

H. No. 8731

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11335]

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:

SECTION 1. *Conversion.* — The Guimaras State College in the Municipality of Buenavista, Province of Guimaras, including its Mosqueda Campus in the Municipality of Jordan and its Baterna Campus in the Municipality of San Lorenzo, all in the Province of Guimaras is hereby converted into a state university to be known as the Guimaras State University, and hereinafter referred to as the University. The main campus of the University shall be in the Municipality of Buenavista.

SEC. 2. *General Mandate.* – The University shall primarily provide advance education, higher technological, professional instruction and training in the fields of education, technology, agriculture, fisheries, engineering, arts and sciences, forestry, business administration, hotel and restaurant management, tourism, health sciences, computer technology, criminology, maritime and aviation education, and other related fields of study. It shall also undertake research and extension services, as well as production activities, in support of the socioeconomic development of the Province of Guimaras and Region VI, and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* – The University shall offer undergraduate, graduate and short-term courses within its areas of competence and specialization, and as the Board of Regents may deem necessary to carry out its objectives, and meet the human resource development needs of the Province of Guimaras and Region VI.

SEC. 4. *Administration.* – The University shall have the general powers of a 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 in the Board of Regents and the President of the University.

SEC. 5. *The Governing Board.* – The governing board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be chaired and cochaired by the Chairperson of the Commission on Higher Education (CHED) and the President of the University, respectively, with the following as members:

(a) Chairperson of the Committee on Education, Arts and Culture of the Senate;

(b) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;

(c) Regional Director of the National Economic and Development Authority (NEDA);

(d) Regional Director of the Department of Agriculture (DA);

(e) Regional Director of the Department of Science and Technology (DOST);

(f) President of the federation of faculty associations of the University;

(g) President of the federation of student councils of the University;

(h) President of the federation of alumni associations of the University; and

(i) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

The Board shall appoint the two (2) prominent citizens from a list of at least five (5) qualified persons in the Province of Guimaras where the University and its campuses are located, as recommended by the search committee to be constituted by the University President, in consultation with the CHED Chairperson and the other members of the Board, based on the standards and qualifications for the position set by the Board. They shall serve for a term of two (2) years from the date of appointment.

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

SEC. 6. *Powers and Duties of the Board.* – In addition to its general powers of administration and the powers granted to the Board of Directors of a corporation under existing laws, the Board shall have the following specific powers and duties:

(a) Promulgate and implement policies in accordance with 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) Approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

(c) Appoint, upon the recommendation of the President of the University, the vice presidents, deans, directors, heads of the campuses, faculty members and other officials and employees of the University;

(d) Fix and adjust the 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, including those governing hours of service and such other duties and conditions as it may deem proper; grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and remove them for cause in accordance with the requirements of due process of law;

(e) Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income generated by the University, shall constitute its special trust funds, and shall be deposited in any authorized

government depository bank: *Provided*, That all interests that shall accrue therefrom shall form part of the same funds for the use of the University;

Any provision of existing law, rule or regulation to the contrary notwithstanding, any income generated by the University from tuition fees and other 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 services or other programs and projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected: *Provided, however*, That if, for reasons beyond its control, the University shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of the funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

(f) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931, or the “Universal Access to Quality Tertiary Education Act”;

(g) Establish professorial chairs in the University and provide fellowships for qualified faculty members, and scholarships to deserving students;

(h) 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;

(i) Set the policies on admission and graduation of students;

(j) Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or any

field of specialization within the academic competence of the University, and authorize the awarding of certificates of completion of nondegree and nontraditional courses;

(k) Establish research and extension centers to promote the development of the University;

(l) Develop academic arrangements for institutional capability building with appropriate institutions and agencies, whether public, private, local or foreign, and appoint experts/specialists as consultants, part-time visiting/exchange professors, scholars or researchers, as the case may be;

(m) Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, the dual training system, open distance learning, and community laboratory;

(n) Collaborate with the governing boards of state universities and colleges (SUCs) within the Province of Guimaras and Region VI, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the University to make it more efficient, relevant, productive and competitive;

(o) Absorb non-chartered tertiary institutions within the Province of Guimaras as branches extension/external centers, in coordination with the CHED and in consultation with the DBM, and offer therein programs or courses to promote and carry out equal access to educational opportunities, as mandated by the Constitution;

(p) Authorize an external management audit of the University, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA); and institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;

(q) Develop consortia and other economic forms of linkages with local government units (LGUs), public, private, local and foreign institutions and agencies, in the furtherance of the purposes and objectives of the University;

(r) Import economic, technical and cultural books and publications;

(s) Enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;

(t) Receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and administer and dispose of the same, when necessary, for the benefit of the University, and subject to the limitations, directions and instructions of the donor, if any;

(u) Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including the necessary supplies, materials and equipment;

(v) Extend the term of the President of the University beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board: *Provided*, That the President's performance has been rated by the Board as outstanding and unanimous recommendation has been decided by the search committee;

(w) Delegate any of its powers and duties provided 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;

(x) Establish policy guidelines and procedures for participative decision-making and transparency within the University;

(y) Where most advantageous to the University, privatize the management of non-academic services such as health, food, building or grounds or property maintenance, and such other similar activities; and

(z) Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the University.

SEC. 7. *Meetings of the Board.* – The Board shall regularly convene once every quarter. The Chairperson of the Board may, however, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary within the year.

A quorum of the Board shall consist of majority of all its members holding office at the 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 the absence of the CHED Chairperson, a Commissioner of the CHED, duly designated by the CHED Chairperson as representative in the meeting, shall have all the rights and responsibilities of a regular member: *Provided, however,* That during this meeting, the President of the University, as Vice Chairperson, shall be the Presiding Officer: *Provided, further,* That this *proviso*, notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case said CHED Commissioner, shall act as the Presiding Officer.

In case the Chairpersons of the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education will not be able to attend the Board meeting, they may designate their respective representatives to attend the meeting, who shall have the same rights and responsibilities as the regular members 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 for their attendance in the meetings of the Board or in connection with other official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 8. *The University President.* – The University shall be headed by a President, who shall render full-time service and shall be appointed by the Board, upon the recommendation of a duly constituted search committee. The President shall serve a term of four (4) years and shall be eligible for reappointment to another term: *Provided,* That in order to effect the smooth transition of the Guimaras State College to a state university, the incumbent President of the Guimaras State College, if qualified, 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.

The Board shall designate an officer-in-charge of the University in case of vacancy in the Office of the President by reason of death, compulsory retirement, resignation, removal for cause, or incapacity of the President to perform the functions of the office, pending the appointment of a new President: *Provided,* That the OIC shall serve only for the unexpired portion of the term.

The powers and duties of the President of the University, in addition to those 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 Compensation and Position Classification System, as modified by Joint Resolution No. 4 dated June 17, 2009, and by such other laws amendatory

thereto, which may hereinafter be enacted, and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the University shall be assisted by a Vice-President for Academic Affairs, a Vice-President for Finance and Administration, and a Vice-President for Research, Extension and Training, who shall be appointed by the Board upon the recommendation of the President of the University.

SEC. 9. *The Secretary of the University.* – The Board shall appoint a Secretary who shall serve as such for both the Board and the University and shall keep all records and proceedings of the Board in addition to other duties and responsibilities. The Secretary of the University shall serve upon each member of the Board the appropriate notice of Board meetings.

SEC. 10. *The Treasurer of the University.* – The Treasurer of the Philippines shall be the *ex officio* Treasurer of the University.

SEC. 11. *Administrative Council.* – There shall be an Administrative Council consisting of the President of the University, as Chairperson, and the vice presidents, deans, directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board such policies governing the administration, management and development planning of the University.

SEC. 12. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the University, who shall act as its Chairperson, and all academic staff with the rank of at least an assistant professor, 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

students, as well as for their graduation and conferment of degrees, subject to the review and approval of the Board through the President of the University.

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

SEC. 13. *Heads of University Campuses.* – The Campus Directors shall serve as heads or administrators of the University campuses and shall render full-time service.

They shall be appointed or designated by the Board upon the recommendation of the Search Committee and the President, subject to the guidelines, qualifications and standards set by the Board: *Provided*, That the incumbent Campus Directors of the existing campuses of the Guimaras State College shall serve as Campus Directors of their respective campuses upon the effectivity of this Act.

SEC. 14. *The Faculty.* – No political belief, gender preference, cultural or community affiliation, ethnic origin, nor religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That the appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further*, That a member of the faculty shall not criticize, vouch for, recruit members in behalf of, or preach about any particular church or religious sect.

SEC. 15. *Academic Freedom and Institutional Autonomy.* – The University shall enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2, Section 5 of Article XIV of the Philippine Constitution.

SEC. 16. *Scholarship Program/Admission.* – The University shall provide a 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, political, cultural or community affiliation, and ethnic origin.

SEC. 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 the request of the President of the University, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to 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 service.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the Guimaras State College, as well as liabilities or obligations, are hereby transferred to the University: *Provided*, That the positions, rights and security of tenure of the faculty members and personnel therein employed under existing laws prior to the conversion into a University shall be respected: *Provided, further*, That the incumbents of the positions shall remain in the same status until otherwise provided for by the Board: *Provided, finally*, That the University shall also include an upgrade or increase in its human resource component.

All parcels of land belonging to the government occupied by the Guimaras State College are hereby declared to be property of the University, and shall be titled under its name: *Provided*, That should the University cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the University, the same shall revert to the concerned LGU or to the Republic of the Philippines, as the case may be.

SEC. 19. *Tax Exemption.* – The importation of economic, technical and cultural books and publications, which are for economic, technical-vocational, scientific,

philosophical, historical or cultural purposes made by the University, upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)".

All grants, bequests, endowments, donations and contributions made to the University and used actually, exclusively and directly by it, shall be exempt from the donor's 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.

SEC. 20. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Guimaras State College. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University shall be included in the annual General Appropriations Act.

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

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

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

(c) Set up its organizational, administrative, and academic structure, including the appointment of key officials of the University.

SEC. 22. *Compliance with CHED Requirements.* – The provisions of this Act notwithstanding, the conversion of the institution into a state university, shall become effective only upon the determination and declaration by the

CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a university status based on CHED Memorandum Order No. 46, series of 2012 (Policy Standard to Enhance Quality Assurance (QA) in Philippine Higher Education through an Outcomes-Based and Typology-Based (QA): *Provided*, That the panel may issue such a recommendation when the institution has substantially complied with the requirements for the grant of university status.

The following requirements for a university, as established by the CHED, shall be complied with:

(a) Faculty members must possess relevant degrees in their areas of specialization, as required by the CHED, and shall have participated in research and development activities in their respective disciplines, as evidenced by refereed publications and other scholarly outputs;

(b) The University must offer a comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;

(c) The University shall have conducted viable research programs in specific (disciplinary and multidisciplinary) areas of study, produce new knowledge, as evidenced by refereed publications, citations, inventions, and patents, among others;

(d) The University shall possess comprehensive learning resources and support structures (such as libraries, practicum laboratories, relevant educational resources, and linkages with the relevant disciplinary and professional sectors) so as to allow students to explore basic, advance, and even cutting-edge knowledge in a wide range of disciplines or professions;

(e) The University must have and maintain linkages with other research institutions in various parts of the world to ensure that the research activities of the University are functioning at current global standards; and

(f) The University must conduct outreach activities that allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems.

The CHED, through its regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the Commission.

The institution shall retain its status prior to the effectivity of this Act until it is able to comply with the requirements provided herein.

SEC. 23. *Filing of Annual Report.* – On or before the fifteenth (15th) day of the second month after opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines and both Houses of Congress, through the CHED Chairperson, a detailed report on the progress, conditions and needs of the University.

SEC. 24. *Supplementary 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.

SEC. 25. *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 or its officials, whenever appropriate.

SEC. 26. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with the CHED, shall formulate the rules and regulations to fully implement the provisions of this Act.

SEC. 27. *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.

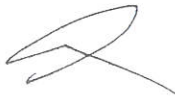
SEC. 28. *Repealing Clause.* – All laws, presidential decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,



VICENTE C. SOTTO III
President of the Senate

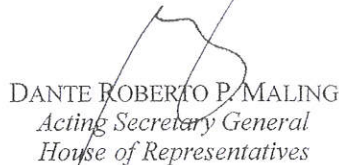


GLORIA MACAPAGAL-ARROYO
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate of the Philippines on January 14, 2019 and February 4, 2019, respectively.



MYRA MARIE D. VILLARICA
Secretary of the Senate



DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

Approved: APR 26 2019



RODRIGO ROA DUTERTE
President of the Philippines



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