

HOUSE OF REPRESENTATIVES

H. No. 8917

BY REPRESENTATIVES BERNOS, JAVIER, ANDAYA, SUANSING (E.) AND ZAMORA (M.C.), PER
COMMITTEE REPORT NO. 1119

AN ACT

CONVERTING THE ABRA STATE INSTITUTE OF SCIENCES AND TECHNOLOGY (ASIST) IN THE MUNICIPALITY OF LAGANGILANG, INCLUDING ITS ASIST-BANGUED CAMPUS IN THE MUNICIPALITY OF BANGUED, ALL IN THE PROVINCE OF ABRA INTO A STATE UNIVERSITY, TO BE KNOWN AS THE UNIVERSITY OF ABRA, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Conversion.*** – The Abra State Institute of Sciences and Technology
2 (ASIST) in the Municipality of Lagangilang, Province of Abra, including its ASIST-
3 Bangued Campus located in the Municipality of Bangued of the same province, is hereby
4 converted into a state university, to be known as the University of Abra. Its main campus
5 shall be in the Municipality of Lagangilang.

6
7 **SEC. 2. *General Mandate.*** – The University of Abra, hereinafter referred to as the
8 University, shall primarily provide advance education, higher technological and
9 professional instruction and training in the fields of education, agricultural technology,
10 agribusiness management, industrial technology, arts and sciences, forestry, health
11 sciences, information technology, and other relevant fields of study. It shall also undertake
12 research and extension services, and provide progressive leadership in its areas of
13 specialization in the Province of Abra and in the Cordillera Administrative Region (CAR).

14
15 **SEC. 3. *Curricular Offerings.*** – The University shall offer, short-term courses,
16 undergraduate, graduate and post-graduate programs in the fields of agricultural
17 technology, agribusiness management, forestry, industrial technology, information
18 technology, education, arts and sciences, engineering, and other degree courses within its
19 competency, specialization, and as the Board of Regents may deem necessary to carry out
20 its objectives, and respond to the human resource development needs of the Province of
21 Abra and the CAR.

1 The existing reasonably-sized laboratory high school and elementary school shall
2 continue to operate under the supervision of the College of Education of the University to
3 serve the in-campus requirements of the students of the College of Education.
4

5 **SEC. 4. Administration.** – The University shall have the general powers of a
6 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
7 “Corporation Code of the Philippines.” The administration of the University and the
8 exercise of its corporate powers shall be vested exclusively in the Board of Regents and the
9 President of the University.
10

11 **SEC. 5. The Governing Board.** – The Governing Board of the University shall be
12 the Board of Regents, hereinafter referred to as the Board, which shall be chaired and co-
13 chaired by the Chairperson of the Commission on Higher Education (CHED) and the
14 President of the University, respectively, and with the following, as members:
15

- 16 a. Chairperson of the Committee on Education, Arts and Culture of the Senate;
- 17 b. Chairperson of the Committee on Higher and Technical Education of the
18 House of Representatives;
- 19 c. Regional Director of the National Economic and Development Authority
20 (NEDA);
- 21 d. Regional Director of the Department of Science and Technology (DOST);
- 22 e. Regional Director of the Department of Agriculture (DA);
- 23 f. President of the federation of the faculty associations of the University;
- 24 g. President of the federation of student councils of the University;
- 25 h. President of the federation of alumni associations of the University; and
- 26 i. Two (2) prominent citizens from the private sector who have distinguished
27 themselves in their professions or fields of specialization.
28

29 The Board shall appoint the two (2) prominent citizens from a list of at least five (5)
30 qualified persons in the Province of Abra where the University and its campuses are
31 located, as recommended by a search committee constituted by the President of the
32 University, in consultation with the Chairperson of the CHED and the other members of the
33 Board, based on the standards and qualifications for the position.
34

35 The two (2) prominent citizens from the private sector shall serve for a term of two
36 (2) years from the date of appointment.
37

38 Membership in the governing board of the President of the federation of faculty
39 associations, the President of the federation of student councils, and the President of the
40 federation of alumni associations shall be coterminous with their terms of office, as
41 provided under their respective constitutions and bylaws.
42

43
44 **SEC. 6. Powers and Duties of the Board of Regents.** – In addition to its general
45 powers of administration and the powers granted to the Board of Directors of a corporation
46 under existing laws, the Board shall have the following specific powers and duties:
47

- 48 a. Promulgate and implement policies in accordance with the declared State policies
49 on education and other pertinent provisions of the Constitution on education, agriculture,
50 science and technology, as well as the policies, standards and thrusts of the CHED under
51 Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994”;

1
2 b. Approve the curricula, instructional programs, and rules of discipline drawn by
3 the Administrative and the Academic Councils herein provided;

4
5 c. Appoint, upon the recommendation of the President of the University, the vice
6 presidents, deans, directors, heads of the campuses, faculty members and other officials and
7 employees of the University;

8
9 d. Fix and adjust salaries of faculty members, and administrative officials and
10 employees, subject to the provisions of the Revised Compensation and Position
11 Classification System and other pertinent budget and compensation laws governing hours
12 of service and such other duties and conditions as it may deem proper; grant them, at its
13 discretion, leaves of absence under such regulations as it may promulgate, any provision of
14 existing law to the contrary notwithstanding; and remove them for cause in accordance
15 with the requirements of due process of law;

16
17 e. Fix the tuition fees and other necessary school charges, such as matriculation
18 fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after
19 due consultation with the concerned sectors. The fees and charges, including government
20 subsidies and other income generated by the University, shall constitute its special trust
21 funds, and shall be deposited in any authorized government depository bank, and all
22 interests that shall accrue therefrom, shall form part of the same funds for the use of the
23 University. Any provision of existing law, rule or regulation to the contrary
24 notwithstanding, any income generated by the University from tuition fees and other
25 charges, as well as from the operation of auxiliary services, and land grants, shall be
26 retained by the University, and may be disbursed by the Board for instruction, research,
27 extension services or other programs and projects of the University: *Provided*, That all
28 fiduciary fees shall be disbursed for the specific purposes for which these are collected:
29 *Provided, however*, That if, for reasons beyond its control, the University shall not be able
30 to pursue any project for which the funds have been appropriated and allocated under its
31 approved program of expenditures, the Board may authorize the use of said funds for any
32 reasonable purpose which, in its discretion, may be necessary and urgent for the attainment
33 of the objectives and goals of the University;

34
35 f. Adopt and implement a socialized scheme of tuition and other school fees for
36 greater access of poor but deserving students in accordance with RA No. 10931 or the
37 "Universal Access to Quality Tertiary Education Act";

38
39 g. Establish professorial chairs in the University and provide fellowships for
40 qualified faculty members, and scholarships to deserving students;

41
42 h. Receive and appropriate all sums as may be provided for the support of the
43 University in the manner it may determine, in its discretion, to carry out the purposes and
44 functions of the University;

45
46 i. Set the policies on admission and graduation of students;

47
48 j. Award honorary degrees upon persons in recognition of their outstanding
49 contribution in the fields of education, public service, arts, science and technology,
50 agriculture or any field of specialization within the academic competency of the University,

1 and authorize the awarding of certificates of completion of nondegree and nontraditional
2 courses;

3

4 k. Establish research and extension centers to promote the development of the
5 University;

6

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

11

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

15

16 n. Collaborate with the governing boards of the state universities and colleges
17 (SUCs) within the Province of Abra and the CAR, under the supervision of the CHED and
18 in consultation with the Department of Budget and Management (DBM), in restructuring
19 the University to make it more efficient, relevant, productive and competitive;

20

21 o. Absorb non-chartered tertiary institutions within the Province of Abra and CAR
22 as branches and extension/external centers, in coordination with the CHED and in
23 consultation with the DBM, and offer therein programs or courses to carry out the
24 Constitutional mandate of providing equal access to educational opportunities;

25

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

30

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

34

35 r. Import economic, technical and cultural books and publications;

36

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

40

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

44

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

50

1 v. Delegate any of its powers and duties provided to the President and other
2 officials of the University, as it may deem appropriate, so as to expedite the administration
3 of the affairs of the University

4
5 w. Establish policy guidelines and procedures for participative decision-making and
6 transparency within the University;

7
8 x. Where most advantageous to the University, privatize the management of
9 nonacademic services such as health, food, building or grounds or property maintenance,
10 and such other similar activities;

11
12 y. Authorize the construction or repair of its buildings, machinery, equipment and
13 other facilities, and the purchase and acquisition of real property, including the necessary
14 supplies, materials and equipment; and

15
16 z. Promulgate rules and regulations, as may be necessary, to carry out the purposes
17 and functions of the University.

18
19 **SEC. 7. Meetings of the Board.** – The Board shall regularly convene once every
20 three (3) months. The Chairperson of the Board may, however, call a special meeting
21 whenever necessary: *Provided*, That members are notified in writing at least three (3) days'
22 prior to the conduct of said meeting.

23
24 A quorum of the Board shall consist of majority of all its members holding office at
25 the time of the meeting: *Provided, however*, That the Chairperson of the Board or the
26 President of the University is among those present in the meeting.

27
28 In case the CHED Chairperson cannot attend a meeting of the Board, a CHED
29 Commissioner duly designated by the CHED Chairperson as representative to the meeting,
30 shall have all the rights and responsibilities of a regular member: *Provided*, That in the
31 said meeting, the President of the University, as Vice-Chairperson, shall be the presiding
32 officer: *Provided, further*, That this *proviso*, notwithstanding, the Chairperson of the CHED
33 is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the
34 Board, in which case, the said CHED Commissioner, as the regular Chairperson of the
35 Board, shall act as the presiding officer.

36
37 In case the Chairpersons of the Senate Committee on Education, Arts and Culture
38 and the House Committee on Higher and Technical Education will not be able to attend the
39 Board meeting, they may designate their respective representatives to attend the meeting,
40 who shall have the same rights and responsibilities as regular members of the Board.

41
42 The members of the Board shall not receive any salary, but shall be entitled to
43 reimbursements for actual and necessary expenses incurred, either for their attendance the
44 meetings of the Board or in connection with other official business authorized by
45 resolutions of the Board, subject to existing laws and regulations.

46
47 **SEC. 8. The University President.** – The University shall be headed by a
48 President, who shall render full-time service and shall be appointed by the Board, subject to
49 the guidelines, qualifications and standards set by the Board, upon the recommendation of a
50 duly constituted search committee. The University President shall have a term of four (4)
51 years and shall be eligible for reappointment for another term: *Provided*, That in order to

1 effect the smooth transition to a state university, the incumbent President of the Abra State
2 Institute of Sciences and Technology, if qualified, shall serve as the first president of the
3 University.

4
5 Within six (6) months before the expiration of the term of office of the incumbent
6 President of the University, the Board shall constitute the Search Committee for the
7 Presidency.

8
9 The Board shall designate an Officer-in-Charge (OIC) of the University in case of
10 vacancy in the Office of the President by reason of death, compulsory retirement,
11 resignation, removal for cause, or incapacity of the President to perform the functions of
12 the office, pending the appointment of a new President: *Provided*, That the OIC shall serve
13 only the unexpired portion of the term.

14
15 The powers and duties of the President of the University, in addition to those
16 specifically provided in this Act, shall be those usually pertaining to the Office of the
17 President of similar universities and those delegated by the Board.

18
19 The salary of the President of the University shall be in accordance with Republic
20 Act No. 6758 or the "Compensation and Position Classification Act of 1989", as modified
21 by Joint Resolution No. 4 dated June 17, 2009, and by such other laws amendatory thereto,
22 which may hereinafter be enacted, and shall be comparable to that being received by the
23 presidents of similar educational institutions.

24
25 The President of the University shall be assisted by a Vice President for Academic
26 Affairs, a Vice President for Administration, and a Vice President for Research, Extension
27 and Training, who shall be appointed by the Board upon the recommendation of the
28 President of the University.

29
30 **SEC. 9. *The Secretary of the University.*** – The Board shall appoint a Secretary
31 who shall serve as such for both the Board and the University and shall keep all records and
32 proceedings of the Board. The Secretary of the University shall serve upon each member of
33 the Board the appropriate notice of board meetings.

34
35 **SEC. 10. *The Treasurer of the University.*** – The Treasurer of the Philippines shall
36 be the *ex officio* Treasurer of the University.

37
38 **SEC. 11. *The Administrative Council.*** – There shall be an Administrative Council
39 consisting of the President of the University as Chairperson, and the vice presidents, deans,
40 directors and other officials of equal rank as members, whose duties are to review and
41 recommend to the Board the policies governing the administration, management and
42 development planning of the University.

43
44 **SEC. 12. *The Academic Council.*** – There shall be an Academic Council to be
45 composed of the President of the University, who shall act as Chairperson, and all
46 academic staff with the rank of at least an assistant professor, as members.

47
48 The Academic Council shall have the power to review and recommend the
49 curricular offerings and rules of discipline of the University, subject to the approval of the
50 Board. It shall fix the requirements for the admission of students, as well as for their
51 graduation and conferment of degrees, subject to review and approval by the Board through

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

4
5 **SEC. 13. *Heads of University Campuses.*** - The Campus Directors shall serve as
6 heads or administrators of the University campuses and shall render full-time service.

7
8 They shall be appointed or designated by the Board, upon recommendation of the
9 Search Committee and the President, subject to the guidelines, qualifications and standards
10 set by the Board: *Provided*, That the incumbent Campus Directors of the existing campuses
11 of the Abra State Institute of Sciences and Technology shall serve as Campus Directors of
12 their respective campuses upon the effectivity of this Act.

13
14 **SEC. 14. *The Faculty.*** - No political belief, gender preference, cultural or
15 community affiliation or ethnic origin, nor religious opinion or affiliation shall be a matter
16 of inquiry in the appointment of faculty members of the University: *Provided*, That said
17 appointment shall be subject to the guidelines, qualifications and standards set by the
18 Board: *Provided, further*, That no member of the faculty shall teach for or against any
19 particular church or religious sect.

20
21 **SEC. 15. *Academic Freedom and Institutional Autonomy.*** - The University shall
22 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of
23 Article XIV of the Constitution.

24
25 **SEC. 16. *Scholarship Programs and Admission.*** - The University shall provide a
26 scholarship program and other affirmative action programs to assist poor but deserving
27 students who qualify for admission to the University.

28
29 No student shall be denied admission to the University by reason of gender,
30 religion, cultural or community affiliation or ethnic origin.

31
32 **SEC. 17. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and***
33 ***Detail of Personnel.*** - The heads of the bureaus and offices of the national government are
34 hereby authorized to loan or transfer, upon the request of the President of the University,
35 such apparatus, equipment or supplies as may be needed by the University, and to detail
36 employees for duty therein when, in the judgment of the head of bureau or office, such
37 apparatus, equipment, supplies or service of such employees can be spared without serious
38 detriment to public service.

39
40 The employees so detailed shall perform such duties as required of them by the
41 President of the University, and the time so employed shall be counted as part of their
42 regular service.

43
44 **SEC. 18. *Assets, Liabilities and Personnel.*** - All assets, real and personal,
45 personnel and records of the Abra State Institute of Sciences and Technology, as well as
46 liabilities or obligations, are hereby transferred to the University: *Provided*, That the
47 positions, rights and security of tenure of faculty members and personnel therein employed
48 under existing laws prior to the conversion into a university shall be respected: *Provided*,
49 further, That the incumbents of the positions shall remain in the same status until otherwise
50 provided for by the Boards: *Provided*, finally, That the University shall also accordingly
51 upgrade or increase its human resource component.

1
2 All parcels of land belonging to the government occupied by the Abra State
3 Institute of Sciences and Technology and all its campuses, are hereby declared to be the
4 property of the University, and shall be titled under its name: *Provided*, That should the
5 University cease to exist or be abolished or should such aforementioned parcels of land be
6 no longer needed by the University, the same shall revert to the concerned local
7 government or to the Republic of the Philippines, as the case may be.

8
9 **SEC. 19. *Tax Exemption on Importation and Donations.*** - The importation of
10 economic, technical and cultural books or publications, which are for economic, technical,
11 vocational, scientific, philosophical, historical or cultural purposes made by the University,
12 upon certification by the CHED, shall be exempt from customs duties in accordance with
13 the provisions of Republic Act No. 10863, otherwise known as the "Customs
14 Modernization and Tariff Act (CMTA)".

15
16 All grants, bequests, endowments, donations and contributions made to the
17 University, to be used actually, directly and exclusively by it, shall be exempt from donor's
18 tax and the same shall be considered as allowable deduction from the gross income of the
19 donor in accordance with the provisions of the National Internal Revenue Code of 1997, as
20 amended.

21
22 **SEC. 20. *Compliance with CHED Requirements.*** - The provisions of this Act
23 notwithstanding, the conversion of the institution into a state university shall become
24 effective only upon the determination and declaration by the CHED, based on the
25 recommendation of a panel of experts it shall constitute for the purpose, that the institution
26 has complied with the requirements for a university status based on CHED Memorandum
27 Order No. 46, series of 2012 (Policy-Standard to Enhance Quality Assurance in Philippine
28 Higher Education Through an Outcomes-Based and Typology-Based Quality Assurance):
29 *Provided*, That the panel may issue such recommendation when the institution has
30 substantially complied with the requirements for the grant of university status.

31
32 The following operational requirements for a university, as established by the
33 CHED, shall be complied with:

34
35 a. Faculty members shall possess relevant degrees in their areas of specialization, as
36 required by the CHED, and shall have participated in research and development activities
37 in their respective disciplines, as evidenced by refereed publications and other scholarly
38 outputs;

39
40 b. The University shall offer a comprehensive range of degree programs in all levels,
41 from basic post-secondary to doctoral programs;

42
43 c. The University shall have conducted viable research programs in specific
44 disciplinary and multidisciplinary areas of study, that produce new knowledge, as evidenced
45 by refereed publications, citations, inventions, and patents, among others.;

46
47 d. The University shall possess comprehensive learning resources and support
48 structures, to include libraries, practicum laboratories, relevant educational resources, and
49 linkages with relevant disciplinary and professional sectors, so as to allow students to
50 explore basic, advance, and even cutting-edge knowledge in a wide range of disciplines or
51 professions;

1
2 e. The University shall maintain linkages and affiliation with other research
3 institutions in various parts of the world to ensure that the research activities of the
4 University are functioning at current global standards; and

5
6 f. The University shall conduct outreach activities to allow the students, faculty, and
7 research staff to apply the new knowledge they generate to address specific social
8 development problems.

9
10 The CHED, through its regional office, shall regularly provide technical assistance
11 to the institution and monitor compliance with the requirements of the Commission.

12
13 The institution shall retain its status prior to the effectivity of this Act until it is able
14 to comply with the requirements provided herein.

15
16 **SEC. 21. *Development Plan, Management Audit, and Academic Structure.*** –
17 Within a period of one hundred twenty (120) days after the approval of this Act, the
18 University shall accomplish the following:

- 19
20 a. Submit a five (5)-year development plan, including its program budget to the
21 CHED for corresponding recommendation to the DBM;
22 b. Undergo a management audit in cooperation with the CHED; and
23 c. Set up its organizational, administrative, as well as academic structure,
24 including the appointment of key officials of the University.

25
26 **SEC. 22. *Filing of Report.*** – On or before the fifteenth (15th) day of the second
27 month after the opening of the regular classes each year, the Board shall file with the Office
28 of the President of the Philippines, through the Chairperson of the CHED, and with both
29 Houses of Congress, a detailed report on the progress, conditions and needs of the
30 University.

31
32 **SEC. 23. *Suppletory Application.*** – The provisions of Republic Act No. 8292,
33 otherwise known as the “Higher Education Modernization Act of 1997”, shall be an
34 integral part of this Act and shall serve as part of the Governing Charter of the University.

35
36 **SEC. 24. *Parity Clause.*** – All other powers, functions and privileges,
37 responsibilities and limitations to state universities and their officials under existing laws
38 shall be deemed granted to or imposed upon the University and its officials whenever
39 appropriate.

40
41 **SEC. 25. *Appropriations.*** – The amount necessary to carry out the provisions of
42 this Act shall be charged against the current years appropriations for the Abra State
43 Institute of Sciences and Technology. Thereafter, such sums as may be necessary for the
44 continued operation and maintenance of the University shall be included in the annual
45 General Appropriations Act.

46
47 **SEC. 26. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
48 effectivity of this Act, the Board shall, in consultation with the CHED, formulate the rules
49 and regulations to fully implement the provisions of this Act.

50

1 **SEC. 27. *Separability Clause.*** – If, for any reason, any part or provision of this Act
2 is declared invalid or unconstitutional, the remaining parts or provisions not affected shall
3 remain in full force and effect.

4
5 **SEC. 28. *Repealing Clause.*** – All laws, presidential decrees, executive orders, and
6 rules and regulations contrary to or inconsistent with the provisions of this Act are hereby
7 repealed or modified accordingly.

8
9 **SEC. 29. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
10 publication in the *Official Gazette* or in a newspaper of general circulation.

11
12 *Approved,*