



HOUSE OF REPRESENTATIVES

II. No. 4927

BY REPRESENTATIVES PICHAY, VILLAR, ABAYON, ANDAYA, LAPUS AND
TEVES, PER COMMITTEE REPORT NO. 1211

AN ACT CONVERTING THE SURIGAO DEL SUR POLYTECHNIC
STATE COLLEGE (SSPSC) IN THE PROVINCE OF SURIGAO
DEL SUR INTO A STATE UNIVERSITY TO BE KNOWN AS
THE SURIGAO DEL SUR STATE UNIVERSITY 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 Surigao del Sur Polytechnic State
2 College (SSPSC) in the Province of Surigao del Sur, composed of SSPSC –
3 Tandag Campus in the Municipality of Tandag, SSPSC – Cantilan Campus in
4 the Municipality of Cantilan, SSPSC – Lianga Campus in the Municipality of
5 Lianga, SSPSC – Tagbina Campus in the Municipality of Tagbina, SSPSC –
6 San Miguel Campus in the Municipality of San Miguel and SSPSC – Cagwait
7 Campus in the Municipality of Cagwait is hereby converted into a state
8 university to be known as the Surigao del Sur State University, hereinafter
9 referred to as the University. The main campus of the University shall be in
10 Tandag, Surigao del Sur.

1 SEC. 2. *General Mandate.* – The University shall primarily provide
2 advanced education, higher technological, professional instruction and training
3 in trade, fishery, agriculture, science, education, commerce, engineering,
4 forestry, nautical courses and other related fields. It shall also undertake
5 research and extension services and provide progressive leadership in its areas
6 of specialization.

7 SEC. 3. *Curricular Offerings.* – The University shall offer
8 undergraduate, graduate and post-graduate programs and short-term courses
9 in the fields of agriculture and environment studies, fishery, marine biology,
10 marine transportation, engineering, forestry, industrial technology, education,
11 law, medicine, nursing, midwifery and other health-related programs,
12 information technology, arts and sciences, public administration, business
13 administration and other business courses, and other degree courses within its
14 areas of specialization and according to its capabilities, as the Board of
15 Regents may deem necessary to carry out its objectives and in order to meet
16 the needs of the Province of Surigao del Sur, the region and the nation for
17 *socioeconomic and sustainable development and competitiveness.*

18 The existing high school shall be transferred to the jurisdiction and
19 supervision of the Department of Education: *Provided,* That the high school
20 shall be allowed to remain and operate within the campus of the University
21 until the existing students shall have completed their high school education:
22 *Provided, further,* That the University may operate a reasonably-sized
23 laboratory school, if it has a College of Education.

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

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

4 (a) The chairperson of the Commission on Higher Education (CHED),
5 chairperson;

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

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

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

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

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

15 (g) The president of the federation of faculty associations of the
16 University, member;

17 (h) The president of the federation of student councils of the
18 University, member;

19 (i) The president of the federation of alumni associations of the
20 University, member; and

21 (j) Two prominent citizens from the private sector who have
22 distinguished themselves in their profession or fields of specialization of the
23 University, members.

24 The Board shall appoint the two prominent citizens from among a list of
25 at least five persons qualified in the Province of Surigao del Sur, as
26 recommended by the search committee constituted by the University president,
27 in consultation with the chairperson of the CHED and other

1 members of the Board, based on the normal standards and qualifications for
2 the position.

3 The term of office of the president of the federation of faculty
4 associations, the president of the federation of student councils and the
5 president of the federation of alumni associations shall be coterminous with
6 their respective terms of office, as set forth in their respective constitutions and
7 bylaws.

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

10 *SEC. 6. Promulgation and Implementation of Policies.* – The Board
11 shall promulgate and implement policies in accordance with the declared State
12 policies on education and other pertinent provisions of the Philippine
13 Constitution on education, agriculture, science and technology as well as the
14 policies, standards and thrusts of the CHED under Republic Act No. 7722,
15 otherwise known as the “Higher Education Act of 1994”.

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

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

22 (b) To receive and appropriate all sums as may be provided for the
23 support of the University in the manner it may determine in its discretion, in
24 order to carry out the purposes and functions of the University;

25 (c) To import duty-free economic, technical and cultural books and/or
26 publications, upon certification by the CHED that such imported books and/or
27 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 and personal
4 properties of all kinds and to administer and dispose of the same when
5 necessary for the benefit of the University, and subject to the limitations,
6 directions and 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 (NIRC), as amended: *Provided*, That
11 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.

21 Any provision of existing laws, rules and regulations to the contrary
22 notwithstanding, any income generated by the University from tuition fees and
23 other charges, as well as from the operation of auxiliary services and land
24 grants, shall be retained by the University and may be disbursed by the Board
25 for instruction, research, extension or other programs/projects of the
26 University: *Provided*, That all fiduciary fees shall be disbursed for the specific
27 purposes for which such are collected.

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

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

9 (g) To authorize the construction or repair of its buildings, machinery,
10 equipment and other facilities, and the purchase and acquisition of real
11 property, including necessary supplies, materials and equipment;

12 (h) To appoint, upon recommendation of the president of the
13 University, vice presidents, deans, directors, heads of campuses, faculty
14 members and other officials and employees of the University;

15 (i) To fix and adjust salaries of faculty members and administrative
16 officials and employees, subject to the provisions of the Revised Compensation
17 and Position Classification System and other pertinent budget and
18 compensation laws governing hours of service and such other duties and
19 conditions as it may deem proper; to grant them, at its discretion, leaves of
20 absence under such regulations as it may promulgate, any provision of existing
21 law to the contrary notwithstanding; and to remove them for cause in
22 accordance with the requirements of due process of law;

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

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

26 (l) To award honorary degrees upon persons in recognition of their
27 outstanding contribution in the fields of education, public service, arts, science
28 and technology, agriculture or in any field of specialization within the

1 academic competence of the University; and to authorize the awarding of
2 certificates of completion of nondegree and nontraditional courses;

3 (m) To establish and absorb nonchartered tertiary institutions within the
4 Province of Surigao del Sur as branches and centers in coordination with the
5 CHED and in consultation with the Department of Budget and Management
6 (DBM), and to offer therein programs or courses to promote and carry out
7 equal access to educational opportunities as mandated by the Constitution;

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

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

12 (p) To delegate any of its powers and duties provided hereinabove to
13 the president and/or other officials of the University as it may deem
14 appropriate, so as to expedite the administration of the affairs of the
15 University;

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

20 (r) To collaborate with other governing boards of the state colleges and
21 universities within the Province of Surigao del Sur or the region, under the
22 supervision of the CHED and in consultation with the DBM, and work towards
23 the restructuring of the University to become more efficient, relevant,
24 productive and competitive;

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

1 (t) To develop consortia and other economic forms of linkages with
2 local government units, institutions and agencies, both public and private, local
3 and foreign, in the furtherance of the purposes and objectives of the University;

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

8 (v) To set up the adoption of modern and innovative modes of
9 transmitting knowledge such as the use of information technology, the dual
10 system, open learning or distance education and community laboratory for the
11 promotion of greater access to education;

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

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

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

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

26 A quorum of the Board shall consist of a majority of all its members
27 holding office at the time of the meeting: *Provided*, That the chairperson of

1 the Board or the president of the University is among those present in the
2 meeting.

3 In the absence of the chairperson of the CHED, a commissioner of the
4 CHED, duly designated by him/her, shall represent him/her in the meeting with
5 all the rights and responsibilities of a regular member: *Provided, however,*
6 That during this meeting, the president of the University as vice chairperson
7 shall be the presiding officer: *Provided, further,* That this *proviso*
8 notwithstanding, the chairperson of the CHED is hereby authorized to
9 designate a CHED commissioner as the regular chair of the Board, in which
10 case said CHED commissioner shall act as the presiding officer.

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

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

20 SEC. 9. *The University President.* – The University shall be headed by
21 a president who shall render full-time service. He/she shall be appointed by
22 the Board, subject to the guidelines, qualifications and/or standards set by the
23 Board, upon recommendation of a duly constituted search committee. He/she
24 shall have a term of four years and shall be eligible for reappointment for
25 another term: *Provided,* That in order to effect a smooth transition to a state
26 university, the president of the SSPSC, if qualified, shall serve as the first
27 president of the University.

1 Within six months before the expiration of the term of office of the
2 incumbent president of the Surigao del Sur State University, the Board shall
3 constitute the Search 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 office, the Board shall have the
7 authority to designate an officer-in-charge of the University pending the
8 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 appointed*
21 *by the Board upon recommendation of the president.*

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

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

4 The academic council shall have the power to review and recommend
5 the curricular offerings and rules of discipline of the University, subject to the
6 approval of the Board. It shall fix the requirements for the admission of
7 students, as well as for their graduation and the conferment of degrees, subject
8 to review and/or approval by the Board through the president of the University.
9 It shall have the disciplinary power over students of the University and shall
10 formulate academic policies and rules and regulations on discipline, subject to
11 the approval of the Board.

12 SEC. 12. *The Secretary of the University.* – The Board shall appoint a
13 secretary who shall serve as such for both the Board and the University and
14 shall keep all records and proceedings of the Board. He/she shall serve upon
15 each member of the Board the appropriate notices of the Board's meetings.

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

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

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

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

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

7 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
8 *and Detail of Personnel.* – The heads of the bureaus and offices of the national
9 government are hereby authorized to loan or transfer, upon the request of the
10 president of the University, such apparatus, equipment or supplies as may be
11 needed by the University, and to detail employees for duty therein when, in the
12 judgment of the head of bureau or office, such apparatus, equipment, supplies
13 or services of such employees can be spared without serious detriment to
14 public service.

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

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

23 All parcels of land belonging to the government occupied by the SSPSC
24 are hereby declared to be property of the Surigao del Sur State University and
25 shall be titled under that name: *Provided*, That should the University cease to
26 exist or be abolished or should such parcels of land aforementioned be no
27 longer needed by the University, the same shall revert to the national
28 government.

1 SEC. 19. *Appropriations.* – The amount necessary to carry out the
2 provisions of this Act shall be charged against the current year’s appropriations
3 of the SSPSC, except the sums needed to continue the operations of the
4 existing high school. Thereafter, such sums as may be necessary for the
5 continued operation and maintenance of the Surigao del Sur State University
6 shall be included in the annual General Appropriations Act.

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

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

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

14 (c) Accordingly set up its organizational, administrative as well as
15 academic structure, including the appointment of the University key officials.

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

21 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
22 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
23 shall be an integral part of this Act and shall serve as part of the Governing
24 Charter of the University.

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

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

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

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

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

Approved,