

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3916**



Introduced by Representative Maria Vida Espinosa Bravo

EXPLANATORY NOTE

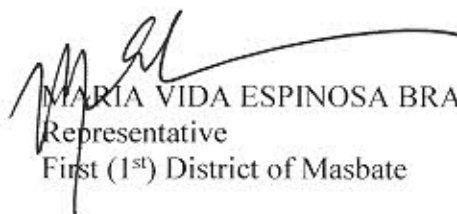
This Bill seeks to convert the Dr. Emilio B. Espinosa Memorial State College of Agriculture and Technology-DEBESMSCAT in the province of Masbate into the Dr. Emilio B. Espinosa Memorial State University.

While conceived originally as a school of agriculture and technology this state supported institution evolved into a college with several bachelor courses offered in response to the educational needs of the students. The conversion into a state university goes along the retrofitting of circular offerings so that graduates will match the demands of local industries and globalized labor.

And so as part of the constitutional guarantee to protect the rights of every Filipino, it is the policy of the State to give priority to education, science and technology, arts, culture to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development. The State policy further provides that it shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all.

In keeping with our national development and State policies, it is in this context that this Representation is proposing for the conversion of the said state college into state university.

It is in this view that immediate passage of this bill is earnestly sought.


MARIA VIDA ESPINOSA BRAVO
Representative
First (1st) District of Masbate

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Introduced by Maria Vida Espinosa Bravo

AN ACT

CONVERTING THE DR. EMILIO B. ESPINOSA MEMORIAL STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY LOCATED IN THE PROVINCE OF MASBATE INTO DR. EMILIO B. ESPINOSA MEMORIAL STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. Short Title.- This Act shall be known as the Dr. Emilio B. Espinosa Memorial State University Act of 2016.

SECTION 2. Declaration of Policy.- The State shall give priority to education, science and technology, arts, culture to foster patriotism and nationalism accelerate social progress and promote total human liberation and development. The State policy further provides that it shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all.

SECTION 3. General Mandate.- The University shall primarily provide advanced education, higher technological, arts and sciences, education, industrial technology, engineering, aquaculture and other related fields of study and as may be relevant to national development. It shall also undertake research, extension services and production activities in support of the development of the province of Masbate and provide progressive leadership in its areas of specialization.

SECTION 4. Academic Freedom and Institutional Autonomy.- The University shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

SECTION 5. Circular Offerings.- The University shall offer undergraduate and graduate programs in the fields of marine biology, fisheries, information and communications technology, arts and sciences, industrial technology, education, engineering and other related courses within the areas of specialization and according to its capabilities as the Board of Regents as may deem necessary to carry out its objectives, particularly in meeting the needs of the province of Masbate.

SECTION 6. Administration.- The University shall have the general powers of the corporation set forth in Batas Pambansa Blg. #68, as amended, otherwise known as the Corporation Code of the Philippines. The administration of the university and the exercise of its corporate powers shall be vested exclusively with the Board of Regents and the President of the university.

SECTION 7. The Governing Body.- The governing body shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- 1.) The Chairperson of the Commission of Higher Education (CHED);
- 2.) The Senior Vice Chairperson of the State Universities and Colleges (SUCS)
- 3.) The Vice Chairperson, the President of the University;
- 4.) The Chairperson of the Committee on Higher Education, Arts and Culture of the Senate as Member;
- 5.) The Regional Director of National Economic Development Authority (NEDA) as Member;
- 6.) The Regional Director of the Science and Technology (DOST);
- 7.) The President of the Federation of Faculty Associations of the university as Member;
- 8.) The President of the Federation of Student Councils of the university as Member;
- 9.) The President of the Federation of Alumni Associations of the university as Member;
- 10.) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization of the university as Member;

The Board shall appoint two (2) prominent citizens from among a list of at least five (5) persons qualified in the province of Masbate where the university is located as recommended by the Search Committee constituted by the university President, in consultation with the Chairperson of the CHED and other members of the Board based on the normal standards and qualifications for the position.

The term of office of the President of the Federation of the Faculty Associations, the President of the Federation of the Student Council and President of the Federation\ of Alumni Association shall be co terminous with their respective terms of office, as set forth in their- respective constitutions and by laws.

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

SECTION 8. Powers and Duties of the Board of Regents.- The Board shall have the following specific powers and duties, in addition to its general powers of administration and exercise of all powers granted to the board of directors of a corporation under the existing laws;

- a.) To promulgate and implement policies in accordance to the declared State policies and the provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. #7722, otherwise known as the Higher Education Act of 1994;
- b.) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the university;
- c.) To receive and appropriate all sums as may be provided for the support of the university in the manner it may determine in its discretion, in order to carry out the purposes and functions of the university;
- d.) To import economic, technical and cultural books and or publication;
- e.) To receive in trust, legacies, gifts and donations of real and personal properties of all kinds, and to administer and dispose the same when necessary for the benefit of the university subject to limitations, directions and instructions of the donor, if any;
- f.) To fix the tuition fees and other necessary school charges such as, but not limited to matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with the involved sectors. Such fees and charges, including government subsidies and other income generated by the university, shall constitute special trusts funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue from shall form part of the same funds for use of the university;

Any provision of existing laws, rules and regulations to contrary notwithstanding any income generated by the university from tuition fees and another charges as well as from the operation of auxiliary services and land grants, shall be retained by the university and may be disbursed by the Board for instruction, research, extension or other programs and projects of the university; provided, that all fiduciary fees shall be disbursed for specific purposes for which they are collected.

If for any reason beyond its control, the university shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of the said funds for any reasonable purposes which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the university.

- g.) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- h.) To authorize the construction or repair of its buildings, machinery, equipment and other facilities and the purchase and acquisition of real and personal properties including necessary supplies, materials and equipment;
- i.) To appoint upon recommendation of the President of the university, Vice Presidents, Deans, Directors, Heads of Campuses, Faculty Members and other officials and employees of the university;
- j.) To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absences under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- k.) To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;
- l.) To set policies on admission and graduation of students;
- m.) To award honorary degrees upon persons in recognition of outstanding contribution in the fields of education, public service, arts, science and technology or in any field of specialization within the academic competence of the university; to authorize the awarding of certificates of completion of non-degree and non-traditional courses;
- n.) To establish and absorb non-chartered tertiary institutions within the Province of Masbate as branches and centers of CHED and in consultation with the Department of Budget and Management (DBM) and to offer therein programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
- o.) To establish research and extension centers of the university where such will promote the development of the latter;
- p.) To establish professional chairs in the university and to provide fellowships for qualified faculty members and scholarships to deserving students;
- q.) To delegate any of its powers and duties provided for hereinabove to the President and other officials of the university as it may deem appropriate, so as to expedite the administration of the affairs of the university;
- r.) To authorize an external management audit of the university, to be financed by the CHED, subject to the Commission on Audit (COA) rules and regulations; to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- s.) To collaborate with other governing boards of the State Universities and Colleges (SUCS) within Region V under the supervision of CHED and in consultation with the Department of Budget and Management (DBM) and work towards the restructuring of the university to become more efficient, relevant, productive and competitive;

- t.) To enter into joint ventures with business and industry for profitable development and management of the economic assets of the university, the proceeds of which shall be used for the development and strengthening of the university;
- u.) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in furtherance of the purpose and objectives of the university;
- v.) To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign and to appoint experts and specialists as consultants, part-time or visiting or exchange professors, scholars or researchers as the case may be;
- w.) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open or distance education and community laboratory for the promotion of greater access to education;
- x.) To establish policy guidelines and procedures for participative decision-making and transparency within the university;
- y.) To privatize where most advantageous to the university, the management of non-academic services such as health, food, building or grounds or property maintenance and such other similar activities;
- z.) To extend the term of the President of the university beyond the age of retirement but not beyond the age of (70) seventy whose performance has been unanimously rated by the Board outstanding, based on the guidelines, qualifications and or standards set by the Board after unanimous recommendation by the search committee;

SECTION 9. Meeting of the Board.- The Board shall regularly convene once every three (3) months. Whenever necessary, the Chairperson of the Board may upon (3) three days prior to the written notice, call a maximum of two (2) special meetings within the same period.

A quorum of the Board shall consist of a majority of all its members holding office at the same time of the meeting: Provided, however, that the Chairperson of the Board or the President of the university is among those present in the meeting.

In one's absence, the Chairperson of the CHED shall designate a Commissioner as representative in the meeting with all the rights and responsibilities of a regular member: Provided, however, that during the meeting, the President of the university shall be the presiding officer: Provided, further, that this proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner the regular Chair of the Board, in which case said CHED Commissioner shall act as the presiding officer.

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

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

SECTION 10. The University President.- The University President shall be headed by a President who shall render full time service and who shall be appointed by the Board, subject to the guidelines, qualifications and standards set by the Board, upon recommendations of a duly constituted search committee. The university President shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, that in order to effect a smooth transition to a state university, the incumbent president shall serve as the first president of the university.

Within six (6) months before the expiration of the term of office of the incumbent president of the university, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy in the office of the President by reason of death, compulsory retirement, resignation, removal for a cause or incapacity of the President to perform the functions of the office, the Board shall designate an officer in charge of the university within (6) six months from the date of vacancy, pending the appointment of a new President. The successor or the officer in charge shall serve only the unexpired portion of the term.

The powers and duties of the President of the university in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the President of similar universities and those delegated by the Board.

The salary of the President of the university shall be in accordance with the Revised Computation and Position Classification System and shall be comparable to that being received by other Presidents of similar educational institutions.

The President of the university shall be assisted by a Vice President for Academic Affairs, a Vice President for Administration, who shall be appointed by the Board upon recommendation of the President.

SECTION 11. The Secretary of the University.- The Board shall appoint a Secretary who shall serve as such for both the Board and University and shall keep all the records and proceedings of the Board. The Secretary of the University shall serve upon each member of the Board the appropriate notice of the Board Meetings.

SECTION 12. The Treasurer of the University.- The Treasurer of the Philippines shall be the Ex Officio treasurer of the university.

SECTION 13. The Administrative Council.- There shall be an Administrative Council composed of the President of the university as Chairperson, Vice Chairperson, Vice President, Deans, Directors, and other officials of equal rank as members whose duty is to review and recommend to the Board the policies governing the administration, management and development planning of the university.

SECTION 14. The Academic Council.- There shall be an Academic Council to be composed of the President of the university who shall act as the Chairperson and all academic staff with the rank of at least assistant professors as members.

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

SECTION 15. The Faculty.- No political beliefs, gender preference, cultural or community affiliation ethnic origin, religious opinion or affiliation shall be matter of inquiry in the appointment of faculty members of the university; Provided, that the said appointment shall be subject to the guidelines, qualifications and standards set by the Board: Provided, further, that no member of faculty shall teach for or against any particular church or religious sect.

SECTION 16. Scholarship Program/Admission.- The University shall provide scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the university.

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

SECTION 17. Authority to Loan or Transfer Apparatus/Equipment/Supplies and detail of Personnel.- The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer upon request of the President of the university, such apparatus, equipment or supplies may be needed by the university and to detail employees for duty therein when, in the judgement of the head of bureau or office, such apparatus and equipment, supplies or services of such employees can be spared without serious detriment to the public service.

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

SECTION 18. Assets, Liabilities and Personnel.- All assets, real and personal, personnel and records of the DEBESMCAT, as well as the liabilities or obligations are hereby transferred to the university. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a university shall be respected.

All parcels of land belonging to the government occupied by the DEBESMSCAT are hereby declared the property of the university and shall be titled under that name; Provided, that should the university cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the university, the same shall revert to the LGUs concerned.

SECTION 19. Tax Exemption on Importation and Donations.- The importation of economic, technical and cultural books or publications, which is for economic, technical and cultural books, or publications, which is for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, made by the university upon certification by the CHED, shall be exempt from custom duties in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended.

Donations in any form to the university shall be exempt from the donors tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SECTION 20. Appropriations.- The amount necessary to carry out the provisions of this Act shall be charged against the current years appropriations of the DEBESMSCAT. Thereafter, such sums as may be necessary for the continued operation and maintenance of the university shall be included in the General Appropriations Act (GAA).

SECTION 21. Development Plan, Management Audit, and Organizational/Administrative/Academic Structure.- Within the period of one hundred twenty (120) days after the approval of this Act, the university shall accomplish the following:

- 1.) Submit a five year development plan, including its corresponding program budget, to the CHED, for recommendation to DBM.
- 2.) Undergo a management audit in cooperation with the CHED;
- 3.) Set up its organizational, administrative as well as academic structure, including the appointment of the key officials of the university.

SECTION 22. Filing of Report.- On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines through the Chairman of CHED and with both Houses of Congress, a detailed report on the progress, conditions and needs of the university.

SECTION 23. Suppletory Application.- The provisions of Republic Act No. 8292, otherwise known as the Higher Education Modernization Act of 1997 shall be an integral part of this Act and shall serve as part of the governing charter of the university.

SECTION 24. Parity Clause.- All other powers, functions and privileges, responsibilities and limitations to state universities and their officials under existing laws shall be deemed granted to or imposed upon the university and its officials whenever appropriate.

SECTION 25. Implementing Rules and Regulations.- The Board, in consultation with the CHED shall formulate the guidelines to fully implement the provisions of this Act.

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

SECTION 27. Repealing Clause.- All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 28. Effectivity Clause.- This Act shall take effect fifteen (15) days after its publication in two (2) newspaper of general circulation.

APPROVED,