



HOUSE OF REPRESENTATIVES

H. No. 5333

BY REPRESENTATIVES JAVIER, VILLAR, ABAYON, LAPUS AND SALCEDA, PER
COMMITTEE REPORT NO. 1597

AN ACT CONVERTING THE POLYTECHNIC STATE COLLEGE OF
ANTIQUE IN THE PROVINCE OF ANTIQUE INTO A STATE
UNIVERSITY TO BE KNOWN AS THE STATE UNIVERSITY OF
ANTIQUE (SUA) 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 Polytechnic State College of Antique
2 (PSCA) in the Municipality of Sibalom, Province of Antique, consisting of the
3 PSCA Hamtic Campus in the Municipality of Hamtic and the PSCA Tario Lim
4 Ruiz Campus in the Municipality of Tibiao, is hereby converted into a state
5 university to be known as the State University of Antique (SUA), hereinafter
6 referred to as the University. The main campus of the University shall be in
7 the Municipality of Sibalom.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in the fields of education, agriculture, forestry, fishery, maritime education,
4 ecology, engineering, philosophy, information and communication technology,
5 letters, arts and sciences, nursing, medicine and other relevant fields of study.
6 It shall also undertake research and extension services in support of the
7 socioeconomic development of the Province of Antique and provide
8 progressive leadership in its areas of specialization.

9 SEC. 3. *Curricular Offerings.* – The University shall offer
10 undergraduate and graduate courses in the fields of education, agriculture,
11 forestry, fishery, maritime education, ecology, engineering, philosophy,
12 information and communication technology, letters, arts and sciences, nursing,
13 medicine and other degree courses within its areas of specialization and
14 according to its capabilities, as the Board of Regents may deem necessary to
15 carry out its objectives, in order to meet the needs of the Province of Antique
16 and Region VI.

17 The existing high school/s shall be transferred to the jurisdiction and
18 supervision of the Department of Education (DepEd): *Provided*, That the high
19 school/s shall be allowed to remain and operate within the campus of the
20 University until the existing students shall have completed their high school

1 education: *Provided, further*, That the University may operate a reasonably-
2 sized laboratory school, if it has a College of Education.

3 SEC. 4. *Administration.* – The University shall have the general
4 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
5 otherwise known as “The Corporation Code of the Philippines”. The
6 administration of the University and the exercise of its corporate powers shall
7 be vested exclusively in the Board of Regents and the president of the
8 University.

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

12 (a) The chairperson of the Commission on Higher Education (CHED),
13 chairperson;

14 (b) The president of the University, vice chairperson;

15 (c) The chairperson of the Committee on Education, Arts and Culture
16 of the Senate, member;

17 (d) The chairperson of the Committee on Higher and Technical
18 Education of the House of Representatives, member;

19 (e) The regional director of the National Economic and Development
20 Authority (NEDA), member;

1 (f) The regional director of the Department of Science and
2 Technology (DOST), member;

3 (g) The president of the federation of faculty associations of the
4 University, member;

5 (h) The president of the federation of student councils of the
6 University, member;

7 (i) The president of the federation of alumni associations of the
8 University, member; and

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

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

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

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

3 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
4 shall promulgate and implement policies in accordance with the declared state
5 policies on higher education and other pertinent provisions of the Constitution
6 on education, agriculture, science and technology, as well as the policies,
7 standards and thrusts of the CHED under Republic Act No. 7722, otherwise
8 known as the “Higher Education Act of 1994”.

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

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

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

18 (c) To import duty-free economic, technical and cultural books and/or
19 publications, upon certification by the CHED that such imported books and/or
20 publications are for economic, technical, vocational, scientific, philosophical,

1 historical or cultural purposes, in accordance with the provisions of the Tariff
2 and Customs Code, as amended;

3 (d) To receive in trust, legacies, gifts and donations of real properties
4 of all kinds and to administer and dispose of the same when necessary for the
5 benefit of the University and subject to the limitations, directions and
6 instructions of the donor, if any.

7 Such donations shall be exempt from the donor's tax and the same shall
8 be considered as allowable deductions from the gross income in the
9 computation of the income tax of the donor, in accordance with the provisions
10 of the National Internal Revenue Code of 1997 (NIRC), as amended:
11 *Provided*, That such donations shall not be disposed of, transferred or sold;

12 (e) To fix the tuition fees and other necessary school charges such as,
13 but not limited to, matriculation fees, graduation fees and laboratory fees, as
14 the Board may deem proper to impose, after due consultations with the
15 involved sectors.

16 Such fees and charges, including government subsidies and other
17 income generated by the University, shall constitute special trust funds and
18 shall be deposited in any authorized government depository bank, and all
19 interests that shall accrue therefrom shall form part of the same funds for the
20 use of the 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
7 specific purpose for which they are collected.

8 If, for reasons beyond its control, the University shall not be able to
9 pursue any project for which 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 (f) To adopt and implement a socialized scheme of tuition and school
15 fees for greater access to poor but deserving students;

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

19 (h) To appoint, upon recommendation of the president of the
20 University, vice presidents, deans, directors, heads of departments, faculty
21 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
3 Compensation and Position Classification System and other pertinent budget
4 and 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 provision of existing
7 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 as herein*
11 *provided;*

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

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

18 (m) To establish and absorb nonchartered tertiary institutions within the
19 Province of Antique as branches and extension centers in coordination with
20 the CHED and in consultation with the Department of Budget and
21 Management (DBM), and to offer therein programs or courses to promote and

1 carry out equal and greater access to educational opportunities as mandated by
2 the Constitution;

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

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

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

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

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

1 (s) To enter into joint ventures with business and industry for the
2 profitable development and management of the economic assets of the
3 University, the proceeds of which shall be used for the development and
4 strengthening of the same;

5 (t) To develop consortia and other forms of linkages with local
6 government units (LGUs), institutions and agencies, both public and private,
7 local and foreign, in furtherance of the purposes and objectives of the
8 University;

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

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

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

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

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

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

13 A quorum of the Board shall consist of majority of all its members
14 holding office at the time of the meeting: *Provided, however,* That the
15 chairperson of the Board or the president of the University is among those
16 present in the meeting.

17 In the absence of the chairperson of the CHED, a commissioner of the
18 CHED, duly designated by him/her shall represent him/her in the meeting with
19 all the rights and responsibilities of a regular member: *Provided, however,*
20 That during this meeting, the president of the University as vice chairperson
21 shall be the presiding officer: *Provided, further,* That this proviso

1 notwithstanding, the chairperson of the CHED is hereby authorized to
2 designate a commissioner as the regular chair of the Board, in which case said
3 CHED commissioner shall act as the presiding officer.

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

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

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

1 Within six months before the expiration of the term of office of the
2 incumbent president of the SUA, the Board shall constitute the Search
3 Committee for the Presidency (SCP).

4 In case of vacancy in the office of the president by reason of death,
5 compulsory retirement, resignation, removal for cause or incapacity of the
6 president to perform the functions of his/her office, the Board shall designate
7 an officer-in-charge of the University within six months from the date of
8 vacancy, pending the appointment of a new president.

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

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

15 The salary of the president of the University shall be in accordance with
16 the Revised Compensation and Position Classification System and shall be
17 comparable to that being received by the presidents of similar educational
18 institutions.

19 The president of the University shall be assisted by a vice president for
20 academic affairs and a vice president for administration who shall be
21 appointed by the Board upon the recommendation of the president.

1 SEC. 10. *Heads of University Campuses.* – Campus directors shall
2 head the University campuses and they shall render full-time service. They
3 shall be appointed by the Board upon the recommendation of the search
4 committee and the University president, subject to the guidelines,
5 qualifications and/or standards set by the Board: *Provided*, That the
6 incumbent college administrators of the extension campuses shall serve as
7 campus directors of their respective campuses.

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

14 SEC. 12. *The Academic Council.* – There shall be an academic council
15 with the president of the University as chairperson and all the members of the
16 academic staff with the rank of at least an assistant professor as members.

17 The academic council shall have the power to review and recommend
18 the curricular offerings and rules of discipline of the University, subject to the
19 approval of the Board. It shall fix the requirements for the admission of
20 students, as well as for their graduation and conferment of degrees, subject to
21 review and/or approval by the Board through the president of the University.

1 It shall have the disciplinary power over students of the University and shall
2 formulate academic policies and rules and regulations on discipline, subject to
3 the approval of the Board.

4 SEC. 13. *The Secretary of the University.* – The Board shall appoint a
5 secretary who shall serve as such for both the Board and the University and
6 shall keep all records and proceedings of the Board. He/she shall serve upon
7 each member of the Board the appropriate notice of the Board's meetings.

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

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

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

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

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

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

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

16 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
17 personal, personnel and records of the PSCA, as well as liabilities or
18 obligations, are hereby transferred to the University. The positions, rights and
19 security of tenure of faculty members and personnel therein employed under
20 existing laws prior to the conversion into a University shall be respected.

1 All parcels of land belonging to the government occupied by the PSCA
2 are hereby declared to be property of the University and shall be titled under
3 that name: *Provided*, That should the University cease to exist or be
4 abolished, or should such parcels of land aforementioned be no longer needed
5 by the University, the same shall revert to the LGU concerned.

6 SEC. 20. *Appropriations.* – The amount necessary to carry out the
7 provisions of this Act shall be charged against the current year’s
8 appropriations of the PSCA, except the sums needed to continue the
9 operations of the existing high school/s. Thereafter, such sums as may be
10 necessary for the continued operation and maintenance of the SUA shall be
11 included in the annual General Appropriations Act.

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

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

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

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

1 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the
2 second month after the opening of the regular classes each year, the Board
3 shall file with the Office of the President of the Philippines through the
4 chairperson of the CHED, and with both Houses of Congress, a detailed report
5 on the progress, condition and needs of the University.

6 SEC. 23. *Supplementary Application.* – The provisions of Republic Act
7 No. 8292, otherwise known as the “Higher Education Modernization Act of
8 1997”, shall be an integral part of this Act and shall serve as part of the
9 governing charter of the University.

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

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

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

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

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

Approved,

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