



HOUSE OF REPRESENTATIVES

H. No. 5403

BY REPRESENTATIVES DUMARPA, MACARAMBON, VILLAR, ABAYON, LAPUS
AND SALCEDA, PER COMMITTEE REPORT NO. 1652

AN ACT CONVERTING THE UNDA MEMORIAL NATIONAL
AGRICULTURAL SCHOOL IN THE MUNICIPALITY OF MASIU,
PROVINCE OF LANA DEL SUR INTO A STATE COLLEGE TO
BE KNOWN AS THE SULTAN UNDA MEMORIAL STATE
COLLEGE 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 Unda Memorial National Agricultural
2 School in the Municipality of Masiu, Province of Lanao del Sur is hereby
3 converted into a state college to be known as the Sultan Unda Memorial State
4 College, hereinafter referred to as the College.

5 SEC. 2. *General Mandate.* – The College shall primarily provide
6 advanced instruction and professional training in the fields of agriculture,
7 fishery, forestry, science, arts and industrial technology and education and

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

3 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate
4 and graduate courses in the fields of agriculture, fishery, forestry, science, arts
5 and industrial technology and education, and other related fields within its
6 areas of specialization and according to its capabilities as the Board of
7 Trustees may deem necessary to carry out its objectives, particularly to meet
8 the needs of the Province of Lanao del Sur and the Autonomous Region in
9 Muslim Mindanao (ARMM).

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

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

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

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

6 (b) The president of the College, 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 chairperson of the Commission on Higher Education-
12 ARMM(CHED chair-ARMM), member;

13 (f) The Secretary of Education (DepEd, ARMM); member;

14 (g) The president of the faculty association of the College, member;

15 (h) The president of the student council of the College, member;

16 (i) The president of the alumni association of the College, member;

17 and

18 (j) Two prominent citizens who have distinguished themselves in their
19 profession or fields of specialization of the College, members.

20 The Board shall appoint the two prominent citizens from among a list of
21 at least five persons qualified in the Province of Lanao del Sur, as

1 recommended by the search committee constituted by the College president, in
2 consultation with the chairperson of the CHED and the other members of the
3 Board, based on the normal standards and qualifications for the position.

4 The term of office of the president of the faculty association, the
5 president of the student council and the president of the alumni association
6 shall be coterminous with their respective terms of office, as set forth in their
7 respective constitutions and 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 Trustees.* – 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 College;

1 (b) To receive and appropriate all sums as may be provided for the
2 support of the College in the manner it may determine in its discretion to carry
3 out the purposes and functions of the College;

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

9 (d) To receive in trust legacies, gifts and donations of real properties of
10 all kinds and to administer and dispose of the same when necessary for the
11 benefit of the College and subject to the limitations, directions and instructions
12 of the donor, if any.

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

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

1 Such fees and charges, including government subsidies and other
2 income generated by the College, shall constitute special trust funds and shall
3 be deposited in any authorized government depository bank, and all interests
4 that shall accrue therefrom shall form part of the same funds for the use of the
5 College.

6 Any provision of existing laws, rules and regulations to the contrary
7 notwithstanding, any income generated by the College from tuition fees and
8 other charges, as well as from the operation of auxiliary services and land
9 grants, shall be retained by the College and may be disbursed by the Board for
10 instruction, research, extension or other programs/projects of the College:
11 *Provided*, That all fiduciary fees shall be disbursed for the specific purposes
12 for which they are collected.

13 If, for reasons beyond its control, the College shall not be able to pursue
14 *any project for which the funds have been appropriated and allocated under its*
15 *approved program of expenditures*, the Board may authorize the use of said
16 funds for any reasonable purpose which, in its discretion, may be necessary
17 and urgent for the attainment of the objectives and goals of the College;

18 (f) To adopt and implement a socialized scheme of tuition and school
19 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
3 property, including necessary supplies, materials and equipment;

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

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
19 outstanding contribution in the fields of education, public service, arts, science
20 and technology, agriculture or in any field of specialization within the

1 academic competence of the College 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 Lanao 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 College where
9 such will promote the development of the latter;

10 (o) To establish chairs in the College 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 for hereinabove
13 to the president and/or other officials of the College as it may deem
14 appropriate, so as to expedite the administration of the affairs of the College;

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

19 (r) To collaborate with other governing boards of the state colleges
20 and universities within the Province of Lanao del Sur or the ARMM under the
21 supervision of the CHED and in consultation with the DBM, and work towards

1 the restructuring of the College to become more efficient, relevant, productive
2 and competitive;

3 (s) To enter into joint ventures with business and industry for the
4 profitable development and management of the economic assets of the
5 College, the proceeds of which shall be used for the development and
6 strengthening of the College;

7 (t) To develop consortia and other economic forms of linkages with
8 local government units (LGUs), institutions and agencies, both public and
9 private, local and foreign, in the furtherance of the purposes and objectives of
10 the College;

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

15 (v) To set up the adoption of modern and innovative modes of
16 transmitting knowledge such as the use of information technology, the dual
17 system, open learning and distance education and community laboratory for
18 the promotion of greater access to education;

19 (w) To establish policy guidelines and procedures for participative
20 decision-making and transparency within the College;

1 (x) To privatize, where most advantageous to the College, management
2 of nonacademic services such as health, food, building or grounds or property
3 maintenance and such other similar activities; and

4 (y) To extend the term of the president of the College beyond the age
5 of retirement but not beyond the age of seventy (70), whose performance has
6 been unanimously rated by the governing board as outstanding, after
7 unanimous recommendation by the search committee.

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

12 A quorum of the Board shall consist of majority of all its members
13 holding office at the time of the meeting: *Provided, however,* That the
14 chairperson of the Board or the president of the College is among those
15 *present in the meeting.*

16 In the absence of the chairperson of the CHED, a commissioner of the
17 CHED, duly designated by him/her, shall represent him/her in the meeting with
18 all the rights and responsibilities of a regular member: *Provided, however,*
19 That during this meeting, the president of the College as vice chairperson shall
20 be the presiding officer: *Provided, further,* That this *proviso* notwithstanding,
21 the chairperson of the CHED is hereby authorized to designate a CHED

1 commissioner as the regular chair of the Board, in which case said CHED
2 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 College President.* – The College shall be headed by a
13 president who shall render full-time service. He/she shall be appointed by the
14 Board, upon recommendation of a duly constituted search committee. He/she
15 shall have a term of four years and shall be eligible for reappointment for
16 another term: *Provided,* That in order to effect a smooth transition to a state
17 college, the incumbent head of the Unda Memorial National Agricultural
18 School, if qualified, shall serve as the first president of the College.

19 Within six months before the expiration of the term of office of the
20 incumbent president of the College, the Board shall constitute the Search
21 Committee for the Presidency (SCP).

1 In case of vacancy in the office of the president by reason of death,
2 compulsory retirement, resignation, removal for cause or incapacity of the
3 president to perform the functions of his/her office, the Board shall designate
4 an officer-in-charge of the College within six months from the date of vacancy
5 pending the appointment of a new president.

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

9 The powers and duties of the president of the College, in addition to
10 those specifically provided in this Act, shall be those usually pertaining to the
11 office of the president of similar colleges, and those delegated by the Board.

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

16 The president of the College shall be assisted by a vice president for
17 academic affairs who shall be appointed by the Board upon the
18 recommendation of the president.

19 SEC. 10. *The Administrative Council.* – There shall be an
20 administrative council consisting of the president of the College as
21 chairperson, vice presidents, deans, directors and other officials of equal rank

1 as members, whose duty is to review and recommend to the Board the policies
2 governing the administration, management and development planning of the
3 College.

4 SEC. 11. *The Academic Council.* – There shall be an academic council
5 to be composed of the president of the College who shall act as the chairperson
6 and all academic staff with the rank of at least an assistant professor as
7 members.

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

16 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
17 secretary who shall serve as such for both the Board and the College, and shall
18 keep all records and proceedings of the Board. He/she shall communicate to
19 each member of the Board the notices of meetings.

20 SEC. 13. *The Treasurer of the College.* – The Treasurer of the
21 Philippines shall be the *ex officio* treasurer of the College.

1 SEC. 14. *Faculty.* -- No political beliefs, gender preference, cultural or
2 community affiliation or ethnic origin, and religious opinion or affiliation shall
3 be a matter of inquiry in the appointment of faculty members of the College:
4 *Provided,* That said appointment shall be subject to the guidelines,
5 qualifications and/or standards set by the Board: *Provided, further,* That no
6 member of the faculty shall teach for or against any particular church or
7 religious sect.

8 SEC. 15. *Scholarship Program/Admission.* -- The College shall provide
9 a scholarship program and other affirmative action programs to assist poor but
10 deserving students who qualify for admission to the College.

11 No student shall be denied admission to the College by reason of sex,
12 religion, cultural or community affiliation or ethnic origin.

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

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

1 judgment of the head of bureau or office, such apparatus, equipment, supplies
2 or services of such employees can be spared without serious detriment to
3 public service.

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

7 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
8 personal, personnel and records of the Unda Memorial National Agricultural
9 School, as well as liabilities or obligations, are hereby transferred to the
10 College: *Provided, however,* That the positions, rights and security of tenure
11 of faculty members and personnel therein employed under existing laws prior
12 to the conversion into a college shall be respected.

13 All parcels of land belonging to the government and occupied by the
14 Unda Memorial National Agricultural School are hereby declared to be
15 property of the College and shall be titled under that name: *Provided,* That
16 should the College cease to exist or be abolished or should such parcels of land
17 aforementioned be no longer needed by the College, the same shall revert to
18 the LGUs concerned.

19 SEC. 19. *Appropriations.* – The amount necessary to carry out the
20 provisions of this Act shall be charged against the current year's appropriations
21 of the Unda Memorial National Agricultural School, except the sums needed to

1 continue the operations of the existing high school. Thereafter, such sums as
2 may be necessary for the continued operation and maintenance of the Sultan
3 Unda Memorial State College shall be included in the annual General
4 Appropriations Act.

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

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

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

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

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

20 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
21 8292, otherwise known as the “Higher Education Modernization Act of 1997”,

1 shall be an integral part of this Act and shall serve as part of the governing
2 charter of the College.

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

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

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

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

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

Approved,