



HOUSE OF REPRESENTATIVES

H. No. 5110

BY REPRESENTATIVES AQUINO, ANGARA, VILLAR, LAGMAN, JAVIER,
REMULLA, AMANTE, ROMARATE, PADILLA, MADRONA, NICOLAS,
DEL MAR, AMATONG, MITRA, DE GUZMAN, GARAY AND ANGPING, PER
COMMITTEE REPORT NO. 1240

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
AND THE NORTHERN MINDANAO COLLEGE OF ARTS,
SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN,
AGUSAN DEL NORTE AND APPROPRIATING FUNDS
THEREFOR

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

1 SECTION 1. *Establishment/Integration.* – There is hereby established a
2 state university in the Caraga Region to be known as the Caraga State
3 University (CSU), hereinafter referred to as the University, by integrating the
4 Northern Mindanao State Institute of Science and Technology (NORMISIST)
5 in Ampayon, Butuan City and the Northern Mindanao College of Arts, Science
6 and Technology (NMCAST) in Cabadbaran, Agusan del Norte. The main
7 campus of the University shall be in Butuan City.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in the fields of agriculture and environmental studies, fishery, engineering,
4 forestry, industrial technology, education, law, medicine and other health
5 related programs, information technology, arts and sciences and other related
6 courses. It shall undertake research and extension services, and provide
7 progressive leadership in its areas of specialization.

8 SEC. 3. *Curricular Offerings.* – The University shall offer undergraduate
9 and graduate courses within its areas of specialization, specifically, but not
10 limited to, the fields of agriculture and environmental studies, fishery,
11 engineering, forestry, industrial technology, education, law, medicine and other
12 health related programs, information technology, arts and sciences and other
13 fields as the Board of Regents may deem necessary to carry out its objectives,
14 particularly to meet the needs of the Caraga Region.

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

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

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

1 (a) The Chairperson of the Commission on Higher Education (CHED),
2 Chairperson;

3 (b) The President of the University, Vice Chairperson

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

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

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

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

12 (g) The Regional Director of the Department of Agriculture (DA),
13 member;

14 (h) The President of the federation of faculty associations of the
15 University, member;

16 (i) The President of the federation of student councils of the
17 University, member;

18 (j) The President of the federation of alumni associations of the
19 University, member; and

20 (k) Three (3) prominent citizens from the private sector who have
21 distinguished themselves in their profession or fields of specialization, as
22 members.

23 The Board shall appoint the three (3) prominent citizens from among a
24 list of at least five (5) qualified persons in Butuan City and Agusan del Norte,
25 as recommended by the search committee constituted by the University
26 President, in consultation with the Chairperson of the CHED and the other
27 members of the Board, based on the normal standards and qualifications for
28 the position set by the Board.

1 The term of office of the President of the federation of faculty
2 associations, the President of the federation of student councils and the
3 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 three (3) 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, subject to the limitations, directions
2 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 incomes 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 and 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 and 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 Agusan del Norte or the Caraga Region as branches and centers in
28 coordination with the CHED and in consultation with the Department of
29 Budget and Management (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 (n) To establish research and extension centers of the University where
4 such will promote the development of the latter;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 In the absence of the Chairperson of the CHED, a Commissioner of the
28 CHED, duly designated by him/her, shall represent him/her in the meeting with
29 all the rights and responsibilities of a regular member: *Provided, however,*

1 That during this meeting, the President of the University as Vice Chairperson
2 shall be the Presiding Officer: *Provided, further,* That this *proviso*
3 notwithstanding, the Chairperson of the CHED is hereby authorized to
4 designate a CHED Commissioner as the regular Chair of the Board, in which
5 case said CHED Commissioner shall act as the Presiding Officer.

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

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

15 SEC. 9. *The University President.* – The University shall be headed by
16 a President, who shall render full-time service. He/She shall be appointed by
17 the Board, subject to the guidelines, qualifications and/or standards set by the
18 Board, upon recommendation of a duly constituted search committee. He/She
19 shall have a term of four (4) years and shall be eligible for reappointment for
20 another term: *Provided,* That in order to effect a smooth transition to a state
21 university, the incumbent President of the NORMISIST shall serve as
22 Officer-in-Charge of the University, pending the appointment of the first
23 President of the Caraga State University.

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

27 In case of vacancy in the office of the President by reason of death,
28 compulsory retirement, resignation, removal for cause or incapacity of the
29 President to perform the functions of his/her office, the Board shall have the

1 authority to designate an Officer-in-Charge of the University, pending the
2 appointment of a new President.

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

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

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

14 The President of the University shall be assisted by a Vice President for
15 Academic Affairs and a Vice President for Administration, who shall be
16 appointed by the Board upon the recommendation of the President:

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

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

1 SEC. 12. *The Academic Council.* – There shall be an Academic Council
2 to be composed of the President of the University, who shall act as
3 Chairperson, and all the academic staff with the rank of at least an assistant
4 professor, as members.

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

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

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

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

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

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

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

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

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

18 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
19 personal, personnel and records of the Northern Mindanao State Institute of
20 Science and Technology and the Northern Mindanao College of Arts, Science
21 and Technology, as well as liabilities or obligations, are hereby transferred to
22 the University. The positions, rights and security of tenure of faculty members
23 and personnel therein employed under existing laws prior to the integration
24 into the University shall be respected.

25 All parcels of land belonging to the government and occupied by the
26 Northern Mindanao State Institute of Science and Technology and the
27 Northern Mindanao College of Arts, Science and Technology are hereby
28 declared to be property of the Caraga State University, and shall be titled under
29 that name: *Provided*, That should the University cease to exist or be abolished

1 or should such parcels of land aforementioned be no longer needed by the
2 University, the same shall revert to the national government.

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

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

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

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

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

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

27 SEC. 23. *Suppletory Application.* – The provisions of Republic Act No.
28 8292, otherwise known as the “Higher Education Modernization Act of 1997”,

1 shall be an integral part of this Act and shall serve as part of the Governing
2 Charter of the University.

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

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

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

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

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

Approved,

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