



HOUSE OF REPRESENTATIVES

H. No. 4928

BY REPRESENTATIVES ABANTE, VILLAR, MAGSAYSAY (E.), MAGSAYSAY (M.),
RODRIGUEZ, LAGMAN, DIAZ, ABAYON, ANDAYA AND LAPUS, PER
COMMITTEE REPORT NO. 1212

AN ACT CONVERTING THE EULOGIO “AMANG” RODRIGUEZ
INSTITUTE OF SCIENCE AND TECHNOLOGY IN THE CITY OF
MANILA INTO A STATE UNIVERSITY TO BE KNOWN AS THE
EULOGIO “AMANG” RODRIGUEZ STATE UNIVERSITY
(EARSU) 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 Eulogio “Amang” Rodriguez Institute of
2 Science and Technology in the City of Manila is hereby converted into a state
3 university to be known as the Eulogio “Amang” Rodriguez State University
4 (EARSU), hereinafter referred to as the University. The main campus of the
5 University shall be in the City of Manila.

6 SEC. 2. *General Mandate.* – The University shall primarily provide
7 advanced instruction and professional training in agriculture, fishery, forestry,
8 industrial trade, aeronautics and land-based programs, arts and sciences, health
9 sciences, information technology and other relevant fields of study. It shall

1 also undertake research and extension services, and provide progressive
2 leadership in these areas.

3 SEC. 3. *Curricular Offerings.* – The University shall offer
4 undergraduate, graduate and short-term technical courses within its areas of
5 specialization and according to its capabilities, as the Board of Regents may
6 deem necessary to carry out its objectives, in order to meet the needs of the
7 *City of Manila and Cavite Province.*

8 The existing high school shall be transferred to the jurisdiction and
9 supervision of the Department of Education: *Provided,* That the high school
10 shall be allowed to remain and operate within the campus of the University
11 until the existing students shall have completed their high school education:
12 *Provided, further,* That the University may operate a reasonably-sized
13 laboratory school, if it has a College of Education.

14 SEC. 4. *Administration* – The University shall have the general powers
15 of a corporation set forth in *Batas Pambansa Blg. 68*, as amended, otherwise
16 known as the “Corporation Code of the Philippines”. The administration of the
17 University and the exercise of its corporate powers shall be vested exclusively
18 in the Board of Regents and the president of the University insofar as
19 authorized by the Board.

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

23 (a) The chairperson of the Commission on Higher Education (CHED),
24 chairperson;

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

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

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

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

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

7 (g) The president of the *federation of faculty associations* of the
8 University, member;

9 (h) The president of the *federation of student councils* of the
10 University, member;

11 (i) The president of the *federation of alumni associations* of the
12 University, member; and

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

16 The Board shall appoint the two prominent citizens from among a list of
17 at least five persons qualified in the City of Manila and Cavite Province, as
18 recommended by the search committee constituted by the University president,
19 in consultation with the chairperson of the CHED and other members of the
20 Board, based on the normal standards and qualifications for the position.

21 The term of office of the president of the *federation of faculty*
22 *associations*, the president of the *federation of student councils* and the
23 *president of the federation of alumni associations* shall be coterminous with
24 their respective terms of office, as set forth in their respective constitutions and
25 bylaws.

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

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

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

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

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

16 (c) To import duty-free economic, technical and cultural books and/or
17 publications, upon certification by the CHED that such imported books and/or
18 publications are for economic, technical, vocational, scientific, philosophical,
19 historical or cultural purposes, in accordance with the provisions of the Tariff
20 and Customs Code, as amended;

21 (d) To receive in trust legacies, gifts and donations of real and personal
22 properties of all kinds and to administer and dispose of the same when
23 necessary for the benefit of the University, and subject to the limitations,
24 directions and instructions of the donor, if any.

25 Such donations shall be exempt from the donor’s tax and the same shall
26 be considered as allowable deductions from the gross income in the
27 computation of the income tax of the donor, in accordance with the provisions

1 of the National Internal Revenue Code (NIRC), as amended: *Provided*, That
2 such donations shall not be disposed of, transferred or sold;

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

7 Such fees and charges, including government subsidies and other
8 income generated by the University, shall constitute special trust funds and
9 shall be deposited in any authorized government depository bank, and all
10 interests that shall accrue therefrom shall form part of the same funds for the
11 use of the University.

12 Any provision of existing laws, rules and regulations to the contrary
13 notwithstanding, any income generated by the University from tuition fees and
14 other charges, as well as from the operation of auxiliary services and land
15 grants shall be retained by the University, and may be disbursed by the Board
16 for instruction, research, extension or other programs/projects of the
17 University: *Provided*, That all fiduciary fees shall be disbursed for the specific
18 purposes for which these are collected.

19 If, for reasons beyond its control, the University shall not be able to
20 pursue any project for which the funds have been appropriated and allocated
21 under its approved program of expenditures, the Board may authorize the use
22 of said funds for any reasonable purpose which, in its discretion, may be
23 necessary and urgent for the attainment of the objectives and goals of the
24 University;

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

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

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

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

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

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

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

23 (m) To establish and absorb nonchartered tertiary institutions within the
24 City of Manila and Cavite Province as branches and centers in coordination
25 with the CHED and in consultation with the Department of Budget and
26 Management (DBM), and to offer therein programs or courses to promote and
27 carry out equal access to educational opportunities as mandated by the
28 Constitution;

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

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

5 (p) To delegate any of its powers and duties provided for hereinabove
6 to the president and/or other officials of the University as it may deem
7 appropriate, so as to expedite the administration of the affairs of the
8 University;

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

13 (r) To collaborate with other governing boards of the state colleges and
14 universities within the City of Manila and Cavite Province, under the
15 supervision of the CHED and in consultation with the DBM, and work towards
16 the restructuring of the University to become more efficient, relevant,
17 productive and competitive;

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

22 (t) To develop consortia and other economic forms of linkages with
23 local government units, institutions and agencies, both public and private, local
24 and foreign, in the furtherance of the purpose and objectives of the University;

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

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

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

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

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

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

19 A quorum of the Board shall consist of majority of all its members
20 holding office at the time of the meeting: *Provided*, That the chairperson of
21 the Board or the president of the University is among those present in the
22 meeting.

23 In the absence of the chairperson of the CHED, a commissioner of the
24 CHED, duly designated by him/her, shall represent him/her in the meeting with
25 all the rights and responsibilities of a regular member: *Provided, however*,
26 That during this meeting, the president of the University as vice chairperson
27 shall be the presiding officer: *Provided, further*, That this *proviso*
28 notwithstanding, the chairperson of the CHED is hereby authorized to

1 designate a CHED commissioner as the regular chair of the Board, in which
2 case said CHED commissioner shall act as the presiding officer.

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

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

12 SEC. 9. *The University President* - The University shall be headed by
13 a president who shall render full-time service. He/she shall be appointed by
14 the Board, subject to the guidelines, qualifications and/or standards set by the
15 Board, upon recommendation of a duly constituted search committee. He/she
16 shall have a term of four years and shall be eligible for reappointment for
17 another term: *Provided*, That in order to effect a smooth transition to a state
18 university, the incumbent president of the Eulogio "Amang" Rodriguez
19 Institute of Science and Technology (EARIST), if qualified, shall serve as the
20 first president of the University.

21 Within six months before the expiration of the term of office of the
22 incumbent president of the Eulogio "Amang" Rodriguez State University
23 (EARSU), the Board shall constitute the Search Committee for the Presidency
24 (SCP).

25 In case of vacancy in the office of the president by reason of death,
26 compulsory retirement, resignation, removal for cause or incapacity of the
27 president to perform the functions of his/her office, the Board shall designate

1 an officer-in-charge of the University within six months from the date of
2 vacancy, pending the appointment of a new president.

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

6 The powers and duties of the president of the University, in addition to
7 those specifically provided in this Act, shall be those usually pertaining to the
8 office of the president of similar universities, and those delegated by the
9 Board.

10 The salary of the president of the University shall be in accordance with
11 the Revised Compensation and Position Classification System and shall be
12 comparable to that being received by the presidents of similar educational
13 institutions.

14 The president of the University shall be assisted by a vice president for
15 academic affairs, a vice president for administration and a vice president for
16 research and development who shall be appointed by the Board upon
17 recommendation of the president.

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

23 SEC. 11 *The Academic Council* -- There shall be an academic council
24 with the president of the University as chairperson and all members of the
25 academic staff with the rank of not lower than assistant professor as members.

26 The academic council shall have the power to review and recommend
27 the curricular offerings and rules of discipline of the University, subject to the
28 approval of the Board. It shall fix the requirements for the admission of

1 students, as well as for their graduation and conferment of degrees, subject to
2 review and/or approval of the Board through the president of the University. It
3 shall have the disciplinary power over students of the University and shall
4 formulate academic policies and rules and regulations on discipline, subject to
5 the approval of the Board

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

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

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

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

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

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

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

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

12 SEC. 18. *Assets, Liabilities and Personnel* – All assets, real and
13 personal, personnel and records of the Eulogio “Amang” Rodriguez Institute of
14 Science and Technology and its branch/campus in General Mariano Alvarez,
15 Province of Cavite, as well as liabilities or obligations, are hereby transferred
16 to the University. The positions, rights and security of tenure of faculty
17 members and personnel therein employed under existing laws prior to the
18 conversion into a university shall be respected.

19 All parcels of land and buildings belonging to the City of Manila
20 occupied by the Eulogio “Amang” Rodriguez Institute of Science and
21 Technology and its branch in General Mariano Alvarez Campus in the
22 Province of Cavite are hereby declared to be property of the Eulogio “Amang”
23 Rodriguez State University and shall be titled under that name, except the
24 parcels of land and buildings occupied by the Eulogio “Amang” Rodriguez
25 Vocational High School of Manila, and that all assets, fixed and movable,
26 personnel and records of the Eulogio “Amang” Rodriguez Vocational High
27 School of Manila shall remain with the City Schools Division of Manila:
28 *Provided,* That should the University cease to exist or be abolished or should

1 such parcels of land aforementioned be no longer needed by the University, the
2 same shall revert to the city and province where they are located.

3 SEC. 19. *Appropriations* – The amount necessary to carry out the
4 initial implementation of this Act shall be charged against the current year’s
5 appropriations of the Eulogio “Amang” Rodriguez Institute of Science and
6 Technology, except the sums needed to continue the operations of the existing
7 high school. Thereafter, such sums as may be necessary for the continued
8 operation and maintenance of the Eulogio “Amang” Rodriguez State
9 University shall be included in the annual General Appropriations Act.

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

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

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

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

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

24 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
25 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
26 shall be an integral part of this Act and shall serve as part of the governing
27 charter of the University.

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

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

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

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

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

Approved,

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