other fields as the Board of Regents may deem necessary to carry out its  
9 objectives, particularly to meet, the needs of the Caraga Region.

10  
11 The existing high school/s shall be transferred to the jurisdiction and  
12 supervision of the Department of Education: *Provided*, That the high school/s  
13 shall be allowed to remain and operate within the campus of the University  
14 until the existing students shall have completed their high school education;  
15 *Provided, further*, That the University may operate a reasonably-sized  
16 laboratory school, if it has a College of Education.

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18  
19 **SEC. 3. Powers of the University.** - The University shall have the  
20 general powers of a corporation set forth in Batas Pambansa Blg. 68, as  
21 amended, otherwise known as the "Corporation Code of the Philippines." The  
22 administration of the University and the exercise of its corporate powers  
23 shall be vested exclusively in the Board of Regents.

24  
25  
26 **SEC. 4. Governing Body.** - The governing board of the University  
27 shall be the Board of Trustees, hereinafter referred to as the Board, composed  
28 of the following:

29  
30 (a) The Chairperson of the Commission on Higher Education (CHED),  
31 chairperson;

32  
33 (b) The President of the University, vice chairperson;

34  
35 (c) The Chairperson of the Committee on Education, Arts and Culture  
36 of the Senate, member;

1  
2 (d) The Chairperson of the Committee on Higher and Technical  
3 Education of the House of Representatives, member;

4  
5 (e) The Regional Director of the National Economic and Development  
6 Authority (NEDA), member;

7  
8 (f) The Regional Director of the Department of Science and Technology  
9 (DOST), member;

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

13  
14 (h) The President of the federation of student councils of the  
15 University, member;

16  
17 (i) The President of the federation of alumni associations of the  
18 University, member; and

19  
20 (j) Two (2) prominent citizens from the private sector who have  
21 distinguished themselves in their profession or fields of specialization,  
22 members.

23  
24 The Board shall appoint the two (2) prominent citizens from a list of at  
25 least five (5) persons qualified in Butuan City, Agusan del Norte and Surigao  
26 del Norte, as recommended by the search committee constituted by the  
27 Board.

28  
29 The term of office of the president of the federation of faculty  
30 associations, the president of the federation of student councils and the  
31 president of the federation of alumni associations shall be co-terminous with  
32 their term of office, as set forth in their respective constitutions and by-laws.  
33 The two prominent citizens shall serve for a term of two (2) years from the  
34 date of appointment.

1           The Chairperson shall supervise the degree programs while the Co-  
2 Chair shall supervise the non-degree programs. The Chairperson shall be the  
3 presiding officer of the Board of Trustees. However, in the absence of the  
4 Chairperson, or upon the request and permission of the Chairperson, the Co-  
5 Chairperson shall serve as the presiding officer. If and when the Chairperson  
6 and Co-Chairperson are not available, the Vice-Chairperson shall serve as  
7 the presiding officer.

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10           **SEC. 5. *Promulgation and Implementation of Policies.*** -The  
11 Board shall promulgate and implement policies in accordance with the  
12 declared state policies on education and other pertinent provisions of the  
13 Philippine Constitution on education, agriculture, science and technology, as  
14 well as the policies, standards and thrusts of the CHED under Republic Act  
15 No. 7722, otherwise known as the “Higher Education Act of 1994.”

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18           **SEC. 6. *Powers and Duties of the Board.*** - The Board shall have the  
19 following specific powers and duties, in addition to its general powers of  
20 administration and the exercise of all the powers granted to the board of  
21 directors of a corporation under existing laws:

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

25  
26           (b) To receive and appropriate all sums as may be provided for the  
27 support of the University in the manner it may determine, in its discretion, to  
28 carry out the purposes and functions of the University;

29  
30           (d) To receive in trust legacies, gifts and donations of real and personal  
31 properties of all kinds, to administer and dispose of the same when necessary  
32 for the benefit of the University, subject to the limitations, directions and  
33 instructions of the donor.

34  
35           Such donations shall be exempt from donor’s tax and the same shall be  
36 considered as allowable deductions from the gross income in the computation

1 of the income tax of the donor, in accordance with the provisions of the  
2 National Internal Revenue Code (NIRC), as amended: *Provided*, That such  
3 donations shall not be disposed, transferred or sold;

4  
5 (e) To fix tuition fees and other necessary school fees and charges such  
6 as, but not limited to, matriculation fees, graduation fees and laboratory fees  
7 as the Board may deem proper to impose after due consultations with the  
8 involved sectors.

9  
10 Such fees and charges, including government subsidies and other  
11 incomes 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  
16 Any provision of existing laws, rules and regulations to the contrary  
17 notwithstanding, any income generated by the University from tuition fees  
18 and other charges, as well as from the operation of auxiliary services and  
19 land grants, shall be retained by the University and may be disbursed by the  
20 Board for instruction, research, extension or other programs and projects of  
21 the University: *Provided*, That all fiduciary fees shall be disbursed for the  
22 specific purposes for which they are collected.

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

30  
31 (f) To provide scholarship, subsidy, or a socialized scheme of tuition  
32 and school fees for greater access to poor but deserving students;

33  
34 (g) To authorize the construction or repair of its buildings, machinery,  
35 equipment and other facilities, and the purchase and acquisition of real  
36 property, including necessary supplies, materials and equipment, and to

1 import duty-free economic, technical and cultural books and/or publications,  
2 upon certification by the CHED that such imported books and/or publications  
3 are for economic, technical, vocational, scientific, philosophical, historical or  
4 cultural purposes, in accordance with the provisions of the Tariff and  
5 Customs Code, as amended: *Provided*, That such commodities or materials  
6 are not locally available;

7  
8 (h) To appoint, upon recommendation of the president of the  
9 University, vice presidents, deans, directors and heads of campuses, faculty  
10 members and other officials and employees of the University;

11  
12 (i) To fix and adjust salaries of faculty members and administrative  
13 officials and employees, subject to the provisions of the Revised  
14 Compensation and Position Classification System and other pertinent budget  
15 and compensation laws governing hours of service, and such other duties and  
16 conditions as it may deem proper; to grant them, at its discretion, leaves of  
17 absence under such regulations as it may promulgate, any provision of  
18 existing law to the contrary notwithstanding; and to remove them for cause  
19 in accordance with the requirements of due process of law;

20  
21 (j) To approve the curricula, instructional programs and rules of  
22 discipline drawn by the administrative and academic councils herein  
23 provided;

24  
25 (k) To set policies on admission and graduation of students;

26  
27 (l) To award honorary degrees upon persons in recognition of their  
28 outstanding contribution in the fields of education, public service, arts,  
29 science and technology, agriculture or in any field of specialization within the  
30 academic competence of the University; and to authorize the awarding of  
31 certificates of completion of non-degree and non-traditional courses;

32  
33 (m) To establish and absorb non-chartered tertiary institutions within  
34 the provinces of Agusan del Norte and Surigao del Norte or the Caraga  
35 Region as branches and centers in coordination with the CHED and in  
36 consultation with the DBM, and to offer therein programs or courses to

1 promote and carry out equal access to educational opportunities as mandated  
2 by the Constitution;

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

6  
7 (o) To provide local and international fellowships to qualified faculty  
8 members;

9  
10 (q) To authorize an external management audit of the University, to be  
11 financed by the CHED, subject to the Commission on Audit rules and  
12 regulations; and to institute reforms, including academic and structural  
13 changes, on the basis of the audit results and recommendations;

14  
15 (r) To collaborate with other governing boards of the state colleges and  
16 universities within the provinces of Agusan del Norte and Surigao del Norte  
17 or the Caraga Region, under the supervision of the CHED and in consultation  
18 with the DBM, and work towards the restructuring of the University to  
19 become more efficient, relevant, productive and competitive;

20  
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 of which shall be used for the development and  
24 strengthening of the University;

25  
26 (t) To develop consortia and other economic forms of linkages with the  
27 local government units, institutions and agencies, both public and private,  
28 local and foreign, in the furtherance of the purpose and objectives of the  
29 University;

30  
31 (u) To develop academic arrangements for institutional capability  
32 building with appropriate institutions and agencies, public and private, local  
33 and foreign, and to appoint experts/specialists as consultants, part-time or  
34 visiting or exchange professors, scholars or researchers, as the case may be;

35



1 (v) To set up the adoption of modern and innovative modes of  
2 transmitting knowledge such as the use of information technology, the dual  
3 system, open learning or distance education and community laboratory for  
4 the promotion of greater access to education;

5  
6 (w) To establish policy guidelines and procedures for participative  
7 decision-making and transparency within the University;

8  
9 (x) To privatize, where most advantageous to the University, the  
10 management of non-academic services such as health, food, building or  
11 grounds or property maintenance and such other similar activities; and

12  
13 (y) To extend the term of the president of the University beyond the  
14 age of retirement, but not beyond the age of seventy (70), whose performance  
15 has been unanimously rated by the governing board as outstanding based on  
16 the guidelines, qualifications and/or standards set by the Board, after  
17 unanimous recommendation by the search committee.

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20 **SEC. 7. Meetings of the Board.** - The Board shall regularly convene  
21 at least once every quarter. However, the Chairperson of the Board may call  
22 a special meeting whenever necessary provided that members are notified in  
23 writing at least three (3) days prior to the said meeting.

24  
25 A majority of all members holding office shall consist a quorum for  
26 board meetings: *Provided*, That either the Chairperson of the Board, Co-  
27 Chairperson, or the Vice-Chairperson is among those present in the meeting.

28  
29 In the absence of the chairperson of the CHED, a commissioner of the  
30 CHED, duly designated by him/her, shall represent him/her in the meeting  
31 with all the rights and responsibilities of a regular member: *Provided*,  
32 however, That during this meeting, the president of the University as vice  
33 chairperson shall be the presiding officer: *Provided, further*, Notwithstanding  
34 this proviso, the chairperson of the CHED is hereby authorized to designate a  
35 CHED commissioner as the regular chair of the Board, in which case said  
36 CHED commissioner shall act as the presiding officer.

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

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

**SEC. 8. *The University President.*** -The University shall be headed by a Ppresident who shall render full-time service. He/she shall be appointed by the Board, subject to the guidelines, qualifications and /or standards set by the Board, upon recommendation of a duly constituted search committee. He/she shall have a term of four years and shall be eligible for reappointment for another term: *Provided*, That in order to effect a smooth transition to a state university, the incumbent president of the NORMISIST shall serve as officer-in-charge of the University, pending the appointment of the first president of the Caraga State University.

Within six (6) months before the expiration of the term of office of the incumbent president of the Caraga State University, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy in the office of the president by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the president to perform the functions of his/her office, the Board shall have the authority to designate an officer-in-charge of the University, pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his/her successor or the officer-in-charge shall hold office for the unexpired term only.

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The powers and duties of the president of the University, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar universities, and those delegated by the Board.

The salary of the president of the University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by the presidents of similar educational institutions.

The president of the University shall be assisted by a vice president for academic affairs and a vice president for administration who shall be appointed by the Board upon the recommendation of the president.

**SEC. 9. *Administrative Council.*** - There shall be an administrative council consisting of the president of the University as chairperson, vice president/s, deans, directors and other officials of equal rank as members, whose duty is to review and recommend to the Board, policies governing the administration, management and development planning of the University.

**SEC. 10. *Academic Council.*** - There shall be an academic council with the president of the University as chairperson and all members of the academic staff with the rank of not lower than assistant professor as members.

The academic council shall have the power to review and recommend the curricular offerings and rules of discipline of the University, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board through the president of the University.

1           **SEC. 11. *Secretary.*** -The Board shall appoint a Secretary, who shall  
2 serve as such for both the Board and the University, and shall keep all  
3 records and proceedings of the Board. He /she shall serve upon each member  
4 of the Board the appropriate notice of the Board's meetings.

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7           **SEC. 12. *Treasurer.*** - The Treasurer of the Philippines shall be the *ex*  
8 *officio* treasurer of the University.

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11           **SEC. 13. *Faculty.*** - No political beliefs, gender preference, cultural or  
12 community affiliation or ethnic origin, religious opinion or affiliation shall be  
13 a manner of inquiry in the appointment of faculty members of the University:  
14 *Provided,* That said appointment shall be subject to the guidelines,  
15 qualifications and/or standards set by the Board: *Provided, further,* That no  
16 member of the faculty shall teach for or against any particular church or  
17 religious sect.

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20           **SEC. 14. *Admission and Scholarships.*** – No student shall be denied  
21 admission to the University by reason of gender, nationality, religion,  
22 cultural, or community affiliation or ethnic origin, or political affiliation.

23  
24           The University shall provide a scholarship program and other  
25 subsidies to assist poor but deserving students who qualify for admission to  
26 the university.

27  
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29           **SEC. 15. *Academic Freedom and Institutional Autonomy.*** – The  
30 University shall enjoy academic freedom and institutional autonomy,  
31 pursuant to Paragraph 2, Section 5 of Article XIV of the Constitution of the  
32 Republic of the Philippines.

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35           **SEC. 16. *Authority to Loan or Transfer***  
36 ***Apparatus/Equipment/Supplies and Detail of Personnel.*** - The heads of

1 bureaus and offices of the national government are hereby authorized to loan  
2 or transfer, upon request of the president of the University, such apparatus,  
3 equipment or supplies as may be needed by the University, and to detail  
4 employees for duty therein when, in the judgment of the head of bureau or  
5 office, such apparatus, equipment, supplies or services of such employees can  
6 be spared without serious detriment to the public service.

7  
8 The employees so detailed shall perform such duties as required of  
9 them by the president of the University and the time so employed shall be  
10 counted as part of their regular services.

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12  
13 **SEC. 17. *Assets, Liabilities and Personnel.*** - All assets, real and  
14 personal, personnel and records of the Northern Mindanao State Institute of  
15 Science and Technology; the Northern Mindanao College of Arts, Science and  
16 Technology; and the Siargao National College of Science and Technology, as  
17 well as liabilities or obligations, are hereby transferred to the University:  
18 *Provided, That the positions, rights and security of tenure of faculty members*  
19 *and personnel therein employed under existing laws shall be respected.*

20  
21 All parcels of land belonging to the government and occupied by the  
22 Northern Mindanao State Institute of Science and Technology; the Northern  
23 Mindanao College of Arts, Science and Technology; and the Siargao National  
24 College of Science and Technology are hereby declared to be property of the  
25 Caraga State University and shall be titled under that name: *Provided,*  
26 *further, That should the University cease to exist or be abolished or should*  
27 *such parcels of land aforementioned be no longer needed by the University,*  
28 *the same shall revert to the national government.*

29  
30  
31 **SEC. 18. *Appropriations.*** -The amount necessary for the  
32 implementation of this Act shall be charged against the current year's  
33 appropriations of the Northern Mindanao State Institute of Science and  
34 Technology, the Northern Mindanao College of Arts, Science and Technology,  
35 and the Siargao National College of Science and Technology, except the sums  
36 needed to continue the operations of the existing high school/s. Thereafter,

1 such sums as may be necessary for the continued operation and maintenance  
2 of the Caraga State University shall be included in the annual General  
3 Appropriations Act.

4  
5  
6 **SEC. 19. *Development Plan, Management Audit,***  
7 ***Organizational/ Administrative/Academic Structure.*** - Within the  
8 period of one hundred twenty (120) days after the approval of this Act, the  
9 University shall accomplish the following:

10  
11 (a) Submit a five (5) year development plan, including its  
12 corresponding program budget to the CHED, for corresponding  
13 recommendation to the Department of Budget and Management;

14  
15 (b) Undergo a management audit in cooperation with the CHED; and

16 (c) Accordingly set up its organizational, administrative as well as  
17 academic structure, including the appointment of the University key officials.

18  
19  
20 **SEC. 20. *Filing of Report.*** - On or before the fifteenth (15<sup>th</sup>) day of the  
21 second month after the opening of the regular classes each year, the Board  
22 shall file with the Office of the President of the Philippines, through the  
23 chairperson of the CHED, and to both Houses of Congress, a detailed report  
24 on the progress, conditions and needs of the University.

25  
26  
27 **SEC. 21. *Suppletory Application.*** - The provisions of Republic Act  
28 No. 8292, otherwise known as the "Higher Education Modernization Act of  
29 1997, shall be an integral part of this Act and shall serve as part of the  
30 governing charter of the University.

31  
32  
33 **SEC. 22. *Parity Clause.*** - All other powers, functions and privileges,  
34 responsibilities and limitations to state universities and/or their officials  
35 under existing laws shall be deemed granted to or imposed upon the  
36 University and/or its officials whenever appropriate.

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**SEC. 23. *Implementing Rules and Regulations.*** – Within ninety (90) days from the effectivity of this Act, the Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

**SEC. 24. *Separability Clause*** - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 25. *Repealing Clause.*** - All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 26. *Effectivity.*** - This Act shall take effect fifteen (15) days after its full publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.

*Approved,*