



HOUSE OF REPRESENTATIVES

H. No. 5181

BY REPRESENTATIVES NAVA (J.), ROMULO AND LOBREGAT, PER COMMITTEE
REPORT NO. 480

AN ACT CONVERTING THE GUIMARAS STATE COLLEGE IN THE
PROVINCE OF GUIMARAS INTO A STATE UNIVERSITY TO BE
KNOWN AS THE GUIMARAS 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 Guimaras State College in the
2 Municipality of Buenavista, Province of Guimaras, including its Mosqueda
3 campus in the Municipality of Jordan, and its Baterna campus in the
4 Municipality of San Lorenzo, also in the Province of Guimaras, is hereby
5 converted into a state university to be known as the Guimaras State University,
6 hereinafter referred to as the University. The main campus of the University
7 shall be in the Municipality of Buenavista, Province of Guimaras.

8 SEC. 2. *General Mandate.* – The University shall primarily provide
9 advanced education, higher technological, professional instruction and training
10 in the fields of education, technology, agriculture, fisheries, engineering, arts
11 and sciences, forestry, business administration, hotel and restaurant
12 management, tourism, health sciences, computer technology, criminology,

1 maritime and aviation education and other relevant fields of study. It shall also
2 undertake research, extension services and production activities in support of
3 the socioeconomic development of the Province of Guimaras, and provide
4 progressive leadership in its areas of specialization.

5 SEC. 3. *Academic Freedom and Institutional Autonomy.* – The
6 University shall enjoy academic freedom and institutional autonomy, pursuant
7 to paragraph 2, Section 5 of Article XIV of the 1987 Philippine Constitution.

8 SEC. 4. *Curricular Offerings.* – The University shall offer
9 undergraduate, graduate and short-term courses within its areas of
10 specialization and according to its capabilities, as the Board of Regents may
11 deem necessary to carry out its objectives, particularly in order to meet the
12 needs of the Province of Guimaras and Region VI.

13 SEC. 5. *Administration.* – The University shall have the general
14 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
15 otherwise known as “The Corporation Code of the Philippines”. The
16 administration of the University and the exercise of its corporate powers shall
17 be vested exclusively in the Board of Regents and the President of the
18 University insofar as authorized by the Board.

19 SEC. 6. *The Governing Board.* – The governing body of the
20 University shall be the Board of Regents, hereinafter referred to as the Board,
21 which shall 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;

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

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

3 (f) The Regional Director of the Department of Agriculture, member;

4 (g) The Regional Director of the Department of Science and
5 Technology, member;

6 (h) The President of the federation of faculty associations of the
7 University, member;

8 (i) The President of the federation of student councils of the
9 University, member;

10 (j) The President of the federation of alumni associations of the
11 University, member; and

12 (k) Two (2) prominent citizens from the private sector who have
13 distinguished themselves in their profession or fields of specialization of the
14 University, members.

15 The Board shall appoint the two (2) prominent citizens from among a
16 list of at least five (5) qualified persons in the Province of Guimaras, as
17 recommended by the search committee constituted by the University President,
18 in consultation with the Chairperson of the CHED and the other members of
19 the Board, based on the normal standards and qualifications for the position.

20 The term of office of the President of the federation of faculty
21 associations, the President of the federation of student councils, and the
22 President of the federation of alumni associations shall be coterminous with
23 their respective terms of office, as set forth in their respective constitutions and
24 bylaws.

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

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

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

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

12 (c) To receive and appropriate all sums as may be provided for the
13 support of the University in the manner it may determine in its discretion, in
14 order to carry out the purposes and functions of the University;

15 (d) To import economic, technical and cultural books and/or
16 publications;

17 (e) To receive, in trust, legacies, gifts and donations of real and
18 personal properties of all kinds and to administer and dispose of the same
19 when necessary for the benefit of the University, and subject to the limitations,
20 directions and instructions of the donor, if any;

21 (f) To fix the tuition fees and other necessary school charges,
22 including matriculation fees, graduation fees and laboratory fees, as the Board
23 may deem proper to impose, after due consultations with the involved sectors.

24 The fees and charges, including government subsidies and other income
25 generated by the University, shall constitute special trust funds and shall be
26 deposited in any authorized government depository bank, and all interests that
27 shall accrue therefrom shall form part of the same funds for the use of the
28 University.

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

8 If, for reasons beyond its control, the University shall not be able to
9 pursue any project for which the funds have been appropriated and allocated
10 under its approved program of expenditures, the Board may authorize the use
11 of said funds for any reasonable purpose which, in its discretion, may be
12 necessary and urgent for the attainment of the objectives and goals of the
13 University;

14 (g) To adopt and implement a socialized scheme of tuition and school
15 fees more accessible to poor but deserving students;

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

19 (i) To appoint, upon the recommendation of the President of the
20 University, vice presidents, deans, directors, heads of campuses, faculty
21 members, and other officials and employees of the University;

22 (j) To fix and adjust salaries of faculty members and administrative
23 officials and employees, subject to the provisions of the Revised
24 Compensation and Position Classification System and other pertinent budget
25 and compensation laws, including those governing hours of service and other
26 duties and conditions as it may deem proper; to grant them, at its discretion,
27 leaves of absence under such regulations as it may promulgate, any provision

1 of existing law to the contrary notwithstanding; and to remove them for cause
2 in accordance with the requirements of due process of law;

3 (k) To approve the curricula, instructional programs and rules of
4 discipline drawn by the Administrative and the Academic Councils herein
5 provided;

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

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

12 (n) To establish and absorb nonchartered tertiary institutions within the
13 Province of Guimaras as branches and centers in coordination with the CHED
14 and in consultation with the Department of Budget and Management (DBM),
15 and to offer therein programs or courses, to promote and carry out equal access
16 to educational opportunities as mandated by the Constitution;

17 (o) To establish research and extension centers of the University which
18 will promote the development of the latter;

19 (p) To establish professorial chairs in the University and to provide
20 fellowships for qualified faculty members and scholarships to deserving
21 students;

22 (q) To delegate any of its powers and duties to the President and/or
23 other officials of the University as it may deem appropriate, so as to expedite
24 the administration of the affairs of the University;

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

1 (s) To collaborate with other governing boards of state universities and
2 colleges within the Province of Guimaras or Region VI, under the supervision
3 of the CHED and in consultation with the DBM, and work towards the
4 restructuring of the University to become more efficient, relevant, productive
5 and competitive;

6 (t) To enter into joint ventures with business and industry for the
7 profitable development and management of the economic assets of the
8 University, the proceeds from which shall be used for the development and
9 strengthening of the University;

10 (u) To develop consortia and other economic forms of linkages with
11 local government units (LGUs), institutions and agencies, both public and
12 private, local and foreign, in the furtherance of the purposes and objectives of
13 the University;

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

18 (w) To set up the adoption of modern and innovative modes of
19 transmitting knowledge such as the use of information technology, the dual
20 learning system, open distance learning system and community laboratory for
21 the promotion of greater access to education;

22 (x) To establish policy guidelines and procedures for participative
23 decision making and transparency within the University;

24 (y) To privatize, where most advantageous to the University, the
25 management of nonacademic services including health, food, building or
26 grounds or property maintenance; and

27 (z) To extend the term of the President of the University beyond the
28 age of retirement but not beyond the age of seventy (70), whose performance

1 has been unanimously rated by the Board as outstanding, based on the
2 guidelines, qualifications and/or standards set by the Board, after unanimous
3 recommendation by the search committee.

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

8 A quorum of the Board shall consist of majority of all its members
9 holding office at the time of the meeting: *Provided*, That the Chairperson of
10 the Board or the President of the University is among those present in the
11 meeting.

12 The Chairperson of the CHED who cannot attend a meeting of the
13 Board shall duly designate a CHED Commissioner as representative, with all
14 the rights and responsibilities of a regular member: *Provided, however*, That
15 in the meeting, the President of the University as Vice Chairperson shall be the
16 presiding officer: *Provided, further*, That this *proviso*, notwithstanding, the
17 Chairperson of the CHED is hereby authorized to designate a CHED
18 Commissioner as the regular Chair of the Board, in which case said CHED
19 Commissioner shall act as the presiding officer.

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

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

1 SEC. 9. *The President of the University.* — The University shall be
2 headed by a President, who shall render full-time service and who shall be
3 appointed by the Board, subject to the guidelines, qualifications and standards
4 set by the Board, upon recommendation of a duly constituted search
5 committee. The President of the University shall have a term of four (4) years
6 and shall be eligible for reappointment for another term: *Provided*, That in
7 order to effect a smooth transition to a state university, the President of the
8 Guimaras State College, if qualified, shall serve as the first President of the
9 University.

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

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

19 The powers and duties of the President of the University, in addition to
20 those specifically provided in this Act, shall be those usually pertaining to the
21 Office of the President of similar universities, and those delegated by the
22 Board.

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

1 The President of the University shall be assisted by the vice president/s,
2 who shall be appointed by the Board upon recommendation of the President.

3 SEC. 10. *The Secretary of the University.* — The Board shall appoint a
4 Secretary, who shall serve for both the Board and the University and shall
5 keep all records and proceedings of the Board. The Secretary shall serve upon
6 each member of the Board the appropriate notice of the Board meetings.

7 SEC. 11. *The Treasurer of the University.* — The Treasurer of the
8 Philippines shall be the *ex officio* Treasurer of the University.

9 SEC. 12. *The Administrative Council.* — There shall be an
10 Administrative Council consisting of the President of the University as
11 Chairperson, vice presidents, deans, directors and other officials of equal rank
12 as members, whose duties are to review and recommend to the Board the
13 policies governing the administration, management and development planning
14 of the University.

15 SEC. 13. *The Academic Council.* — There shall be an Academic
16 Council to be composed of the President of the University, who shall act as
17 Chairperson, and all academic staff with the rank of at least an assistant
18 professor, as members.

19 The Academic Council shall have the power to review and recommend
20 the curricular offerings and rules of discipline of the University, subject to the
21 approval of the Board. It shall fix the requirements for the admission of
22 students, as well as for their graduation and conferment of degrees, subject to
23 review and approval by the Board through the President of the University.
24 It shall have the disciplinary power over students of the University and shall
25 formulate academic policies and rules and regulations on discipline, subject to
26 the approval of the Board.

1 SEC. 14. *The Faculty.* – No political belief, gender preference,
2 cultural or community affiliation or ethnic origin, and religious opinion or
3 affiliation shall be a matter of inquiry in the appointment of faculty members
4 of the University: *Provided*, That the appointment shall be subject to the
5 guidelines, qualifications and standards set by the Board: *Provided, further*,
6 That no member of the faculty shall teach for or against any particular church
7 or religious sect.

8 SEC. 15. *Scholarship Program/Admission.* – The University shall
9 provide a scholarship program and other affirmative action programs to assist
10 poor but deserving students who qualify for admission to the University.

11 No student shall be denied admission to the University by reason of
12 gender, religion, cultural or community affiliation or ethnic origin.

13 SEC. 16. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
14 *and Detail of Personnel.* – The heads of the bureaus and offices of the
15 national government are hereby authorized to loan or transfer, upon the request
16 of the President of the University, apparatus, equipment or supplies as may be
17 needed by the University, and to detail employees for duty therein when, in the
18 judgment of the head of the bureau or office, the apparatus, equipment,
19 supplies or services of the employees can be spared without serious detriment
20 to public service.

21 The employees so detailed shall perform duties as required of them by
22 the President of the University, and the time so employed shall be counted as
23 part of their regular services.

24 SEC. 17. *Assets, Liabilities and Personnel.* – All assets, real and
25 personal, personnel and records of the Guimaras State College, as well as
26 liabilities or obligations, are hereby transferred to the University. The
27 positions, rights and security of tenure of faculty members and personnel

1 therein employed under existing laws prior to the conversion into a state
2 university shall be respected.

3 All parcels of land belonging to the government occupied by the
4 Guimaras State College, including its extension campuses are hereby
5 transferred to the University, and shall be titled under that name: *Provided,*
6 That should the University cease to exist or be abolished or should such
7 parcels of land aforementioned be no longer needed by the University, the
8 same shall revert to the LGUs concerned.

9 SEC. 18. *Tax Exemption on Importation and Donations.* — The
10 importation of economic, technical and cultural books or publication, which
11 are for economic, technical, vocational, scientific, philosophical, historical or
12 cultural purposes made by the University upon certification by the CHED shall
13 be exempt from customs duties in accordance with the provisions of the Tariff
14 and Customs Code of the Philippines, as amended.

15 Donations in any form to the University shall be exempt from the
16 donor's tax and the same shall be considered as allowable deduction from the
17 gross income in the computation of the income tax of the donor, in accordance
18 with the provisions of the National Internal Revenue Code of 1997, as
19 amended.

20 SEC. 19. *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 Guimaras State College. Thereafter, such sums as may
23 be necessary for the continued operation and maintenance of the University
24 shall be included in the annual General Appropriations Act.

25 SEC. 20. *Development Plan, Management Audit, Organizational/*
26 *Administrative/Academic Structure.* — Within the period of one hundred
27 twenty (120) days after the approval of this Act, the University shall
28 accomplish the following:

1 (a) Submit a five (5)-year development plan, including its
2 corresponding program budget to the CHED, for corresponding
3 recommendation to the DBM;

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

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

7 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of
8 the second (2nd) month after the opening of the regular classes each year, the
9 Board shall file with the Office of the President of the Philippines through the
10 Chairperson of the CHED, and with both Houses of Congress, a detailed
11 report on the progress, conditions and needs of the University.

12 SEC. 22. *Suppletory Application.* – The provisions of Republic Act
13 No. 8292, otherwise known as the “Higher Education Modernization Act of
14 1997”, shall be an integral part of this Act and shall serve as part of the
15 Governing Charter of the University.

16 SEC. 23. *Parity Clause.* – All other powers, functions and privileges,
17 responsibilities and limitations to state universities and their officials under
18 existing laws shall be deemed granted to or imposed upon the University and
19 its officials whenever appropriate.

20 SEC. 24. *Compliance with CHED Requirements.* – The provisions of
21 this Act notwithstanding, the establishment or conversion of the institution
22 into a state university shall become effective only upon the determination and
23 declaration by the CHED, based on the recommendation of a panel of experts,
24 that the institution has complied with the requirements for a university status.
25 The CHED, through its regional office, shall regularly provide technical
26 assistance to the institution and monitor compliance with the requirements of
27 the Commission.

1 The CHED shall designate a panel of experts who shall prepare a
2 recommendation to the Chairperson of the CHED, on whether the institution
3 has substantially complied with the requirements for the grant of university
4 status.

5 The following are the operational requirements for a university:

6 (a) Level III accreditation or equivalent under CHED policies for at
7 least four (4) of its undergraduate programs, one (1) in the sciences, and two
8 (2) of its graduate programs;

9 (b) Ratio of qualified full-time faculty with requisite degrees to number
10 of students;

11 (c) Adequate library and laboratories;

12 (d) Research and development output of practical and commercial
13 application to the community;

14 (e) Relevant linkages and outreach programs that are of service to the
15 community; and

16 (f) Relevant academic policies, systems and processes.

17 The institution shall retain its status prior to the effectivity of this Act,
18 unless in the meantime it is able to comply with the requirements provided
19 herein, within a period of two (2) years from the effectivity of this Act.

20 SEC. 25. *Implementing Rules and Regulations.* – Within sixty (60)
21 days after the approval of this Act, the Board, in consultation with the CHED,
22 shall formulate the rules and regulations to fully implement the provisions of
23 this Act.

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

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

4 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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