



HOUSE OF REPRESENTATIVES

H. No. 6687

BY REPRESENTATIVES VELASCO, ANGARA, SAMBAR, ALCALA AND PALMONES,
PER COMMITTEE REPORT NO. 2467

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

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

1 SECTION 1. *Conversion.* – The Marinduque State College in the
2 Municipality of Boac, Province of Marinduque is hereby converted into a state
3 university to be known as the Marinduque State University (MarSU),
4 hereinafter referred to as the University, integrating therewith the satellite
5 campuses of Sta. Cruz, Gasan and Torrijos. The main campus of the University
6 shall be in the Municipality of Boac.

7 SEC. 2. *General Mandate.* – The University shall primarily provide
8 advanced education, higher technological, professional instruction and training
9 in education, science and technology, engineering, environment, agriculture,
10 fisheries, arts and sciences, business administration and management, health
11 sciences and other relevant fields of study. It shall also undertake research and

1 extension services, and provide progressive leadership in its areas of
2 specialization.

3 SEC. 3. *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. 4. *Curricular Offerings.* – The University shall offer
8 undergraduate and graduate courses in the fields of education, science and
9 technology, engineering, environment, agriculture, fisheries, arts and sciences,
10 business administration and management, health sciences and other
11 degrees/courses within the University's areas of specialization and according
12 to its capabilities, as the Board of Regents may deem necessary to carry out its
13 objectives, particularly to meet the needs of the Province of Marinduque and
14 Region IV-B.

15 The existing high school shall be transferred to the jurisdiction and
16 supervision of the Department of Education (DepED): *Provided,* That the high
17 school shall be allowed to remain and operate within the campus of the College
18 until the existing students shall have completed their high school education:
19 *Provided, further,* That the College may operate a reasonably-sized laboratory
20 school under its College of Education: *Provided, furthermore,* That the
21 existing graduate school shall become an integral part of the College of
22 Education.

23 SEC. 5. *Administration.* – The University shall have the general
24 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
25 otherwise known as the "Corporation Code of the Philippines". The
26 administration of the University and the exercise of its corporate powers shall
27 be vested exclusively in the Board of Regents and the President of the
28 University.

1 SEC. 6. *The Governing Board.* – The governing body 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 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 the Province of Marinduque, whose
26 nominations were submitted to the Board after publication of at least two (2)
27 consecutive weeks, as recommended by the Search Committee constituted by
28 the University President, in consultation with the Chairperson of the CHED

1 and the other members of the Board, based on the normal standards and
2 qualifications for the position.

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

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

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

14 (a) To promulgate and implement policies in accordance with the
15 declared State policies and the provisions of the Philippine Constitution on
16 education, agriculture, science and technology, as well as the policies,
17 standards and thrusts of the CHED under Republic Act No. 7722, otherwise
18 known as the “Higher Education Act of 1994”;

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

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

24 (d) To import economic, technical and cultural books and/or
25 publications;

26 (e) To receive in trust, legacies, gifts and donations of real and
27 personal 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 (f) To fix the tuition fees and other necessary school charges such as,
4 but not limited to, matriculation fees, graduation fees and laboratory fees, as
5 the Board may deem proper to impose, after due consultations with the
6 involved sectors. Such fees and charges, including government subsidies and
7 other income generated by the University, shall constitute special trust funds
8 and shall be deposited in any authorized government depository bank, and all
9 interests that shall accrue therefrom shall form part of the same funds for the
10 use of the University.

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

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

24 (g) To adopt and implement a socialized scheme of tuition and school
25 fees for greater access to poor but deserving students;

26 (h) To authorize the construction or repair of its buildings, machinery,
27 equipment and other facilities, and the purchase and acquisition of real
28 property, including necessary supplies, materials and equipment;

1 (i) To appoint upon recommendation of the President of the
2 University, Vice Presidents, deans, directors, heads of campuses, faculty
3 members, and other officials and employees of the University;

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

12 (k) To approve the curricula, instructional programs and rules of
13 discipline drawn by the Administrative and Academic Councils herein
14 provided;

15 (l) To set policies on admission and graduation of students;

16 (m) To award honorary degrees upon persons in recognition of their
17 outstanding contribution in the fields of education, public service, arts, science
18 and technology, agriculture or in any field of specialization within the
19 academic competence of the University; and to authorize the awarding of
20 certificates of completion of nondegree and nontraditional courses;

21 (n) To establish and absorb nonchartered tertiary institutions within the
22 Province of Marinduque as branches and centers in coordination with the
23 CHED, and in consultation with the Department of Budget and Management
24 (DBM), and to offer therein programs or courses, to promote and carry out
25 equal access to educational opportunities as mandated by the Constitution;

26 (o) To establish research and extension centers of the University where
27 such will promote the development of the latter;

1 (p) To establish professorial chairs in the University and to provide
2 fellowships for qualified faculty members and scholarships to deserving
3 students;

4 (q) To delegate any of its powers and duties provided for hereinabove
5 to the President and/or other officials of the University as it may deem
6 appropriate, so as to expedite the administration of the affairs of the
7 University;

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

12 (s) To collaborate with other governing boards of state colleges and
13 universities within the Province of Marinduque or Region IV-B, under the
14 supervision of the CHED and in consultation with the DBM, and work towards
15 the restructuring of the University to become more efficient, relevant,
16 productive and competitive;

17 (t) To enter into joint ventures with business and industry for the
18 profitable development and management of the economic assets of the
19 University, the proceeds from which shall be used for the development and
20 strengthening of the University;

21 (u) To develop consortia and other economic forms of linkages with
22 local government units (LGUs), institutions and agencies, both public and
23 private, local and foreign, in the furtherance of the purposes and objectives of
24 the University;

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

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

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

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

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

15 SEC. 8. *Meetings of the Board.* -- The Board shall regularly convene
16 once every three (3) months. Whenever necessary, the Chairperson of the
17 Board may call, upon three (3) days' prior written notice, a maximum of two
18 (2) special meetings within the same period.

19 A quorum of the Board shall consist of majority of all its members
20 holding office at the time of the meeting: *Provided, however,* That the
21 Chairperson of the Board or the President of the University is among those
22 present in the meeting. If the Chairperson of the CHED is unable to attend, a
23 Commissioner may be designated as representative to the meeting with all the
24 rights and responsibilities of a regular member: *Provided, however,* That
25 during this meeting, the President of the University as Vice Chairperson shall
26 be the Presiding Officer: *Provided, further,* That this *proviso* notwithstanding,
27 the Chairperson of the CHED is hereby authorized to designate a CHED

1 Commissioner as the regular Chair of the Board, in which case the CHED
2 Commissioner shall act as the Presiding Officer.

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

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

12 SEC. 9. *The University President.* – The University shall be headed by
13 a President, who shall render full-time service and who shall be appointed by
14 the Board, subject to the guidelines, qualifications and standards set by the
15 Board, upon recommendation of a duly constituted search committee. The
16 University President shall have a term of four (4) years and shall be eligible for
17 reappointment for another term: *Provided*, That in order to effect a smooth
18 transition to a state university, the incumbent President of the Marinduque
19 State College shall serve as the first President of the University.

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

23 In case of vacancy in the Office of the President by reason of death,
24 compulsory retirement, resignation, removal for cause or incapacity of the
25 President to perform the functions of the office, the Board shall designate an
26 Officer-In-Charge of the University within six (6) months from the date of
27 vacancy, pending the appointment of a new President. The successor or the
28 Officer-In-Charge shall serve only the unexpired portion of the term.

1 The powers and duties of the President of the University, in addition to
2 those specifically provided in this Act, shall be those usually pertaining to the
3 Office of the President of similar universities, and those delegated by the
4 Board.

5 The salary of the President of the University shall be in accordance with
6 the Revised Compensation and Position Classification System, as modified by
7 Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and
8 compensation laws, and shall be comparable to that being received by the
9 Presidents of similar educational institutions.

10 The President of the University shall be assisted by the Vice President/s,
11 who shall be appointed by the Board upon recommendation of the President.

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

19 SEC. 11. *The Secretary of the University.* – The Board shall appoint a
20 Secretary, who shall serve as such for both the Board and the University and
21 shall keep all records and proceedings of the Board. The Secretary shall serve
22 upon each member of the Board the appropriate notice of the Board meetings.

23 SEC. 12. *The Treasurer of the University.* – The Treasurer of the
24 Philippines shall be the *ex officio* Treasurer of the University.

25 SEC. 13. *The Administrative Council.* – There shall be an
26 Administrative Council consisting of the President of the University as
27 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
28 as members, whose duty is to review and recommend to the Board the policies

1 governing the administration, management and development planning of the
2 University.

3 SEC. 14. *The Academic Council.* – There shall be an Academic
4 Council to be composed of the President of the University, who shall act as the
5 Chairperson, and all academic staff with the rank of at least an assistant
6 professor, as members.

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

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

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

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

27 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
28 *and Detail of Personnel.* – The heads of the bureaus and offices of the

1 national government are hereby authorized to loan or transfer, upon the request
2 of the President of the University, such apparatus, equipment or supplies as
3 may be needed by the University, and to detail employees for duty therein
4 when, in the judgment of the head of the bureau or office, such apparatus,
5 equipment, supplies or services of such employees can be spared without
6 serious detriment to public service. The employees so detailed shall perform
7 such duties as required of them by the President of the University, and the time
8 so employed shall be counted as part of their regular services.

9 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
10 personal, personnel and records of the Marinduque State College, as well as
11 liabilities or obligations, are hereby transferred to the University. The
12 positions, rights and security of tenure of faculty members and personnel
13 therein employed under existing laws prior to the conversion into a University
14 shall be respected.

15 All parcels of land belonging to the government occupied by the
16 Marinduque State College including its extension campuses are hereby
17 transferred to the University, and shall be titled under that name: *Provided,*
18 That should the University cease to exist or be abolished or should such
19 parcels of land aforementioned be no longer needed by the University, the
20 same shall revert to the LGUs concerned.

21 SEC. 19. *Tax Exemption on Importation and Donations.* – The
22 importation of economic, technical and cultural books or publications, which
23 are for economic, technical, vocational, scientific, philosophical, historical or
24 cultural purposes made by the University upon certification by the CHED,
25 shall be exempt from customs duties in accordance with the provisions of the
26 Tariff and Customs Code of the Philippines, as amended.

27 Donations in any form to the University shall be exempt from the
28 donor's tax and the same shall be considered as allowable deduction from the

1 gross income in the computation of the income tax of the donor, in accordance
2 with the provisions of the National Internal Revenue Code of 1997, as
3 amended.

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

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

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

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

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

20 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of
21 the second (2nd) 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. *Suppletory Application.* – The provisions of Republic Act
26 No. 8292, otherwise known as the “Higher Education Modernization Act of
27 1997”, shall be an integral part of this Act and shall serve as part of the
28 Governing Charter of the University.

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

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

8 SEC. 26. *Separability Clause.* – If, for any reason, any part or
9 provision of this Act is declared invalid or unconstitutional, the remaining
10 parts or 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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