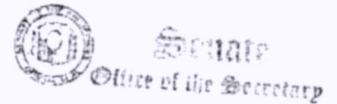


SEVENTEENTH CONGRESS OF THE ]  
REPUBLIC OF THE PHILIPPINES ]  
Third Regular Session ]



SENATE

S. B. No. 1940

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RECEIVED [Signature]

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Introduced by SENATOR SHERWIN T. GATCHALIAN

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AN ACT  
CONVERTING THE MARINDUQUE STATE COLLEGE IN THE  
MUNICIPALITY OF BOAC, PROVINCE OF MARINDUQUE INTO A STATE  
UNIVERSITY TO BE KNOWN AS THE MARINDUQUE STATE  
UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

This bill seeks the conversion of the Marinduque State College (MSC) including its Satellite Campuses in the Province of Marinduque into a State University to be known as the Marinduque State University (MSU).

As a state institution of learning, Marinduque State College's beginning and development could be traced to a number of legislation that catapulted MSC to its present status as a premier college in the province and in the region – as manifested by its impressive performance in instruction, research and extension and production.

MSC was founded on June 21, 1952, when House Bill No. 2743 authored by then Congressman Panfilo Manguera of Marinduque, was signed into law as Republic Act No. 805 by President Elpidio Quirino.

Since its establishment, MSC continues to develop as an institution of higher learning. It revolutionized its methodologies and strategies to live up to its mission of providing quality, responsive and dynamic leadership in the areas of Education, Technology, Engineering, Fisheries, Culture, Arts and Sciences to empower God-fearing individuals who are innovators and protectors for the sustainable development of the province and the country as a whole vis-à-vis its vision of achieving the status of being a premier

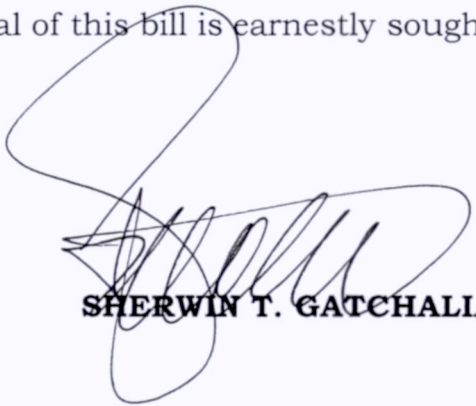
college in the Region along the fields of Instruction, Research, Extension and Production.

At present, Marinduque State College, in its 25th Anniversary as a State College, is progressing rapidly towards the attainment of its Universityhood. Courses in Engineering, Allied Medicine, Entrepreneurship, Communication and Tourism, and Information Technology are offered in addition to the Industrial Technology and Teacher Education. As an evidence of the high quality of education, its graduates attained the 7th Place in Civil Engineering Board Examination, 8th Place in Agriculturist Licensure Examination and 8th Place in Electrical Engineering Board Examination this School Year while other courses obtained higher passing percentages than the national passing rate.

Given all the foregoing, it is already high time for its conversion into a State University. The conversion of the MSC into a State University will bring the government closer to the impoverished but deserving students, who cannot afford private higher education in the Province of Marinduque and neighboring provinces.

Consistent with the constitutional mandate which provides that the State must establish and maintain a complete, adequate and integrated system of education relevant to the goals of national development, this measure becomes imperative.

In view of the foregoing, approval of this bill is earnestly sought.



**SHERWIN T. GATCHALIAN**

SENATE

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AN ACT  
CONVERTING THE MARINDUQUE STATE COLLEGE IN THE  
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UNIVERSITY TO BE KNOWN AS THE MARINDUQUE STATE  
UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

*Be it enacted by the Senate and the House of Representatives of the  
Philippines in Congress assembled:*

1 SEC. 1. Conversion. - The Marinduque State College in the  
2 Municipality of Boac, Province of Marinduque is hereby converted into a  
3 state university to be known as the Marinduque State University (MarSu),  
4 hereinafter referred to as the University integrating therewith the satellite  
5 campuses of Sta. Cruz, Gasan and Torrijos. The main campus of the  
6 University shall be in the Municipality of Boac.

7 SEC. 2. General Mandate. - The Marinduque State College,  
8 hereinafter referred to as the University, shall primarily provide advanced  
9 education, higher technological and professional instruction and training in  
10 education, science and technology, engineering, environment, agriculture,  
11 forestry and fisheries, arts and sciences, business administration and  
12 management, health sciences and other related fields of study. It shall also  
13 undertake research and extension services, and provide progressive  
14 leadership in its areas of specialization.

15 SEC. 3. Curricular Offerings. - The University shall offer



1 undergraduate and graduate courses in the fields of education, science and  
2 technology, engineering, environment, agriculture, fisheries, arts and  
3 sciences, business administration and management, health sciences and  
4 other courses within its areas of specialization and according to its  
5 capabilities as the Board of Regents may deem necessary to carry out its  
6 objectives, particularly in meeting the needs of the Province of Marinduque  
7 and Region IV-B.

8 The existing high school shall be transferred to the jurisdiction and  
9 supervision of the Department of Education (DepEd); Provided, That the  
10 high school shall be allowed to remain and operate within the campus of the  
11 College until the existing students shall have completed their high school  
12 education: Provided, further, That the College may operate reasonably-sized  
13 laboratory school under its College of Education: Provided, furthermore,  
14 That the existing graduate school shall become an integral part of the  
15 College of Education.

16 SEC. 4. Administration. - The University shall have the general  
17 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,  
18 otherwise known as the "Corporation Code of the Philippines". The  
19 administration of the University and the exercise of its corporate powers  
20 shall be vested exclusively in the Board of Regents and the President of the  
21 University.

22 SEC. 5. The Governing Board. - The governing board of the University  
23 shall be the Board of Regents, hereinafter referred to as the Board, which  
24 shall be composed of the following:

25 a. the Chairperson of the Commission on Higher Education (CHED),  
26 chairperson;

27 b. the President of the University, vice chairperson;

28 c. the Chairperson of the Committee on Education, Arts and Culture  
29 of the Senate, member;

30 d. the Chairperson of the Committee on Higher and Technical

1 Education of the House of Representatives, member;

2 e. the Regional Director of the National Economic and Development  
3 Authority (NEDA), member;

4 f. the Regional Director of the Department of Science and Technology  
5 (DOST), member;

6 g. the Regional Director of the Department of Agriculture (DA),  
7 member;

8 h. the President of the Federation of Faculty Association of the  
9 University, member;

10 i. the President of the Federation of Student Councils of the  
11 University, member;

12 j. the President of the Federation of Alumni Association of the  
13 University, member; and

14 k. two (2) prominent citizens from the private sector who have  
15 distinguished themselves in their professions or fields of specialization of  
16 the University, members.

17 The Board shall appoint the two (2) prominent citizens from among a  
18 list of at least five (5) qualified persons in the Province of Marinduque, as  
19 recommended by the search committee to be constituted by the University  
20 President, in consultation with the CHED Chairperson and the other  
21 members of the Board, based on the standards and qualifications for the  
22 position set by the Board. They shall serve for a term of two (2) years from  
23 the date of appointment.

24 The term of the President of the Federation of Faculty Associations,  
25 the President of the Federation of Alumni Associations, and the President of  
26 the Federation of Student Councils, as members of the Board, shall be co-  
27 terminous with their terms of office as set forth in their respective  
28 Constitution and bylaws.



1 SEC. 6. Powers and Duties of the Board. - The Board, in addition to  
2 its general powers of administration and the exercise of all the powers  
3 granted to the Board of Directors of a corporation under existing laws, shall  
4 have the following specific powers and duties:

5 a. to promulgate and implement policies in accordance with the  
6 declared state policies on education and other pertinent provisions of the  
7 Philippine Constitution on education, agriculture, science and technology,  
8 as well as the policies, standards and thrusts of the CHED under Republic  
9 Act No. 7722, otherwise known as the "Higher Education Act of 1994";

10 b. to promulgate rules and regulations as may be necessary to carry  
11 out the purposes and functions of the University;

12 c. to receive and appropriate all sums as may be provided for the  
13 support of the University in the manner it may determine, in its discretion,  
14 to carry out the purposes and functions of the University;

15 d. to import economic, technical and cultural books and publications;

16 e. to receive in trust legacies, gifts and donations of real and personal  
17 properties of all kinds and to administer and dispose of the same when  
18 necessary for the benefit of the University and subject to the limitations,  
19 directions and instructions of the donor, if any;

20 f. to fix the tuition fees and other necessary school charges, such as  
21 matriculation fees, graduation fees and laboratory fees, as the Board may  
22 deem proper to impose, after due consultation with the involved sectors.  
23 Such fees and charges, including government subsidies and other income  
24 generated by the University, shall constitute a special trust fund, and shall  
25 be deposited in any authorized government depository bank, and all  
26 interests that shall accrue therefrom shall form part of the same funds for  
27 the use of the University.

28 Any provision of existing law, rule or regulation to the contrary  
29 notwithstanding, any income generated by the University from tuition fees  
30 and other charges, as well as from the operation of auxiliary services, and

1 land grants, shall be retained by the University, and may be disbursed by  
2 the Board for instruction, research, extension or other programs/projects of  
3 the University: Provided, That all fiduciary fees shall be disbursed for the  
4 specific purposes for which these are collected. If, for reasons beyond its  
5 control, the University shall not be able to pursue any project for which the  
6 funds have been appropriated and allocated under its approved program of  
7 expenditures, the Board may authorize the use of said funds for any  
8 reasonable purpose which, in its discretion, may be necessary and urgent  
9 for the attainment of the objectives and goals of the University;

10 g. to adopt and implement a socialized scheme of tuition and other  
11 school fees for greater access of poor but deserving students in accordance  
12 with the provisions of Republic Act No. 10931, otherwise known as the  
13 “Universal Access to Quality Tertiary Education Act”;

14 h. to authorize the construction or repair of its buildings, machinery,  
15 equipment and other facilities, and the purchase and acquisition of real  
16 property, including necessary supplies, materials and equipment;

17 i. to appoint, upon the recommendation of the President of the  
18 University, the vice presidents, deans, directors, heads of the campuses,  
19 faculty members and other officials and employees of the University;

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

28 k. to approve the curricula, instructional programs, and rules of  
29 discipline drawn by the Administrative and the Academic Councils herein  
30 provided;



- 1 l. to set the policies on admission and graduation of students;
- 2 m. to award honorary degrees upon persons in recognition of their  
3 outstanding contribution in the fields of education, public service, arts,  
4 science and technology, agriculture or any field of specialization within the  
5 academic competence of the University, and to authorize the awarding of  
6 certificates of completion of non-degree and non-traditional courses;
- 7 n. to establish and absorb non-chartered tertiary institutions within  
8 the Province of Marinduque as branches and extension center in  
9 coordination with the CHED and in consultation with the Department of  
10 Budget and Management (DBM), and to offer therein programs or courses to  
11 carry out the Constitutional mandate of providing equal access to  
12 educational opportunities;
- 13 o. to establish research and extension centers to promote the  
14 development of the University;
- 15 p. to establish professorial chairs in the University and to provide  
16 fellowships for qualified faculty members, and scholarships to deserving  
17 students;
- 18 q. to delegate any of its powers and duties provided to the President  
19 and other officials of the University, as it may deem appropriate, so as to  
20 expedite the administration of the affairs of the University;
- 21 r. to authorize an external management audit of the University, to be  
22 financed by the CHED, subject to the rules and regulations of the  
23 Commission on Audit (COA); and to institute reforms, including academic  
24 and structural changes, on the basis of the audit results and  
25 recommendations;
- 26 s. to collaborate with the governing boards of the state universities  
27 and colleges (SUCs) within the Province of Marinduque, under the  
28 supervision of the CHED and in consultation with the DBM, and work  
29 towards restructuring of the University to become more efficient, relevant,  
30 productive and competitive;



1 t. to enter into joint ventures with business and industry for the  
2 profitable development and management of the economic assets of the  
3 University, the proceeds from which shall be used for the development and  
4 strengthening of the University;

5 u. to develop consortia and other economic forms of linkages with  
6 local government units (LGUs), institutions and agencies, both public and  
7 private and local and foreign, in the furtherance of the purpose and  
8 objectives of the University;

9 v. to develop academic arrangements for institution-capability  
10 building with appropriate institutions and agencies, public and private and  
11 local and foreign, and to appoint experts/specialists as consultants, part-  
12 time, visiting or exchange professors, scholars, researchers, as the case may  
13 be;

14 w. to set up the adoption of modern and innovative modes of  
15 transmitting knowledge such as the use of information technology, the dual  
16 training system, open distance learning, and community laboratory for the  
17 promotion of greater access to education;

18 x. to establish policy guidelines and procedures for participative  
19 decision-making and transparency within the University;

20 y. to privatize, where most advantageous to the University, the  
21 management of non-academic services such as health, food, building or  
22 grounds or property maintenance, and such other similar activities; and

23 z. to extend the term of the President of the University beyond the age  
24 of retirement, but not beyond the age of seventy (70) based on the  
25 guidelines, qualifications and standards act of the Board: Provided, That the  
26 President's performance has been rated by the Board as outstanding, and  
27 after unanimous recommendation by the search committee.

28 SEC. 7. Meetings of the Board. – The Board shall regularly convene  
29 once every quarter. However, the Chairperson of the Board may, upon three  
30 (3) days' prior written notice, call a maximum of two (2) special meetings

1 whenever necessary within the year.

2 A quorum of the Board shall consist of majority of all its members  
3 holding office at the time of the meeting: Provided, however, That the  
4 Chairperson of the Board or the President of the University is among those  
5 present in the meeting.

6 In the absence of the CHED Chairperson, a Commissioner of the  
7 CHED, duly designated by the CHED Chairperson, as representative in the  
8 meeting, shall have all the rights and responsibilities of a regular member:  
9 Provided, however, That during this meeting, the President of the University,  
10 as Vice Chairperson, shall be the Presiding Officer: Provided, further, That  
11 this proviso, notwithstanding, the Chairperson of the CHED is hereby  
12 authorized to designate a CHED Commissioner as the regular Chairperson  
13 of the Board, in which case said CHED Commissioner, shall act as the  
14 Presiding Officer.

15 In case of the Chairpersons of the Congressional Committees on  
16 Education, Arts and Culture and the House Committee on Higher and  
17 Technical Education will not be able to attend the Board meeting, they may  
18 designate their respective representatives to attend the meeting, who will  
19 have the same rights and responsibilities as regular members of the Board.

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

25 SEC. 8. The University President. - The University shall be headed by  
26 a President, who shall render full-time service and who shall be appointed  
27 by the Board, upon recommendations of a duly constituted search  
28 committee. The President shall serve a term of four (4) years and shall be  
29 eligible for reappointment for another term: Provided, That in order to effect  
30 the smooth transition of the Marinduque State College to a state university,  
31 the incumbent President of the Marinduque State College, if qualified, shall



1 serve as the first President of the University.

2           Within six (6) months before the expiration of the term of office of the  
3 incumbent President of the University, the Board shall constitute the Search  
4 Committee for the Presidency (SCP).

5           The Board shall designate an Officer-in-Charge (OIC) of the University  
6 in case of vacancy in the Office of the President by reason of death,  
7 compulsory retirement, resignation, removal for cause, or incapacity of the  
8 President to perform the functions of the office, pending the appointment of  
9 a new President: Provided, That the OIC shall serve only the unexpired  
10 portion of the term.

11           The powers and duties of the President of the University, in addition  
12 to those provided in this Act, shall be those usually pertaining to the Office  
13 of the President of similar universities, and those delegated by the Board.

14           The salary of the President of the University shall be in accordance  
15 with the Revised Compensation and Position Classification System, as  
16 modified by Joint Resolution No. 4 dated June 17, 2009, and by such other  
17 laws amendatory thereto, which may hereinafter be enacted, and shall be  
18 comparable to that being received by the Presidents of similar educational  
19 institutions.

20           The President of the University shall be assisted by a Vice-President  
21 for Academic Affairs, a Vice-President for Finance and Administration, and a  
22 Vice-President for Research, Extension and Training, who shall be  
23 appointed by the Board upon recommendation of the President.

24           SEC. 9. Heads of University Campuses. - The Campus Directors shall  
25 serve as heads or administrators of the University campuses and shall  
26 render full-time service.

27           They shall be appointed/designated by the Board upon  
28 recommendation of the Search Committee and the President, subject to the  
29 guidelines, qualifications and standards set by the Board: Provided, That  
30 the incumbent Campus Directors of the existing campuses shall serve as

1 Campus Directors of their respective campuses upon the effectivity of this  
2 Act.

3 SEC. 10. The Secretary of the University. - The Board shall appoint a  
4 Secretary, who shall serve as such for both the Board and the University  
5 and who shall keep all records and proceedings of the Board in addition to  
6 other duties and responsibilities. The Secretary of the University shall serve  
7 upon each member of the Board the appropriate notice of the Board  
8 meetings.

9 SEC. 11. The Treasurer of the University. - The Treasurer of the  
10 Philippines shall be the ex-officio treasurer of the University.

11 SEC. 12. Administrative Council. - There shall be an Administrative  
12 Council consisting of the President of the University, as Chairperson, and  
13 the vice presidents, deans, directors and other officials of equal rank, as  
14 members, whose duty is to review and recommend to the Board, policies  
15 governing the administration, management and development planning of the  
16 University.

17 SEC. 13. The Academic Council. - There shall be an Academic Council  
18 to be composed of the President of the University, who shall act as its  
19 Chairperson, and all academic staff with the rank of at least an assistant  
20 professor, as members.

21 The Academic Council shall have the power to review and recommend  
22 the curricular offerings and rules of discipline of the University, subject to  
23 the approval of the Board. It shall fix the requirements for the admission of  
24 students, as well as for their graduation and conferment of degrees, subject  
25 to the review and approval of the Board through the President of the  
26 University.

27 It shall have disciplinary power over the students of the University  
28 and shall formulate academic policies, rules and regulations on discipline,  
29 subject to the approval of the Board.

30 SEC. 14. The Faculty. - No political belief, gender preference, cultural



1 or community affiliation, ethnic origin, and religious opinion or affiliation  
2 shall be a matter of inquiry in the appointment of faculty members of the  
3 University: Provided, That the appointment shall be subject to the  
4 guidelines, qualifications and standards set by the Board: Provided, further,  
5 That a member of the faculty shall not criticize, vouch for, recruit members  
6 in behalf of, or preach about any particular church or religious sect.

7 SEC. 15. Scholarship Program/Admission. - The University shall  
8 provide a scholarship program and other affirmative action programs to  
9 assist poor but deserving students who qualify for admission to the  
10 University. No student shall be denied admission to the University by reason  
11 of sex, religion, political, cultural or community affiliation, and ethnic origin.

12 SEC. 16. Authority to Loan or Transfer  
13 Apparatus/Equipment/Supplies and Detail of Personnel. - The heads of the  
14 bureaus and offices of the national government are hereby authorized to  
15 loan or transfer, upon the request of the President of the University, such  
16 apparatus, equipment or supplies as may be needed by the University, and  
17 to detail employees for duty therein when, in the judgment of the head of  
18 bureau or office, such apparatus, equipment, supplies or services of such  
19 employees can be spared without serious detriment to public service. The  
20 employees so detailed shall perform such duties as required of them by the  
21 President of the University, and the time so employed shall be counted as  
22 part of their regular services.

23 SEC. 17. Assets, Liabilities and Personnel. - All assets, real and  
24 personal, personnel and records of the Marinduque State College, as well as  
25 liabilities or obligations, are hereby transferred to the University: Provided,  
26 That the positions, rights and security of tenure of the faculty members and  
27 personnel therein employed under existing laws prior to the conversation  
28 into a University shall be respected: Provided, further, That the incumbents  
29 of the positions shall remain in the same status until otherwise provided for  
30 by the Board: Provided, finally, That the University shall also include an  
31 upgrade or increase in its human resource component.

1 All parcels of land belonging to the government occupied by the  
2 Marinduque State College are hereby declared to be property of the  
3 University, and shall be titled under that name: Provided, That should the  
4 University cease to exist or be abolished or should such parcels of land  
5 aforementioned be no longer needed by the University, the same shall revert  
6 to the concerned LGU or to the Republic of the Philippines, as the case may  
7 be.

8 SEC. 18. Tax Exemption. - The importation of economic, technical  
9 and cultural books and publications, which are for economic, technical-  
10 vocational, scientific, philosophical, historical or cultural purposes made by  
11 the University, upon certification by the CHED, shall be exempt from  
12 customs duties in accordance with the provisions of RA No. 10863  
13 otherwise known as the "Customs Modernization and Tariff Act."

14 SEC. 19. Appropriations. - The amount necessary to carry out the  
15 provisions of this Act shall be charged against the current year's  
16 appropriations of the Marinduque State College. Thereafter, such sums as  
17 may be necessary for the continued operation and maintenance of the  
18 University shall be included in the annual General Appropriations Act.

19 SEC. 20. Development Plan, Management Audit, Organization  
20 /Administrative/Academic Structure. - Within the period of one hundred  
21 twenty (120) days after the approval of this Act, the University shall  
22 accomplish the following:

23 a. submit a five (5)-year development plan, including corresponding  
24 program budget to the CHED, for corresponding recommendation to the  
25 DBM;

26 b. undergo a management audit in cooperation with the CHED; and

27 c. accordingly set up its organizational, administrative, and academic  
28 structure, including the appointment of the key officials of the University.

29 SEC. 21. Annual Report. - On or before the fifteenth (15th) day of the  
30 second month after opening of the regular classes each year, the Board shall



1 file with the Office of the President of the Philippines and both Houses of  
2 Congress, through the CHED Chairperson, a detailed report on the  
3 progress, conditions and needs of the University.

4 SEC. 22. Supplementary Application. - The provisions of RA No. 8292,  
5 otherwise known as the "Higher Education Modernization Act of 1997", shall  
6 be an integral part of this Act and shall serve as part of the Governing  
7 Charter of the University.

8 SEC. 23. Compliance with CHED Requirements. - The provisions of  
9 this Act notwithstanding, the conversion of the institution into a state  
10 university shall become effective only upon the determination and  
11 declaration by the CHED, based on the recommendation of a panel of  
12 experts it shall constitute for the purpose, that the institution has complied  
13 with the requirements for a university status based on CHED Memorandum  
14 Order No. 46, series of 2012.

15 The institution shall retain its status prior to the effectivity of this Act  
16 until it is able to comply with the requirements provided herein.

17 SEC. 24. Parity Clause. -All other powers, functions and privileges,  
18 responsibilities and limitations to state universities and their officials under  
19 existing laws shall be deemed granted to or imposed upon the University or  
20 its officials, whenever appropriate.

21 SEC. 25. Implementing Rules and Regulations. -Within sixty (60) days  
22 from the effectivity of this Act, the Board, in consultation with the CHED,  
23 shall formulate the rules and regulations to fully implement the provisions  
24 of this Act.

25 SEC. 26. Separability Clause. - If, for any reason, any part or  
26 provision of this Act is declared invalid or unconstitutional, the remaining  
27 parts or provisions not affected thereby shall remain in full force and effect.

28 SEC. 27. Repealing Clause. - All laws, presidential decrees, executive  
29 orders, rules and regulations contrary to or inconsistent with the provisions  
30 of this Act are hereby repealed or modified accordingly.

1           SEC. 28. Effectivity. - This Act shall take effect fifteen (15) days after  
2 its publication in the Official Gazette or in a newspaper of general  
3 circulation.

Approved,