



## HOUSE OF REPRESENTATIVES

H. No. 4413

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BY REPRESENTATIVES UY (R.S.), VILLAR, LAGMAN, JAVIER AND REMULLA,  
PER COMMITTEE REPORT NO. 751

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AN ACT CONVERTING THE TIBURCIO TANCINCO MEMORIAL INSTITUTE OF SCIENCE AND TECHNOLOGY IN CALBAYOG CITY INTO A STATE UNIVERSITY TO BE KNOWN AS THE TIBURCIO TANCINCO STATE UNIVERSITY, INTEGRATING THEREWITH THE SAMAR STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE MUNICIPALITY OF SAN JORGE, BOTH LOCATED IN THE PROVINCE OF WESTERN SAMAR AND APPROPRIATING FUNDS THEREFOR

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

1           SECTION 1. *Conversion/Integration.* – The Tiburcio Tancinco  
2   Memorial Institute of Science and Technology in Calbayog City is hereby  
3   converted into a state university to be known as the Tiburcio Tancinco State  
4   University, hereinafter referred to as the University, integrating therewith the  
5   Samar State College of Agriculture and Forestry in the Municipality of San  
6   Jorge, both located in the Province of Western Samar. The main campus of the  
7   University shall be in Calbayog City.

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

1 in trade, fishery, agriculture, science, education, commerce, engineering,  
2 forestry, nautical courses and other related fields. It shall also undertake  
3 research and extension services, and provide progressive leadership in its areas  
4 of specialization.

5 SEC. 3. *Curricular Offerings.* – The University shall offer graduate  
6 courses leading to the degrees of Doctor of Education, Doctor of Management,  
7 Master of Arts in Industrial Education, Master in Public Administration,  
8 Master in Library Administration, Master of Arts in Vocational Education,  
9 Master of Arts in Education, Master in Technician Education; undergraduate  
10 courses particularly those leading to the degrees of Bachelor of Science in  
11 Civil Engineering, Industrial Engineering, Electrical Engineering, Mechanical  
12 Engineering, Marine Engineering, Mining Engineering, Chemical Engineering,  
13 Architecture, Commerce, Agriculture, Fishery, Forestry, Nautical and other  
14 general courses in various fields of specialization and according to its  
15 capabilities, as the Board of Regents may deem necessary to carry out its  
16 objectives, in order to meet the needs of the Province of Western Samar and  
17 Region VIII.

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

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

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

4           (a) The Chairperson of the Commission on Higher Education (CHED),  
5 Chairperson;

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

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

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

11           (e) The Regional Director of the National Economic and Development  
12 Authority (NEDA), member;

13           (f) The Regional Director of the Department of Science and  
14 Technology (DOST), member;

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

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

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

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

24           The Board shall appoint the two (2) prominent citizens from among a  
25 list of at least five (5) qualified persons in Calbayog City or the Province of  
26 Western Samar, as recommended by the search committee constituted by the  
27 University President, in consultation with the Chairperson of the CHED and  
28 other members of the Board, based on the normal standards and qualifications  
29 for the position.

1           The term of office of the President of the federation of faculty  
2 associations, the President of the federation of supreme student councils and  
3 the President of the federation of alumni associations shall be coterminous with  
4 their respective terms of office, as set forth in their respective constitutions and  
5 bylaws.

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

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

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

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

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

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

28           (d) To receive in trust legacies, gifts and donations of real and personal  
29 properties of all kinds and to administer and dispose of the same when

1 necessary for the benefit of the University, and subject to the limitations,  
2 directions and instructions of the donor, if any.

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

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

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

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

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 use  
27 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;

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

3           (g) To authorize the construction or repair of its buildings, machinery,  
4 equipment and other facilities, and the purchase and acquisition of real  
5 property, including necessary supplies, materials and equipment;

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

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

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

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

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

26           (m) To establish and absorb nonchartered tertiary institutions within the  
27 Province of Western Samar as branches and centers in coordination with the  
28 CHED, and in consultation with the Department of Budget and Management

1 (DBM), and to offer therein programs or courses to promote and carry out  
2 equal access to educational opportunities as mandated by the Constitution;

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

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

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

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

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

20 (s) To enter into joint ventures with business and industry for the  
21 profitable development and management of the economic assets of the  
22 University, the proceeds from which shall be used for the development and  
23 strengthening of the University;

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

28 (u) To develop academic arrangements for institutional capability  
29 building with appropriate institutions and agencies, public and private, local

1 and foreign, and to appoint experts/specialists as consultants, part-time or  
2 visiting or exchange professors, scholars, researchers, as the case may be;

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

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

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

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

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

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

25 In the absence of the Chairperson of the CHED, a Commissioner of the  
26 CHED, duly designated by him/her, shall represent him/her in the meeting with  
27 all the rights and responsibilities of a regular member: *Provided, however,*  
28 That during this meeting, the President of the University as Vice Chairperson  
29 shall be the Presiding Officer: *Provided, further,* That this proviso



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

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

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

13 *SEC. 9. The University President.* – The University shall be headed by  
14 a President, who shall render full-time service. He/She shall be appointed by  
15 the Board, subject to the guidelines, qualifications and/or standards set by the  
16 Board, upon recommendation of a duly constituted search committee. He/She  
17 shall have a term of four (4) years and shall be eligible for reappointment for  
18 another term: *Provided,* That in order to effect a smooth transition to a state  
19 university, the incumbent President of the Tiburcio Tancinco Memorial  
20 Institute of Science and Technology, if qualified, shall serve as the first  
21 President of the University.

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

25 In case of vacancy in the Office of the President by reason of death,  
26 compulsory retirement, resignation, removal for cause or incapacity of the  
27 President to perform the functions of his/her office, the Board shall have the  
28 authority to designate an Officer-in-Charge of the University pending the  
29 appointment of a new President.

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

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

8           The salary of the President of the University shall be in accordance with  
9 the Revised Compensation and Position Classification System and shall be  
10 comparable to that being received by the Presidents of similar educational  
11 institutions.

12           The President of the University shall be assisted by a Vice President for  
13 Academic Affairs and a Vice President for Administration, who shall be  
14 appointed by the Board upon recommendation of the President.

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

22           SEC. 11. *The Administrative Council.* – There shall be an  
23 Administrative Council consisting of the President of the University as  
24 Chairperson, Vice Presidents, deans, directors and other officials of equal rank  
25 as members, whose duty is to review and recommend to the Board the policies  
26 governing the administration, management and development planning of the  
27 University.

28           SEC. 12. *The Academic Council.* – There shall be an Academic Council  
29 to be composed of the President of the University, who shall act as

1 Chairperson, and all academic staff with the rank of at least an assistant  
2 professor, as members

3 The Academic Council shall have the power to review and recommend  
4 the curricular offerings and rules of discipline of the University, subject to the  
5 appropriate action by the Board. It shall fix the requirements for the admission  
6 of students, as well as for their graduation and conferment of degrees, subject  
7 to review and/or approval by the Board through the President of the  
8 University. It shall have the disciplinary power over students of the University  
9 and shall formulate academic policies and rules and regulations on discipline,  
10 subject to the approval of the Board.

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

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

17 SEC. 15. *The Faculty.* – No political beliefs, gender preference,  
18 cultural or community affiliation or ethnic origin, and religious opinion or  
19 affiliation shall be a matter of inquiry in the appointment of faculty members of  
20 the University: *Provided*, That said appointment shall be subject to the  
21 guidelines, qualifications and/or standards set by the Board: *Provided, further*,  
22 That no member of the faculty shall teach for or against any particular church  
23 or religious sect.

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

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

1           SEC. 17. *Academic Freedom and Institutional Autonomy.* – The  
2 University shall enjoy academic freedom and institutional autonomy, pursuant  
3 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of  
4 the Philippines.

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

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

16           SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and  
17 personal, personnel and records of the Tiburcio Tancinco Memorial Institute of  
18 Science and Technology and the Samar State College of Agriculture and  
19 Forestry, as well as liabilities or obligations, are hereby transferred to the  
20 University. The positions, rights and security of tenure of faculty members and  
21 personnel therein employed under existing laws prior to the conversion into a  
22 University shall be respected.

23           All parcels of land belonging to the government occupied by the  
24 Tiburcio Tancinco Memorial Institute of Science and Technology and the  
25 Samar State College of Agriculture and Forestry are hereby declared to be  
26 property of the University, and shall be titled under that name: *Provided*, That  
27 should the University cease to exist or be abolished or should such parcels of  
28 land aforementioned be no longer needed by the University, the same shall  
29 revert to the LGUs concerned.

1           SEC. 20. *Appropriations.* – The amount necessary to carry out the  
2 provisions of this Act shall be charged against the current year’s  
3 appropriations of the Tiburcio Tancinco Memorial Institute of Science and  
4 Technology and the Samar State College of Agriculture and Forestry, except  
5 the sums needed to continue the operations of the existing high schools.  
6 Thereafter, such sums as may be necessary for the continued operation and  
7 maintenance of the Tiburcio Tancinco State University shall be included in the  
8 annual General Appropriations Act.

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

13           (a) Submit a five (5)-year development plan, including its  
14 corresponding program budget to the CHED, for corresponding  
15 recommendation to the DBM;

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

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

20           SEC. 22. *Filing of Report.* – On or before the fifteenth (15<sup>th</sup>) day of the  
21 second (2<sup>nd</sup>) month after the opening of the regular classes each year, the  
22 Board shall file with the Office of the President of the Philippines through the  
23 Chairperson of the CHED, and with both Houses of Congress a detailed report  
24 on the progress, conditions and needs of the University.

25           SEC. 23. *Supplementary Application.* – The provisions of Republic Act No.  
26 8292, otherwise known as the “Higher Education Modernization Act of 1997”,  
27 shall be an integral part of this Act and shall serve as part of the Governing  
28 Charter of the University.

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

5           SEC. 25. *Implementing Rules and Regulations.* – The Board, in  
6 consultation with the CHED, shall formulate the guidelines to fully implement  
7 the provisions of this Act.

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

11           SEC. 27. *Repealing Clause.* – All laws, presidential decrees, executive  
12 orders, rules and regulations contrary to or inconsistent with the provisions of  
13 this Act are hereby repealed or modified accordingly.

14           SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after  
15 its publication in two (2) newspapers of general circulation.

Approved,

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