

[REPUBLIC ACT NO. 9744, November 10, 2009]

AN ACT CONVERTING THE CEBU STATE COLLEGE OF SCIENCE AND TECHNOLOGY SYSTEM IN THE CITY OF CEBU STATE COLLEGE OF SCIENCE AND TECHNOLOGY SYSTEM IN THE CITY OF CEBU AND ALL ITS SATELLITE CAMPUSES LOCATED IN THE PROVINCE OF CEBU INTO A STATE UNIVERSITY TO BE KNOWN AS THE CEBU TECHNOLOGICAL UNIVERSITY (CTU) AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* — The Cebu State College of Science and Technology System in the City of Cebu, including all its existing satellite campuses, namely: the College of Fisheries in the Municipality of Moalboal, the Agro-industrial and Forestry College in the Municipality of Argao, the Polytechnic College in the Municipality of Tuburan, the College of Fisheries in the Municipality of Daanbantaya, the Fishery and Industrial College in the Municipality of San Francisco, the College of Industrial Technology in the Municipality of Danao, the College of Fisheries Technology in the Municipality of Carmen, the Abellana College of Arts and Trades in the City of Mandaue, the College of Agriculture in the Municipality of Barili (previously located in Sudlon, Lahug of Cebu City) and the Experimental Station in the Municipality of Sibonga, all municipalities located in the Province of Cebu, are hereby converted into a state university to be known as the Cebu Technological University (CTU), hereinafter referred to as the University. the main campus of the University shall be in Cebu City.

SEC. 2. *General Mandate.* — The University shall primarily provide advanced professional and technical instruction for special purposes, advanced studies in industrial trade, agriculture, fishery, forestry, aeronautics and land-based programs, arts and sciences, health sciences, information technology and other relevant fields of study. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offering.* — The University shall offer undergraduate and graduate studies in the fields of industrial trade, agriculture, fishery, forestry, aeronautics, arts and sciences, health sciences, information technology, nontraditional courses and other degrees/courses within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, in order to meet the needs of the Province of Cebu and Region VII: *Provided*, That no degree program shall be offered without the approval of the Commission on Higher Education before the same shall be approved by its Board.

The existing high schools shall be transferred to the jurisdiction and supervision of the Department of Education (DepED): *Provided*, That the high schools shall be

allowed to remain and operate within the campus of the University until the student, who are currently enrolled, shall have completed their high school education: *Provided, further,* That 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 board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

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

The Board shall appoint the two (2) prominent citizens from among a list of at least five (5) qualified persons in the Province of Cebu, as recommended by search committee constituted by the University President, in consultation with the Chairperson of the CHED and other members of the Board, based on the normal standards and qualifications for the position.

The term of office 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 shall be coterminous with their terms of office, as set forth in their respective constitutions and bylaws.

The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment.

SEC. 6. *Promulgation and Implementation of Policies.* — The Board shall promulgate and implement policies in accordance with the declared State policies on education

and other pertinent provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994".

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

- a. To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;
- b. To receive and appropriate all sums as may be provided, for the support of the University in the manner it may determine, in its discretion, in order to carry out the purposes and functions of the University;
- c. To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provision of the Tariff and Customs Code of the Philippines, as amended;
- d. To receive in trust legacies, gifts and donations of real properties of all kinds and to administer and dispose of the same when necessary for the benefit of the University, subject to the limitations, directions and instructions of the donor, if any.

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

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

Such fees and charges, including government subsidies and other income generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom 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 or other programs/projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which these are collected.

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. To adopt and implement a socialized scheme of tuition and other school fees for greater access to poor but deserving students;
- g. To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment;
- h. To appoint, upon recommendation of the President of the University, Vice Presidents, deans, directors, heads of departments, faculty members and other officials and employees of the University;
- i. To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and condition as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing laws to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- j. To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;
- k. To set policies on admission and graduation of students;
- l. To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of agriculture, public service, arts, science and technology, education or in any field of specialization within the academic competence of the University; and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;
- m. To establish and absorb nonchartered tertiary institutions within the Province of Cebu as branches and extension centers in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal and greater access to educational opportunities as mandated by the Constitution;
- n. To establish research and extension centers of the University where such will promote the development of the latter;
- o. To establish professorial chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;
- p. To delegate any of its powers and duties provided for hereinabove to the President or Officer-in-Charge and/or other officials of the University as it may deem appropriate, so as to expedite the administration of the affairs of the University;
- q. To 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 (COA); and to institute reforms, including academic and structural changes, on the basis of audit results and recommendation;
- r. To collaborate with other governing boards of state universities and colleges within the Province of Cebu or Region VII, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;
- s. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the

proceeds from which shall be used for the development and strengthening of the University;

- t. To develop consortia and other forms of economic linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the University;
- u. To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part-time or visiting or exchange professors, scholars or researchers, as the case may be;
- v. To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open learning or distance education and community laboratory for the promotion of greater access to higher education and graduate studies, as the case may be;
- w. To establish policy guidelines and procedures for participative decision-making and transparency within the University;
- x. To privatize, where most advantageous to the University, the management of nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities; and
- y. To extend the term of the President of the University beyond the age of retirement, but not beyond the age of seventy (70), whose performance has been unanimously rated by the Board as outstanding, based on the guidelines, qualifications and/or standards set by the Board, after unanimous recommendation by the search committee.

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

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 CHED or the President of the University is among those present in the meeting.

In the absence of the Chairperson of the CHED, a Commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That during this 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 Chair of the Board, in which case said CHED Commissioner shall act as the Presiding Officer.

In case the Chairpersons of the Congressional Committees on Education shall not be able to attend the Board meeting, they may duly designate their respective representatives to attend said meeting, who shall have the same rights and responsibilities as a regular member 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 in their attendance to meetings of the Board or in connection with other official business