



HOUSE OF REPRESENTATIVES

H. No. 4913

BY REPRESENTATIVES NEPOMUCENO, VILLAR, ABAYON, ANDAYA, LAPUS AND
TEVES, PER COMMITTEE REPORT NO. 1203

AN ACT CONVERTING THE PAMPANGA AGRICULTURAL COLLEGE
IN THE MUNICIPALITY OF MAGALANG, PROVINCE OF
PAMPANGA INTO A STATE UNIVERSITY TO BE KNOWN AS
THE STATE AGRICULTURAL UNIVERSITY OF PAMPANGA
(SAUP) 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 Pampanga Agricultural College in the
2 Municipality of Magalang, Province of Pampanga is hereby converted into a
3 state university to be known as the State Agricultural University of Pampanga
4 (SAUP), hereinafter referred to as the University.

5 SEC. 2. *General Mandate.* – The University shall primarily provide
6 advanced instruction and professional training in agriculture, science and
7 technology, education and other related fields. It shall also undertake research
8 and extension services, and provide progressive leadership in these areas.

9 SEC. 3. *Curricular Offerings.* – The University shall offer
10 undergraduate, graduate and short-term technical courses within its areas of

1 specialization and according to its capabilities as the Board of Regents may
2 deem necessary to carry out its objectives in order to meet the needs of the
3 Province of Pampanga and Region III: *Provided*, That the University shall
4 retain its original mandate as primarily an agricultural institution: *Provided*,
5 *further*, That in the case of graduate courses, the University shall strengthen its
6 Masteral and Doctorate Degree Programs in Agriculture and Allied Courses.

7 The existing high school shall be transferred to the jurisdiction and
8 supervision of the Department of Education (DepEd): *Provided*, That the high
9 school shall be allowed to remain and operate within the campus of the
10 University until the existing students shall have completed their high school
11 education: *Provided, further*, That the University may operate a reasonably-
12 sized laboratory school, if it has a 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
17 exclusively in the Board of Regents and the president of the University insofar
18 as authorized by the Board.

19 SEC. 5. *The Governing Board.* – The governing board 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), where the main campus of the University is located,
3 member;

4 (f) The regional director of the Department of Agriculture (DA),
5 member;

6 (g) The president of the faculty association of the University, member;

7 (h) The president of the student council of the University, member;

8 (i) The president of the alumni association of the University, member;

9 and

10 (j) Two prominent citizens from the private sector who have
11 distinguished themselves in their professions or fields of specialization of the
12 University, members.

13 The Board shall appoint the two prominent citizens from among a list of
14 at least five persons qualified in the Municipality of Magalang or the Province
15 of Pampanga, as recommended by the search committee constituted by the
16 University president, in consultation with the chairperson of the CHED based
17 on the normal standards and qualifications for the position set by the Board.

18 The term of office of the president of the faculty associations, the
19 president of the student councils and the president of the alumni association
20 shall be coterminous with their respective terms of office, as set forth in their
21 constitutions and bylaws.

22 The two prominent citizens shall serve for a term of two years from the
23 date of appointment.

24 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
25 shall promulgate and implement policies in accordance with the declared State
26 policies on higher education and other pertinent provisions of the Constitution
27 on education, agriculture, science and technology, as well as the policies,

1 standards and thrusts of the CHED under Republic Act No. 7722, otherwise
2 known as the "Higher Education Act of 1994".

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

7 (a) To promulgate rules and regulations as may be necessary to carry
8 out the purposes and functions of the University;

9 (b) To receive and appropriate all sums as may be provided for the
10 support of the University in the manner it may determine, in its discretion, in
11 order to carry out the powers and functions of the University;

12 (c) To import duty-free economic, technical and cultural books and/or
13 publications, upon certification by the CHED that such imported books and/or
14 publications are for economic, technical, vocational, scientific, philosophical,
15 historical or cultural purposes, in accordance with the provisions of the Tariff
16 and Customs Code, as amended;

17 (d) 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 when
19 necessary for the benefit of the University, and subject to the limitations,
20 directions and instructions of the donor, if any.

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

26 (e) To fix the tuition fees and other necessary school charges, such as,
27 but not limited to, matriculation fees, graduation fees and laboratory fees, as

1 the Board may deem proper to impose, after due consultations with the
2 involved sectors.

3 Such fees and charges, including government subsidies and other
4 income generated by the University, shall constitute special trust funds and
5 shall be deposited in any authorized government depository bank, and all
6 interests that shall accrue therefrom shall form part of the same funds for the
7 use of the University.

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

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

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

22 (g) To authorize the construction or repair of its buildings, machinery,
23 equipment and other facilities, and the purchase and acquisition of real and
24 personal properties, including necessary supplies, materials and equipment;

25 (h) To appoint, upon recommendation of the president of the
26 University, vice presidents, deans, directors, heads of departments, faculty
27 members and other officials and employees of the University;

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

9 (j) To approve the curricula, instructional programs and rules of
10 discipline drawn by the administrative and academic councils herein provided;

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

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

17 (m) To establish and absorb nonchartered tertiary institutions within
18 the Province of Pampanga as branches and extension centers in coordination
19 with the CHED and in consultation with the Department of Budget and
20 Management (DBM), and to offer therein programs or courses to promote and
21 carry out equal and greater access to educational opportunities as mandated by
22 the Constitution;

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

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

27 (p) To delegate any of its powers and duties provided for hereinabove
28 to the president or officer-in-charge and/or other officials of the University as

1 it may deem appropriate, so as to expedite the administration of the affairs of
2 the University;

3 (q) To authorize an external management audit of the University, to be
4 financed by the CHED, subject to Commission on Audit rules and regulations;
5 and to institute reforms, including academic and structural changes on the basis
6 of audit results and recommendations;

7 (r) To collaborate with other governing boards of the state
8 universities and colleges within the Province of Pampanga or Region III, under
9 the supervision of the CHED and in consultation with the DBM, and work
10 towards the restructuring of the University to become more efficient, relevant,
11 productive and competitive;

12 (s) To enter into joint ventures with business and industry for the
13 profitable development and management of the economic assets of the
14 University, the proceeds from which shall be used for the development and
15 strengthening of the same;

16 (t) To develop consortia and other economic forms of linkages with
17 local government units, institutions and agencies, both public and private, local
18 and foreign, in furtherance of the purpose and objectives of the University;

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

23 (v) To set up the adoption of modern and innovative modes of
24 transmitting knowledge such as the use of information technology, the dual
25 system, open learning or distance education and community laboratory for the
26 promotion of greater access to higher education and graduate studies, as the
27 case may be;

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

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

6 (y) To extend the term of the president of the University beyond the
7 age of retirement but not beyond the age of seventy (70), whose performance
8 has been unanimously rated by the governing board as outstanding based on
9 the guidelines, qualifications and/or standards set by the Board, after
10 unanimous recommendation by the search committee.

11 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
12 least once every quarter. However, the chairperson of the Board may, upon
13 three days' prior written notice, call a maximum of two special meetings
14 whenever necessary.

15 A quorum of the Board shall consist of 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 those
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 with
21 all the rights and responsibilities of a regular member: *Provided, however,*
22 That during this meeting, the president of the University as vice chairperson
23 shall be the presiding officer: *Provided, further,* That this *proviso*
24 notwithstanding, the chairperson of the CHED is hereby authorized to
25 designate a CHED commissioner as the regular chair of the Board in which
26 case said CHED commissioner shall act as the presiding officer.

27 In case the chairpersons of the Congressional Committees on Education
28 shall not be able to attend the Board meeting, they may duly designate their

1 respective representatives to attend the said meeting, who shall have the same
2 rights and responsibilities as a regular member of the Board.

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

8 SEC. 9. *The University President.* – The University shall be headed by
9 a president who shall render full-time service. He/she shall be appointed by
10 the Board upon the recommendation of a duly constituted search committee.
11 He/she shall have a term of four years and shall be eligible for reappointment
12 for another term: *Provided, That in order to effect a smooth transition to a*
13 *state university, the incumbent president of the Pampanga Agricultural*
14 *College, if qualified, shall be the first president of the University.*

15 Within six months before the expiration of the term of office of the
16 incumbent president of the SAUP, the Board shall constitute the Search
17 Committee for the Presidency (SCP).

18 In case of vacancy in the office of the president by reason of death,
19 compulsory retirement; resignation, removal for cause or incapacity of the
20 president to perform the functions of his/her office, the Board shall have the
21 authority to designate an officer-in-charge of the University, pending the
22 appointment of a new president.

23 In case of vacancy in the office of the president as mentioned in the
24 immediately preceding paragraph, his/her successor or the officer-in-charge
25 shall hold office for the unexpired term only.

26 The powers and duties of the president of the University, in addition to
27 those specifically provided in this Act, shall be those usually pertaining to the
28 office of the president of similar universities and those delegated by the Board.

1 The salary of the president of the University shall be in accordance with
2 the Revised Compensation and Position Classification System and shall be
3 comparable to that being received by the presidents of similar educational
4 institutions.

5 The president of the University shall be assisted by a vice president for
6 academic affairs, who shall be appointed by the Board upon recommendation
7 of the president without prejudice to the appointment of more than one vice
8 president.

9 SEC. 10. *The Administrative Council.* – There shall be an
10 administrative council consisting of the president of the University as
11 chairperson, vice president(s), deans, directors and other officials of equal rank
12 as members, whose duty is to review and recommend to the Board the policies
13 governing the administration, management and development planning of the
14 University.

15 SEC. 11. *The Academic Council.* – There shall be an academic council
16 with the president of the University as chairperson and all the members of the
17 academic staff with the rank of not lower than assistant professor as members.

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

26 SEC. 12. *The Secretary of the University.* – The Board shall appoint a
27 secretary, who shall serve as such for both the Board and the University and

1 shall keep all records and proceedings of the Board. He/she shall serve upon
2 each member of the Board the appropriate notice of the Board's meetings.

3 SEC. 13. *The Treasurer of the University.* – The Treasurer of the
4 Philippines shall be the *ex officio* treasurer of the University.

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

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

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

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

21 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/
22 Supplies and Detail of Personnel.* – The heads of bureaus and offices of the
23 national government are hereby authorized to loan or transfer, upon request of
24 the president of the University, such apparatus, equipment or supplies as may
25 be needed by the University, and to detail employees for duty therein when, in
26 the judgment of the bureau or office, such apparatus, equipment, supplies or
27 services of such employees can be spared without serious detriment to the
28 public service.

1 The employees so detailed shall perform such duties as required of them
2 by the president of the University, and the time so employed shall be counted
3 as part of their regular services.

4 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
5 personal, personnel and records of the Pampanga Agricultural College, as well
6 as liabilities or obligations, are hereby transferred to the University. The
7 positions, rights and security of tenure of faculty members and personnel
8 therein employed under existing laws prior to the conversion into a University
9 shall be respected.

10 All parcels of land belonging to the government occupied by the
11 Pampanga Agricultural College are hereby declared to be the property of the
12 SAUP and shall be titled under that name: *Provided*, That should the
13 University cease to exist or be abolished, or should such parcels of land
14 aforementioned be no longer needed by the University, the same shall revert to
15 the Province of Pampanga.

16 SEC. 19. *Appropriations.* – The amount necessary to carry out the
17 provisions of this Act shall be charged against the current year's appropriations
18 of the Pampanga Agricultural College, except the sums needed to continue the
19 operations of the existing high school. Thereafter, such sums as may be
20 necessary for the continued operation and maintenance of the SAUP shall be
21 included in the annual General Appropriations Act.

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

26 (1) Submit a five-year development plan, including its corresponding
27 program budget to the CHED, for appropriate recommendation to the DBM;

28 (2) Undergo a management audit in cooperation with the CHED; and

1 (3) Accordingly set up its organizational, administrative as well as
2 academic structure, including the appointment of University key officials.

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

8 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
9 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
10 shall be an integral part of this Act and shall serve as part of the governing
11 charter of the University.

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

16 SEC. 24. *Implementing Rules and Regulations.* – The Board, in
17 consultation with the CHED, shall formulate the guidelines to fully implement
18 the provisions of this Act.

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

22 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
23 orders, rules and regulations contrary to or inconsistent with the provisions of
24 this Act are hereby repealed, amended or modified accordingly.

25 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
26 its publication in two newspapers of general circulation.

Approved,