



## HOUSE OF REPRESENTATIVES

H. No. 5402

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BY REPRESENTATIVES MANGUDADATU, VILLAR, ABAYON, LAPUS AND  
SALCEDA, PER COMMITTEE REPORT NO. 1651

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AN ACT CONVERTING THE SULTAN KUDARAT POLYTECHNIC  
STATE COLLEGE (SKPSC) IN THE PROVINCE OF SULTAN  
KUDARAT INTO A STATE UNIVERSITY TO BE KNOWN AS  
THE SULTAN KUDARAT STATE UNIVERSITY (SKSU) 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 Sultan Kudarat Polytechnic State  
2       College (SKPSC) in the Province of Sultan Kudarat, which is composed of the  
3       SKPSC-Tacurong Campus in the City of Tacurong, SKPSC-Isulan Campus in  
4       the Municipality of Isulan, SKPSC-Lutayan Campus in the Municipality of  
5       Lutayan, SKPSC-Kalamansig in the Municipality of Kalamansig and SKPSC-  
6       Palimbang Campus in the Municipality of Palimbang, all located in the  
7       Province of Sultan Kudarat, is hereby converted into a state university to be  
8       known as the Sultan Kudarat State University (SKSU), hereinafter referred to

1 as the University. The main campus of the University shall be in the City of  
2 Tacurong.

3         SEC. 2. *General Mandate.* – The University shall primarily provide  
4 advanced instruction and professional training in agriculture, fisheries, science  
5 and technology, education and other relevant fields of study. It shall also  
6 undertake research and extension services, and provide progressive leadership  
7 in its areas of specialization.

8         SEC. 3. *Curricular Offerings.* – The University shall offer  
9 undergraduate, graduate and short-term technical courses within its areas of  
10 specialization and according to its capabilities as the Board of Regents may  
11 deem necessary to carry out its objectives in order to meet the needs of the  
12 Province of Sultan Kudarat and Region XII.

13         The existing high school/s shall be transferred to the jurisdiction and  
14 supervision of the Department of Education (DepEd): *Provided*, That the high  
15 school/s shall be allowed to remain and operate within the campus of the  
16 University until the existing students shall have completed their high school  
17 education: *Provided, further*, That the University may operate a reasonably-  
18 sized laboratory school, if it has a College of Education.

19         SEC. 4. *Administration.* – The University shall have the general powers  
20 of a corporation set forth in Batas Pambansa Blg. 68, otherwise known as “The  
21 Corporation Code of the Philippines”. The administration of the University and

1 the exercise of its corporate powers shall be vested exclusively in the Board of  
2 Regents and the president of the University.

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

6           (a) The chairperson of the Commission on Higher Education  
7 (CHED), chairperson;

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

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

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

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

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

17           (g) The president of the federation of faculty associations of the  
18 University, member;

19           (h) The president of the federation of student councils of the  
20 University, member;

1 (i) The president of the federation of alumni associations of the  
2 University, member; and

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

6 The Board shall appoint the two prominent citizens from among a list of  
7 at least five persons qualified in the Province of Sultan Kudarat, as  
8 recommended by the search committee constituted by the University president,  
9 in consultation with the chairperson of the CHED and the other members of the  
10 Board, based on the normal standards and qualifications for the position.

11 The term of office of the president of the federation of faculty  
12 associations, the president of the federation of student councils and the  
13 president of the federation of alumni associations shall be coterminous with  
14 their terms of office, as set forth in their respective constitutions and bylaws.

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

17 *SEC. 6. Promulgation and Implementation of Policies.* – The Board  
18 shall promulgate and implement policies in accordance with the declared state  
19 policies on education and other pertinent provisions of the Philippine  
20 Constitution on education, agriculture, science and technology, as well as the

1 policies, standards and thrusts of the CHED under Republic Act No. 7722,  
2 otherwise known as the "Higher Education Act of 1994".

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

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

9           (b) To receive and appropriate all sums as may be provided for the  
10 support of the University in the manner it may determine, in its discretion, in  
11 order to carry out the powers and functions of the University;

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

17           (d) To receive in trust, legacies, gifts and donations of real properties  
18 of all kinds and to administer and dispose of the same when necessary for the  
19 benefit of the University, and subject to the limitations, directions and  
20 instructions of the donor, if any.

1           Such donations shall be exempt from the donor's tax and the same shall  
2 be considered as allowable deductions from the gross income in the  
3 computation of the income tax of the donor, in accordance with the provisions  
4 of the National Internal Revenue Code (NIRC) of 1997, as amended: *Provided,*  
5 That such donations shall not be disposed of, transferred or sold;

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

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

15           Any provision of existing laws, rules and regulations to the contrary  
16 notwithstanding, any income generated by the University from tuition fees and  
17 other charges, as well as from the operation of auxiliary services and land  
18 grants, shall be retained by the University and may be disbursed by the Board  
19 for instruction, research, extension or other programs/projects of the  
20 University: *Provided,* That all fiduciary fees shall be disbursed for the specific  
21 purposes for which they 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 and  
11 personal properties, 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 departments, 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

1 laws to the contrary notwithstanding; and to remove them for cause in  
2 accordance with the requirements of due process of law;

3 (j) To approve the curricula, instructional programs and rules of  
4 discipline drawn by the administrative and academic councils as herein  
5 provided;

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

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

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

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



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

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

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

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

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

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

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

9           (v) To set up the adoption of modern and innovative modes of  
10 transmitting knowledge such as the use of information technology, the dual  
11 learning system, open learning, distance education and community laboratory  
12 for the promotion of greater access to higher education and graduate studies, as  
13 the case may be;

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

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

19           (y) To extend the term of the president of the University beyond the  
20 age of retirement but not beyond the age of seventy (70), whose performance  
21 has been unanimously rated by the governing board as outstanding based on

1 the guidelines, qualifications and/or standards set by the Board, after  
2 unanimous recommendation by the search committee.

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

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

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

19           In case the chairpersons of the Congressional Committees on  
20 Education shall not be able to attend the Board meeting, they may duly

1 designate their respective representatives to attend the said meeting, who shall  
2 have the same rights and responsibilities as a regular member of the Board.

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

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

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

19 In case of vacancy in the office of the president by reason of death,  
20 compulsory retirement, resignation, removal for cause or incapacity of the  
21 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  
7 to those specifically provided in this Act, shall be those usually pertaining to  
8 the 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  
11 with the Revised Compensation and Position Classification System and shall  
12 be 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 the recommendation of the president.

17 *SEC. 10. Heads of University Campuses.* – Campus directors shall head  
18 the University campuses and they shall render full-time service. They shall be  
19 appointed by the Board upon the recommendation of the search committee and  
20 the University president, subject to the guidelines, qualifications and/or  
21 standards set by the Board: *Provided*, That the incumbent college

1 administrators of the extension campuses shall serve as campus directors of  
2 their respective campuses.

3         SEC. 11. *The Administrative Council.* – There shall be an  
4 administrative council consisting of the president of the University as  
5 chairperson, vice presidents, deans, directors and other officials of equal rank  
6 as members, whose duty is to review and recommend to the Board policies  
7 governing the administration, management and development of the University  
8 for appropriate action.

9         SEC. 12. *The Academic Council.* – There shall be an academic council  
10 to be composed of the president of the University who shall act as the  
11 chairperson and all academic staff with the rank of at least an assistant  
12 professor as members.

13         The academic council shall have the power to review and recommend  
14 the curricular offerings and rules of discipline of the University, subject to the  
15 appropriate action by the Board. It shall fix the requirements for the admission  
16 of students, as well as for their graduation and conferment of degrees, subject  
17 to review and/or approval by the Board through the president of the University.  
18 It shall have the disciplinary power over students of the University and shall  
19 formulate academic policies and rules and regulations on discipline, subject to  
20 the approval of the Board.

1           SEC. 13. *The Secretary of the University.* – The Board shall appoint a  
2 secretary who shall serve as such for both the Board and the University and  
3 shall keep all records and proceedings of the Board. He/she shall serve upon  
4 each member of the Board the appropriate notice of the Board’s meetings.

5           SEC. 14. *The Treasurer of the University.* – The Treasurer of the  
6 Philippines shall be the *ex officio* treasurer of the University.

7           SEC. 15. *Faculty.* – No religious opinion or affiliation shall be a matter  
8 of inquiry in the appointment of faculty members of the University: *Provided,*  
9 That said appointment shall be subject to the guidelines, qualifications and/or  
10 standards set by the Board: *Provided, further,* That no member of the faculty  
11 shall teach for or against any particular church or religious sect.

12           SEC. 16. *Scholarship Program/Admission.* – The University shall  
13 provide a scholarship program and other affirmative action programs to assist  
14 poor but deserving students who qualify for admission to the University.

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

17           SEC. 17. *Academic Freedom and Institutional Autonomy.* – The  
18 University shall enjoy academic freedom and institutional autonomy, pursuant  
19 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of  
20 the Philippines.

1           SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*  
2 *and Detail of Personnel.* – The heads of the bureaus and offices of the  
3 national government are hereby authorized to loan or transfer, upon the request  
4 of the president of the University, such apparatus, equipment or supplies as  
5 may be needed by the University, and to detail employees for duty therein  
6 when, in the judgment of the head of bureau or office, such apparatus,  
7 equipment, supplies or services of such employees can be spared without  
8 serious detriment to public service. The employees so detailed shall perform  
9 such duties as required of them by the President of the University, and the time  
10 so employed shall be counted as part of their regular services.

11           SEC. 19. *Assets, Liabilities and Personnel.* – All assets, fixed and  
12 movable, personnel and records of the Sultan Kudarat Polytechnic State  
13 College, as well as liabilities or obligations, are hereby transferred to the  
14 University: *Provided, however,* That the positions, rights and security of tenure  
15 of faculty members and personnel therein employed under existing laws prior  
16 to the conversion into a University shall be respected.

17           All parcels of land belonging to the government and occupied by the  
18 Sultan Kudarat Polytechnic State College are hereby declared to be property of  
19 the University and shall be titled under that name: *Provided,* That should the  
20 University cease to exist or be abolished or should such parcels of land



1     aforementioned be no longer needed by the University, the same shall revert to  
2     the LGUs concerned.

3             SEC. 20. *Appropriations.* – The amount necessary to carry out the  
4     provisions of this Act shall be charged against the current year’s appropriations  
5     of the Sultan Kudarat Polytechnic State College, except the sums needed to  
6     continue the operations of the existing high school/s. Thereafter, such sums as  
7     may be necessary for the continued operation and maintenance of the Sultan  
8     Kudarat State University shall be included in the annual General  
9     Appropriations Act.

10            SEC. 21. *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. 22. *Filing of Report.* – On or before the fifteenth (15<sup>th</sup>) day of  
20     the 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

1 chairperson of the CHED, and with both Houses of Congress, a detailed report  
2 on the progress, conditions and needs of the University.

3 SEC. 23. *Suppletory Application.* – The provisions of Republic Act No.  
4 8292, otherwise known as the “Higher Education Modernization Act of 1997”,  
5 shall be an integral part of this Act and shall serve as part of the governing  
6 charter of the University.

7 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,  
8 responsibilities and limitations to state universities and/or their officials under  
9 existing laws shall be deemed granted to or imposed upon the University  
10 and/or its officials whenever appropriate.

11 SEC. 25. *Implementing Rules and Regulations.* – The Board, in  
12 consultation with the CHED, shall formulate the guidelines to fully implement  
13 the provisions of this Act.

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

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

Approved,