

[REPUBLIC ACT NO. 11586, July 30, 2021]

AN ACT CONVERTING THE AGUSAN DEL SUR STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (ASSCAT) IN THE MUNICIPALITY OF BUNAWAN, PROVINCE OF AGUSAN DEL SUR INTO A STATE UNIVERSITY, INTEGRATING THEREWITH THE SATELLITE CAMPUS IN THE MUNICIPALITY OF TRENTO, PROVINCE OF AGUSAN DEL SUR, TO BE KNOWN AS THE AGUSAN DEL SUR STATE UNIVERSITY (ADSSU), AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* – The Agusan del Sur State College of Agriculture and Technology (ASSCAT) in the Municipality of Bunawan, Province of Agusan del Sur, including its existing satellite campus in the Municipality of Trento, Province of Agusan del Sur, is hereby converted into a state university to be known as the Agusan del Sur State University (ADSSU), and hereinafter referred to as the University. Its main campus shall be in the Municipality of Bunawan.

SEC. 2. *General Mandate.* – The University shall primarily provide advance education, higher technological, professional and advance instruction in the fields of agriculture, agribusiness management, science and technology, education, forestry, engineering, arts and sciences, nontraditional courses, and other relevant fields of study. It shall also undertake research and extension services and production activities in support of the development of the Province of Agusan del Sur and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* – The University shall offer short-term technical-vocational courses, undergraduate and graduate programs within its areas of competency and specialization in the fields of agriculture, agribusiness management, science and technology, education, forestry, engineering, arts and sciences, and other courses, as the Board of Regents may deem necessary to carry out its objectives, and those which respond to the human resource development needs of the Province of Agusan del Sur and the CARAGA Region.

The University may operate a reasonably sized laboratory school if it has a College of Education.

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

SEC. 5. *The Governing Board.* – The governing body of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be chaired and cochaired by the Chairperson of the Commission on Higher Education (CHED) and the President of the University, respectively, and with the following as members:

- (a) Chairperson of the Committee on Higher, Technical and Vocational Education of the Senate;
- (b) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
- (c) Regional Director of the National Economic and Development Authority (NEDA);
- (d) Regional Director of the Department of Agriculture (DA);
- (e) Regional Director of the Department of Science and Technology (DOST);
- (f) President of the federation of the faculty associations of the University;
- (g) President of the federation of student councils of the University;
- (h) President of the federation of alumni associations of the University; and
- (i) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

The Board shall appoint two (2) prominent citizens who shall be selected from a list of at least five (5) qualified persons in the Province of Agusan del Sur where the University and its campuses are located, as recommended by a Search Committee constituted by the University President, in consultation with the CHED Chairperson and other members of the Board, based on the standards and qualifications for the position set by the Board. They shall serve for a term of two (2) years from the date of appointment.

Membership of the President of the federation of faculty associations, the President of the federation of student councils, and the President of the federation of alumni associations in the governing board, shall be coterminous with their terms of office, as provided under their respective constitutions and bylaws.

SEC. 6. *Powers and Duties of the Board.* – In addition to its general powers of administration and the powers granted to the board of directors of a corporation under existing laws, the Board shall have the following specific powers and duties:

- (a) Promulgate and implement policies in accordance with the declared State policies and pertinent provisions of the Constitution on education, agriculture, science and technology, the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994," and the TESDA, under Republic Act No. 7796 or the "TESDA Act of 1994";
- (b) Approve the curricula, instructional program, and rules of discipline drawn by the Administrative and Academic Councils herein provided;

(c) Appoint, upon the recommendation of the President of the University, the vice presidents, deans, directors, heads of the campuses, faculty members, and other officials and employees of the University;

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

(e) Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income generated by the University, shall constitute its special trust funds and shall be deposited in any authorized government depository bank. All interests that shall accrue therefore shall form part of the same funds for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University and may be disbursed by the Board for instruction, research, extension services or other programs and projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected: *Provided, however*, That if, for reasons beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

(f) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931 or the "Universal Access to Quality Tertiary Education Act";

(g) Establish professional chairs in the University and provide fellowships for qualified faculty members, and scholarships to deserving students;

(h) Receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, in its discretion, to carry out the purposes and functions of the University;

(i) Set the policies on admission and graduation of students;

(j) Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or any field of specialization within academic competency of the University, and authorize the awarding certificates of completion of nondegree and nontraditional courses;

(k) Establish research and extension centers to promote the development of the University;

(l) Develop academic arrangements for institutional capability building with appropriate institution and agencies, whether public, private, local or foreign, and appoint experts/specialists as consultants, part-time or visiting/exchange professors, scholars or researchers, as the case may be;

(m) Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, dual training system, open distance learning, and community laboratory;

(n) Collaborate with the governing boards of state universities and colleges (SUCs) within the Province of Agusan del Sur and CARAGA Region, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the University to make it more efficient, relevant, productive and competitive;

(o) Absorb non-chartered tertiary institutions within the Agusan del Sur and CARAGA Region, as branches and extension/external centers, in coordination with the CHED and in consultation with the DBM, and offer therein programs or courses to carry out the equal access to educational opportunities, as mandated by the Constitution;

(p) Authorize an external management audit of the University, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit, and institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;

(q) Develop consortia and other economic forms of linkages with local government units (LGUs), as well as public, private, local and foreign institutions and agencies, in the furtherance of the purposes and objectives of the University;

(r) Import economic, technical and cultural books and publications;

(s) Enter into joint ventures with business and industry for the profitable development and management of economic assets, the proceeds of which, shall be used for the development and strengthening of the University;

(t) Receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and administer and dispose of the same, when necessary, for the benefit of the University and subject to the limitations, directions and instructions of the donor, if any;

(u) Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including the necessary supplies, materials and equipment;

(v) Extend the term of the President of the University beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board: *Provided*, That the President's performance has been

rated by the Board as outstanding and a unanimous recommendation has been decided by the Search Committee;

(w) Delegate any of its powers and duties provided to the President and other officials of the University, as it may deem appropriate, so as to expedite the administration of the affairs of the University;

(x) Establish policy guidelines and procedure for participative decision making and transparency within the University;

(y) Where most advantageous to the University, privatize the management of nonacademic services such as health, food, building or grounds or property maintenance, and such other similar activities, and;

(z) Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the University.

SEC. 7. Meetings of the Board. – The Board shall regularly convene once every quarter. The Chairperson of the Board may, however, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary within the year.

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

In case the CHED Chairperson cannot attend a meeting of the Board, a CHED Commissioner duly designated by the CHED Chairperson as representative to the meeting, shall have all the rights and responsibilities of regular member: *Provided,* That during the meeting, the President of the University, as Vice Chairperson, shall be the presiding officer: *Provided, further,* That this *proviso*, notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case, said CHED Commissioner, shall act as the Presiding Officer.

In case the Chairperson of the Senate Committee on Higher, Technical and Vocational Education and the House Committee on Higher and Technical Education will not be able to attend the Board meeting, they may designate their respective representatives to attend the meeting, who shall have the same rights and responsibilities as the regular members of the Board.

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

SEC. 8. The University President. – The University shall be headed by a President who shall render full time service and shall be appointed by the Board, subject to the guidelines, qualifications and standards set by the Board, upon the recommendation of a duly constituted Search Committee. The University President shall have a term of four (4) years and shall be eligible for reappointment to another term: *Provided,* That in order to effect the smooth transition of the ASSCAT to a