

[REPUBLIC ACT NO. 9055, April 04, 2001]

AN ACT CONVERTING THE AKLAN STATE COLLEGE OF AGRICULTURE IN THE MUNICIPALITY OF BANGA, PROVINCE OF AKLAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE AKLAN STATE UNIVERSITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. The Aklan State College of Agriculture (ASCA), located in the Municipality of Banga, Province of Aklan is hereby converted into a state university to be known as the Aklan State University, hereinafter referred to as the University.

SEC. 2. The University shall primarily provide advanced instruction and professional training in agriculture, science and technology, education, and other related fields, undertake research and extension services, and provide progressive leadership in these areas: *Provided*, That the University shall ensure that it retain its original mandate as a primarily agricultural institution.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports (DECS): *Provided*, That the high school shall be allowed to remain and operate within the campus of the University until the students 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. 3. The University shall offer undergraduate, graduate and short-term technical courses within its areas of specialization, especially agriculture, and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, particularly in order to meet the needs of the province and the region: *Provided*, That in case of graduate courses, the University shall strengthen the masteral and doctorate programs in agricultural courses.

SEC. 4. The University shall have the general powers of a corporation as set forth in the Corporation Law. The administration of the University and the exercise of its powers shall be vested exclusively in the Board of Regents.

SEC. 5. The governing body of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- a. The chairman of the Commission on Higher Education (CHED), chairman;
- b. The president of the University, vice chairman;
- c. The chairman of the Committee on Education, Arts and Culture of the Senate, member;

- d. The chairman 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 Agriculture (DA), member;
- g. The president of the faculty association of the University, member;
- h. The president of the student council of the University member;
- i. The president of the alumni association of the University, member; and
- j. Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization of the University, chosen from among a list of at least five (5) qualified persons in the Province of Aklan, as recommended by the search committee constituted by the University president, in consultation with the chairman of the CHED, based on the normal standards and qualifications of the position, members.

The term of office of the president of the faculty association, the president of the student council, and the president of the alumni association shall be coterminous with their respective terms of office. In the event that the University shall have more than one (1) campus, the faculty, alumni and the student council shall be represented by the presidents of the federations.

The two (2) prominent citizens shall serve for a term of two (2) years.

In case of vacancy in the office of the president, the officer-in-charge of the University designated by the Board shall serve for the unexpired term only.

SEC. 6. The Board shall promulgate and implement policies in accordance with the declared state policies on education and other pertinent provisions of the Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722.

SEC. 7. The Board shall have the following specific 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 Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines:

- a. To enact 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, to carry out the purposes and functions of the University;
- c. To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the University and subject to limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;
- d. To fix the tuition fees and other necessary school fees and charges, such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as it may deem proper and reasonable 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 purposes for which they are collected.

If, for reasons beyond its control, the University shall not be able to pursue any projects 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;

- e. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- f. To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;
- g. To appoint, upon recommendation of the president of the University, vice presidents, deans, directors and heads of departments, faculty members and other officials and employees of the University;
- h. 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 conditions 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 law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- i. To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- j. To set policies on admission and graduation of students;
- k. To award honorary degrees upon persons in recognition of outstanding contribution in the field of agriculture or any field of specialization within the academic competence of the University; and to authorize the award of certificate of completion for non-degree and non-traditional courses;
- l. To establish and absorb tertiary institutions within the province of Aklan as branches, centers, stations, etc., 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 access to educational opportunities mandated by the Constitution;
- m. To establish research and extension centers of the University where such will promote the development of the latter;

- n. To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;
- o. To delegate any of its powers and duties provided for hereinabove to the president and/or other officials of the University as it may deem appropriate so as to expedite the administration of the affairs of the University;
- p. To authorize an external management audit of the institution, to be financed by CHED, and to institute reforms, including academic and structural changes, on the basis of audit results and recommendations;
- q. To collaborate with other governing boards of state universities and colleges within the Province of Aklan or Region VI, where it may be feasible, under the supervision of the CHED in consultation with the DBM, the restructuring of said colleges and universities to become more efficient, relevant, productive and competitive;
- r. 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 same;
- s. To develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University;
- t. To develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;
- u. To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open-learning, community laboratory, etc., for the promotion of greater access to higher education;
- v. To establish policy guidelines and procedures for participative decision-making and transparency within the University;
- w. To privatize, where most advantageous to the University, management of non-academic services such as health, food, building, grounds or property maintenance and such other similar activities; and
- x. To extend the term of the president of the University beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation of the search committee.

SEC. 8. The Board shall regularly convene at least once every quarter. However, the Chairman of the Board may, upon three (3) days prior written notice, call a special meeting whenever necessary.

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

In the absence of the chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That in the said meeting, the president of the University as the vice chairman shall be the presiding officer.

The members of the Board shall not receive any salary but they shall be entitled to