



HOUSE OF REPRESENTATIVES

H. No. 4932

BY REPRESENTATIVES UY (R.), VILLAR, ABAYON, ANDAYA AND LAPUS, PER
COMMITTEE REPORT NO. 1215

AN ACT CONVERTING THE TIBURCIO TANCINCO MEMORIAL
INSTITUTE OF SCIENCE AND TECHNOLOGY IN CALBAYOG
CITY, PROVINCE OF WESTERN SAMAR INTO A STATE
UNIVERSITY TO BE KNOWN AS THE TIBURCIO TANCINCO
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 Tiburcio Tancinco Memorial Institute
2 of Science and Technology in Calbayog City, Province of Western Samar is
3 hereby converted into a state university to be known as the Tiburcio Tancinco
4 State University, hereinafter referred to as the University.

5 SEC. 2. *General Mandate.* - The University shall primarily provide
6 advanced education, higher technological, professional instruction and training
7 in trade, fishery, agriculture, science, education, commerce, engineering,

1 forestry, nautical courses and other related fields. It shall also undertake
2 research and extension services, and provide progressive leadership in its areas
3 of specialization.

4 SEC. 3. *Curricular Offerings* – The University shall offer graduate
5 courses leading to the degrees of Doctor of Education, Doctor of Management,
6 Master of Arts in Industrial Education, Master in Public Administration,
7 Master in Library Administration, Master of Arts in Vocational Education,
8 Master of Arts in Education, Master in Technician Education; undergraduate
9 courses particularly those leading to the degrees of Bachelor of Science in
10 Civil Engineering, Industrial Engineering, Electrical Engineering, Mechanical
11 Engineering, Marine Engineering, Mining Engineering, Chemical Engineering,
12 Architecture, Commerce, Agriculture, Fishery, Forestry, Nautical and other
13 general course in various fields of specialization and according to its
14 capabilities, as the Board of Regents may deem necessary to carry out its
15 objectives, in order to meet the needs of the Province of Western Samar and
16 Region VIII.

17 The existing high school shall be transferred to the jurisdiction and
18 supervision of the Department of Education. *Provided*, That the high school
19 shall be allowed to remain and operate within the campus of the University
20 until the existing students shall have completed their high school education:

1 *Provided, further,* That the University may operate a reasonably-sized
2 laboratory school, if it has a College of Education.

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

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

11 (a) The chairperson of the Commission on Higher Education (CHED),
12 chairperson;

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

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

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

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

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

- 1 (g) The president of the faculty association of the University, member;
2 (h) The president of the supreme student government of the University,
3 member;
4 (i) The president of the alumni association of the University, member;
5 and
6 (j) Two prominent citizens from the private sector who have
7 distinguished themselves in their profession or fields of specialization of the
8 University, members.

9 The Board shall appoint the two prominent citizens from among a list of
10 at least five persons qualified in Calbayog City or the Province of Western
11 Samar, as recommended by the search committee constituted by the University
12 president, in consultation with the chairperson of the CHED and other
13 members of the Board, based on the normal standards and qualifications for
14 the position.

15 The term of office of the president of the faculty association, the
16 president of the supreme student government and the president of the alumni
17 association shall be coterminous with their respective terms of office, as set
18 forth in their respective constitutions and bylaws.

19 The two prominent citizens shall serve for a term of two years from the
20 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;

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

5 Such donations shall be exempt from the donor's tax and the same shall
6 be considered as allowable deductions from the gross income in the
7 computation of the income tax of the donor in accordance with the provisions
8 of the National Internal Revenue Code (NIRC), as amended: *Provided*, That
9 such donations shall not be disposed of, transferred or sold;

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

14 Such fees and charges, including government subsidies and other
15 income generated by the University, shall constitute special trust funds and
16 shall be deposited in any authorized government depository bank, and all
17 interests that shall accrue therefrom shall form part of the same funds for the
18 use of the University.

19 Any provision of existing laws, rules and regulations to the contrary
20 notwithstanding, any income generated by the University from tuition fees and
21 other charges, as well as from the operation of auxiliary services and land

1 grants, shall be retained by the University and may be disbursed by the Board
2 for instruction, research, extension or other programs/projects of the
3 University: *Provided*, That all fiduciary fees shall be disbursed for the specific
4 purposes for which these are collected.

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

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

13 (g) To authorize the construction or repair of its buildings, machinery,
14 equipment and other facilities, and the purchase and acquisition of real
15 property, including necessary supplies, materials and equipment,

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

19 (i) To fix and adjust salaries of faculty members and administrative
20 officials and employees, subject to the provisions of the Revised Compensation
21 and Position Classification System and other pertinent budget and

1 compensation laws governing hours of service and such other duties and
2 conditions as it may deem proper; to grant them, at its discretion, leaves of
3 absence under such regulations as it may promulgate, any provision of existing
4 law to the contrary notwithstanding; and to remove them for cause in
5 accordance with the requirements of due process of law;

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

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

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

14 (m) To establish and absorb nonchartered tertiary institutions within the
15 Province of Western Samar as branches and centers in coordination with the
16 CHED and in consultation with the Department of Budget and Management
17 (DBM), and to offer therein programs or courses to promote and carry out
18 equal access to educational opportunities as mandated by the Constitution;

19 (n) To establish research and extension centers of the University where
20 such will promote the development of the latter,

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

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

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

11 (r) To collaborate with other governing boards of the state colleges and
12 universities within the Province of Western Samar or Region VIII, under the
13 supervision of the CHED and in consultation with the DBM, and work towards
14 the restructuring of the University to become more efficient, relevant,
15 productive and competitive;

16 (s) To enter into joint ventures with business and industry for the
17 profitable development and management of the economic assets of the
18 University, the proceeds from which shall be used for the development and
19 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 purpose 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,
15 management of nonacademic services such as health, food, building or grounds
16 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.

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

5 A quorum of the Board shall consist of majority of all its members
6 holding office at the time of the meeting: *Provided*, That the chairperson of
7 the Board or the president of the University is among those present in the
8 meeting.

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

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

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

6 SEC. 9. *The University President.* – The University shall be headed by
7 a president who shall render full-time service. He/she shall be appointed by
8 the Board, subject to the guidelines, qualifications and/or standards set by the
9 Board, upon recommendation of a duly constituted search committee. He/she
10 shall have a term of four years and shall be eligible for reappointment for
11 another term: *Provided.* That in order to effect a smooth transition to a state
12 university, the incumbent president of the Tiburcio Tancinco Memorial
13 Institute of Science and Technology, if qualified, shall serve as the first
14 president of the University.

15 Within six months before the expiration of the term of office of the
16 incumbent president of the Tiburcio Tancinco State University, the Board shall
17 constitute the Search Committee for the Presidency (SCP).

18 In case of vacancy in the office of the president by reason of death,
19 compulsory retirement, resignation, removal for cause or incapacity of the
20 president to perform the functions of his/her office, the Board shall have the

1 authority to designate an officer-in-charge of the University pending the
2 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 and a vice president for administration, who shall be
16 appointed by the Board upon recommendation of the president.

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

1 governing the administration, management and development planning of the
2 University.

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

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

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

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

20 SEC. 14. *Faculty*: – No political beliefs, gender preference, cultural or
21 community affiliation or ethnic origin, religious opinion or affiliation shall be a

1 matter of inquiry in the appointment of faculty members of the University.
2 *Provided*, That said appointment shall be subject to the guidelines,
3 qualifications and/or standards set by the Board: *Provided, further*, That no
4 member of the faculty shall teach for or against any particular church or
5 religious sect.

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

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

11 SEC. 16. *Academic Freedom and Institutional Autonomy* -- The
12 University shall enjoy academic freedom and institutional autonomy, pursuant
13 to Paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
14 the Philippines.

15 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
16 *and Detail of Personnel* -- The heads of the bureaus and offices of the national
17 government are hereby authorized to loan or transfer, upon the request of the
18 *president of the University*, such apparatus, equipment or supplies as may be
19 needed by the University, and to detail employees for duty therein when, in the
20 judgment of the head of bureau or office, such apparatus, equipment, supplies

1 or services of such employees can be spared without serious detriment to the
2 public service.

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

6 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
7 personal, personnel and records of the Tiburcio Tancinco Memorial Institute of
8 Science and Technology, as well as liabilities or obligations, are hereby
9 transferred to the University. The positions, rights and security of tenure of
10 faculty members and personnel therein employed under existing laws prior to
11 the conversion into a university shall be respected.

12 All parcels of land belonging to the government occupied by the
13 Tiburcio Tancinco Memorial Institute of Science and Technology are hereby
14 declared to be property of the University and shall be titled under that name:
15 *Provided,* That should the University cease to exist or be abolished or should
16 such parcels of land aforementioned be no longer needed by the University, the
17 same shall revert to the local government unit concerned.

18 SEC. 19. *Appropriations.* – The amount necessary to carry out the
19 provisions of this Act shall be charged against the current year's appropriations
20 of the Tiburcio Tancinco Memorial Institute of Science and Technology,
21 except the sums needed to continue the operations of the existing high school.

1 Thereafter, such sums as may be necessary for the continued operation and
2 maintenance of the Tiburcio Tancinco State University shall be included in the
3 annual General Appropriations Act.

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

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

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

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

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

18 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
19 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
20 shall be an integral part of this Act and shall serve as part of the governing
21 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,