

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

8 NOV 25 P5:55

SENATE

RECEIVED BY

14

S. No. 2902

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The First District of Samar comprises one (1) city and nine (9) municipalities, and having such a constituency necessitates the establishment of a university;

The absence of a university in the above jurisdiction makes residents of Samar migrate to other places such as Tacloban City, Cebu City and Metro Manila, in order to avail of quality tertiary education and advanced technological courses;

At present the Tiburcio Tancinco Memorial Institute of Science and Technology based in Calbayog City is already fit to be converted into a state university. Likewise, the Samar State College of Agriculture and Forestry in the Municipality of San Jorge also part of the First District of Samar is being proposed to be integrated into the said state university.

The conversion of the Tiburcio Tancinco Memorial Institute of Science and Technology and the integration of Samar State College of Agriculture and Forestry into state university will greatly cater to the need of the people of Samar for higher studies and progressive training in their chosen fields of specialization;

Consistent with the constitutional mandate to give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote total liberation and development (Sec. 17, Art II of the Constitution), the establishment, operation and maintenance of a state university in Samar, to be named as Calbayog State University, is but imperative.

In view of the foregoing approval of this bill is earnestly sought.



FRANCIS G. ESCUDERO

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A.

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Introduced by **Senator FRANCIS G. ESCUDERO**

**AN ACT
ESTABLISHING THE CALBAYOG STATE UNIVERSITY BY
INTEGRATING THE TIBURCIO TANCINCO MEMORIAL INSTITUTE
OF SCIENCE AND TECHNOLOGY IN CALBAYOG CITY AND THE
SAMAR STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE
MUNICIPALITY OF SAN JORGE, BOTH LOCATED IN THE PROVINCE
OF SAMAR AND APPROPRIATING FUNDS THEREFOR**

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

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

8 SEC. 2. *General Mandate.*- The University shall primarily provide
9 advanced education, higher technological, professional instruction and
10 training in trade; agriculture, arts, science, education, commerce, engineering
11 and other related courses. It shall also undertake research and extension
12 services, and provide progressive leadership in its areas of specialization.

1 SEC. 3. *Curricular Offerings.*- The University shall offer graduate,
2 undergraduate, ladderized courses and short-term technical courses within its
3 areas of specialization and according to its capabilities as the Board of Regents
4 may deem necessary to carry out its objectives, particularly to meet the needs
5 of Samar and the Region.

6 The existing high school in San Jorge Campus shall be the high school
7 laboratory of the Bachelor of Secondary Education the supervision of the
8 College of Education: *Provided*, that the high school shall be allowed to remain
9 and operate within the campus of the SSCAF until the existing students shall
10 have completed their high school education: *Provided, further*, that the
11 University may operate a reasonably sized laboratory school; if it has a
12 College of Education.

13 SEC. 4. *Administration.*- The University shall have the general powers
14 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
15 known as the "Corporation Code of the Philippines". The administration of
16 the University and the exercise of its corporate powers shall be vested in the
17 Board of Regents and the President of the University insofar as authorized by
18 the Board.

19 SEC.5. *The Governing Board.*- The Governing Body of the University
20 shall be the Board of Regents, hereinafter referred to as the Board, which shall
21 be composed of the following:

- 22 a) The Chairperson of the Commission on Higher Education (CHED),
23 chairperson;
- 24 b) The President of the University, vice chairperson;
- 25 c) The Chairperson of the Committee on Education, Arts and Culture
26 of the Senate, member;

- 1 d) The Chairperson of the Committee on Higher and Technical
2 Education of the House of Representatives, member;
- 3 e) The Regional Director of the National Economic and Development
4 Authority (NEDA), member;
- 5 f) The Regional Director of the Department of Science and Technology
6 (DOST), member;
- 7 g) The President of the Federation of Faculty Associations of the
8 University, member;
- 9 h) The President of the Federation of Students Councils of the
10 University, member;
- 11 i) The President of the Federation of Alumni Associations of the
12 University, member; and
- 13 j) Two (2) prominent citizens who have distinguished themselves in
14 their professions or fields of specialization of the community,
15 members.

16 The two (2) prominent citizens shall be chosen from among a list of at
17 least five (5) persons qualified in the Province of Samar, as recommended by
18 the search committee constituted by the University President, in consultation
19 with the chairperson of the CHED, based on the normal standards and
20 qualifications for the position.

21 The term of the office of the President of the Federation of Faculty
22 Association, the President of the Federation of Student Councils, and the
23 President of the Federation of the Alumni Associations shall be
24 contemporaneous with their respective term of office.

25 *SEC. 6. Promulgation and Implementation of Policies.-* The Board shall
26 promulgate and implement policies in accordance with the declared state
27 policies on education and other pertinent provision of the Philippines

1 Constitution on education, agriculture, science and technology, as well as
2 policies, standards, and thrusts of the CHED under Republic Act No. 7722,
3 otherwise known as the "Higher Education Act of 1994".

4 *SEC. 7. Powers and Duties of the Board of Regents.* The Board shall have
5 the following specific powers and duties in addition to its general powers of
6 administration and the exercise of all the powers granted to the Board of
7 Directors of a corporation under existing laws:

8 a.) To enact rules and regulations not contrary to law as may be
9 necessary to carry out the purposes and functions of the
10 University;

11 b.) To receive and appropriate all sums as maybe provided, for
12 the support of the University in the manner it may
13 determine, in its direction to carry out the purposes and
14 functions of the University;

15 c.) To import duly-free economic, technical and cultural books
16 and/or publications, upon certification by the CHED that
17 such imported books and/or publications are for economic,
18 technical, vocational, scientific, philosophical, historical or
19 cultural purposes, in accordance with the provisions of the
20 limitations, directions and instructions of the donor, if any;

21 d.) To receive in trust legacies, gifts and donations of real and
22 personal properties of all kinds, and to administer and
23 dispose of the same when necessary for the benefits of the
24 University, but subject to the limitations, directions and
25 instructions of the donor, if any;

26 Such donation shall be exempt from the donor's tax and the
27 same shall be considered as allowable deductions from the gross income in

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

4 e.) To fix tuition fees and other necessary school charges, such
5 as, but not limited to, matriculation fees, graduation fees,
6 and laboratory fees, as the Board may deem proper to
7 impose, after die consultations with involved sectors. Such
8 fees and charges, including government subsidies and other
9 income generated by the University shall constitute special
10 trust funds and shall be deposited in any authorized
11 government depository bank, and all interest shall accrue
12 there from, shall form part of the same funds for the used of
13 the University;

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

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

- 1 f.) To adopt and implement a socialized scheme of tuition and
2 school fees for greater access to poor but deserving students;
- 3 g.) To authorize the construction or repair of its buildings,
4 machinery, equipment and other facilities, and the purchase
5 and acquisition of real property, including necessary
6 supplies, materials, and equipments;
- 7 h.) To appoint upon recommendation of the President of the
8 University, Vice Presidents, Deans, Directors, and heads of
9 campuses, faculty members, other officials, and employees of
10 the University;
- 11 i.) To fix and adjust salaries of faculty members and
12 administrative officials and employees subject to the
13 provision of the Revised Penal Compensation and Position
14 Classification System and other pertinent budget and
15 compensation laws governing hours of service and such
16 other duties and conditions as it may deem proper; to grant
17 them, as its discretion, leaves of absence under such
18 regulations as it may promulgate, any provision of existing
19 laws to the contrary notwithstanding, and to remove them
20 for cause in accordance with the requirement of due process
21 of law;
- 22 j.) To approve the curricula, instructional programs, and rules
23 of discipline drawn by the administrative and academic
24 councils as herein provided;
- 25 k.) To set policies on admission and graduation of students;
- 26 l.) Toward honorary degrees upon persons in recognition of
27 outstanding contribution in the fields of education, public

1 service, arts, science and technology, agriculture, or in any
2 field of specialization within the academic competence of the
3 University and to authorize the awarding of certificates of
4 completion of non-degree and nontraditional courses;

5 m.) To establish and absorb non-chartered tertiary institutions
6 within the Province of Samar as branches and centers in
7 coordination with the Commission on Higher Education
8 (CHED), and in consultation with the Department of Budget
9 and Management (DBM), and to offer herein programs or
10 courses to promote and carry out equal access to educational
11 opportunities mandated by the Constitution;

12 n.) To establish chairs of the University and to provide
13 fellowship for qualified faculty members and scholarships to
14 deserving students;

15 o.) To delegate any of its powers and duties provided for
16 hereinabove to the President and/or other officials of the
17 University as it may deem appropriate, so as to expedite the
18 administration of the affairs to the University;

19 p.) To delegate any of its powers and duties provided for
20 hereinabove to the President and/or other officials of the
21 University as it may deem appropriate, so as to expedite the
22 administration of the affairs of the University;

23 q.) To authorize an external management audit of the Institution
24 to be financed by the CHED, Subject to Commission on
25 Audit (COA) rules and regulations; and to institute reforms
26 including academic and structural changes on the basis of
27 the audit results and recommendation;

- 1 r.) To collaborate with other governing boards of the state
2 colleges and universities within the Province of Samar or the
3 Region, under the supervision of the CHED and in
4 consultation with the DBM, and work towards the
5 restructuring of the University to become more efficient,
6 relevant, productive and competitive;
- 7 s.) To enter into joint ventures with business and industry for
8 the profitable development and management of the
9 economic assets of the University, the proceeds of which
10 shall be used for the development and strengthening of the
11 University;
- 12 t.) To develop consortia and other economic forms of the
13 linkages with local government units, institutions and
14 agencies, both public and private, local and foreign, in the
15 furtherance of the purpose and objectives of the University;
- 16 u.) To develop academic arrangements for the University
17 capability buildings with appropriate institutions and
18 agencies, public and private, local and foreign, and to
19 appoint experts/specialists as consultants, part-time or
20 visiting or exchange professors, scholars or researchers as the
21 case may be;
- 22 v.) To set up the adoption of modern and innovative modes of
23 transmitting knowledge such as the use of information
24 technology, the dual system, open learning or distance
25 education, community laboratory, etc. for the promotion of
26 greater access to education;

1 w.) To establish policy guidelines and procedures for the
2 participative decision-making and transparency within the
3 University;

4 x.) To privatize, where the most advantageous to the University,
5 management of non-academic services such as health, food,
6 building or grounds or property maintenance and such other
7 similar activities; and

8 y.) To extend the term of the President of the University beyond
9 the age of seventy (70), whose performance has been
10 unanimously rated by the governing board as outstanding,
11 after unanimous recommendation by the search committee.

12 SEC. 8. *Meetings of the Board.*- The Board shall regularly convene at least
13 once every quarter. However, the Chairperson of the board may, upon three
14 (3) days prior written notice, call a special meeting whenever necessary.

15 A quorum of the Board shall consist of a majority of all its members
16 holding office at the time of the meeting: *Provided, however,* that the
17 Chairperson of the Board or the President of the University is among whose
18 present in the meeting.

19 In the absence of the Chairperson of the CHED, a Commissioner of the
20 CHED, duly designated by him/her, shall represent him/her in the meeting
21 with all the rights and responsibilities of a regular member: *Provided, however,*
22 That during the meeting the President of the University as Vice-Chairperson
23 shall be the Presiding Officer: *Provided, further,* That this provision
24 notwithstanding, the Chairperson of the CHED is hereby authorized to
25 designate a CHED Commissioner as the regular Chair of the Board of
26 Regents, in which case said CHED Commissioner shall act as the Presiding
27 Officer.

1 In the absence of the Chairperson of the Congressional Committee on
2 Education, they may designate their respective representatives who shall
3 attend the said meetings with all the rights and responsibilities of a regular
4 member.

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

10 SEC. 9. *Scholarship Program/Admission.*- The University shall provide a
11 scholarship program and other affirmative action programs to assist poor but
12 deserving students who qualify for admission to the University.

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

15 SEC. 10. *Academic Freedom and Institutional Autonomy.*- The University
16 shall enjoy academic freedom and institutional autonomy, pursuant to
17 paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the
18 Philippines.

19 SEC. 11. *Filing of Report.*- On or before the fifteenth (15th) day of the
20 second month after the opening of the regular class each year, the Board shall
21 file with the Office of the President of the Philippines through the
22 Chairperson of the CHED, and with both Houses of Congress a detailed
23 report on the progress, conditions and needs of the University.

24 SEC. 12. *Authority to Loan or Transfer.*- The heads of bureaus and offices
25 of the national government are hereby authorized to loan or transfer, upon
26 the request of the President of the University such apparatus, equipment or
27 supplies as may be needed by the University, and to detail employees for

1 duty herein when, in the judgment of the head of bureau or office, such
2 apparatus, equipment, supplies, or services of such employees can be spread
3 without serious detriment to the public service. The employees so detailed
4 shall perform such duties as required of them by the President of the
5 University, and the time so employed shall be counted as part of their regular
6 services.

7 SEC. 13. *Assets, Liabilities and Personnel.*- All assets, real and personal,
8 personnel and records of the Tiburcio Tancinco Memorial Institute of Science
9 and Technology and the Samar State College of Agriculture and Forestry as
10 well as liabilities or obligations, are hereby transferred to the University: That
11 the positions, rights and security and security of tenure of the personnel
12 therein employed under existing laws shall be respected.

13 All parcels of land belonging to the government occupied by the
14 Tiburcio Tancinco Memorial Institute of Science and Technology and the
15 Samar State College of Agriculture and Forestry are hereby declared to be
16 property of the University and shall be titled under the name: *Provided*, That
17 should the University ceases to exist or be abolished, or should such parcels of
18 lands aforementioned be no longer needed by the University, the same shall
19 reverted to the Province of Samar.

20 SEC. 14. *Appropriations.*- The amount necessary to carry out the
21 provisions of this Act shall be charged against the current year's
22 appropriations of the Tiburcio Tancinco Memorial Institute of Science and
23 Technology and the Samar State College of Agriculture and Forestry, except
24 the sums needed to continue the operations of the existing high school.
25 Thereafter, such sums as may be necessary for the continued operation and
26 maintenance of the Calbayog State University shall be included in the Annual
27 General Appropriations Act.

1 SEC. 15. *Development Plan, Management Audit, Organizational /*
2 *Administrative / Academic Structure.*- Within the period of one hundred twenty
3 (120) days after the approval of this Act, the University shall accomplish the
4 following:

5 a.) Submit a five (5) year development plan, including its
6 corresponding program budget to the CHED, for
7 appropriate recommendation to the DBM;

8 b.) Undergo a management audit in cooperation with the
9 CHED;

10 c.) Accordingly set up its organizational, administrative as well
11 as academic structure, including the appointment of
12 university key officials.

13 SEC. 16. *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. 17. *Effectivity.*- This act shall take effect upon its approval.

Approved,