

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 464



Introduced By **Honorable ERWIN L. CHIONGBIAN**

EXPLANATORY NOTE

Article XIV, Section 2 (1) of the Constitution states that “The State shall establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and society.”

Pursuant to the foregoing Constitutional mandate, this bill seeks to convert the Glan School of Arts and Trades (GSAT) in the Municipality of Glan, Province of Sarangani, into a state college to be known as the Glan Polytechnic State College.

The bill aims to establish a specialized learning institution that would serve to promote development and income-generating opportunities for the Municipality of Glan and the surrounding municipalities through the utilization of available resources as well as existing manpower.

The people of Sarangani has long desired the establishment of a state college in their province. Despite its enormous potential, Sarangani does not have any state college or CHED-supervised college to develop higher education skills of its young constituency. In 1998, before it was reclassified as a secondary school, GSAT used to provide the higher education needs of the province in limited capacity. It offered only post-secondary industrial trade technical education program from 1975 to 2000 and industrial teacher education program from 1977 to 2000.

The conversion of the GSAT into a state college shall benefit the Province of Sarangani in terms of educational opportunities for its student population at less expense and provide skilled and technical manpower resources to the various industrial and commercial establishments in said province to help accelerate its economic development, and contribute to the improvement of the standard of living of the people therein.

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

A handwritten signature in dark ink, consisting of a large, stylized 'E' followed by 'L. Chiongbian' in a cursive script.

ERWIN L. CHIONGBIAN

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Introduced By **Honorable ERWIN L. CHIONGBIAN**

AN ACT CONVERTING THE GLAN SCHOOL OF ARTS AND TRADE (GSAT) IN THE MUNICIPALITY OF GLAN, PROVINCE OF SARANAGNI INTO A STATE COLLEGE TO BE KNOWN AS THE GLAN POLYTECHNIC STATE COLLEGE AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* – The Glan School of Arts and Trade (GSAT) in the Municipality of Glan, Province of Sarangani is hereby converted into a state college to be known as the Glan Polytechnic State College, hereinafter referred to as the College.

SEC. 2. *General Mandate.* – The College shall primarily provide advanced education, higher technological, professional instruction and training in the fields of arts and sciences, education and related courses. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate and graduate studies in the fields of agriculture, forestry, engineering, arts and sciences, nontraditional courses, and other degrees/courses within its areas of specialization and according to its capabilities as the Board of trustees may deem necessary to carry out its objectives, particularly to meet the needs of the Province of Sarangani and the region.

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

SEC. 4. *Administration.* – The College shall have the general powers of a corporation set forth in the Corporation Law. The administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the president of the College.

SEC. 5. *The Governing Board* – The Governing Board of the College shall be the Board of Trustees, 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 College; 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 College, member;
- (h) The president of the student council of the College, member;
- (i) The president of the alumni association of the College, member; and
- (j) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the College, members.

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

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 coterminus with their respective terms of office, as set forth in their respective Constitutions and By-Laws.

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 the Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994.”

SEC. 7. *Powers and Duties of the Board of Trustees*. – 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 existing laws:

- (a) To promulgate rules and regulations as may be necessary to carry out the purposes and functions of the College;
- (b) To receive and appropriate all sums as may be provided, for the support of the College in the manner it may determine in its discretion, to carry out the purposes and functions of the College;
- (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 provisions of the Tariff and Customs Code, as amended;
- (d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the College, and 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), as amended: *Provided*, That such donations shall not be disposed of, transferred or sold; and

- (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 College, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form apart of the same funds for the use of the College.

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

If, for reasons beyond its control, the College shall not be able to pursue any project for which the 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 College;

- (f) To adopt and implement a socialized scheme of tuition and 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 property, including necessary supplies, materials and equipment;
- (h) To appoint upon recommendation of the president of the College, vice presidents, deans, directors and heads of campuses, faculty members, and other officials and employees of the College;
- (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 conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them from for cause in accordance with the requirements of due process of law;
- (j) To approve the curricula, instructional programs and rule of discipline drawn by the administrative and academic councils herein provided;
- (k) To set policies on admission and graduation of students;
- (l) To award honorary degrees upon persons in recognition of outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the College; and to authorize the awarding of the certificates of completion of nondegree and nontraditional courses;
- (m) To establish and absorb non-chartered tertiary institutions within the Province of Sarangani as branches and 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 access to educational opportunities as mandated by the Constitution;
- (n) To establish research and extension centers of the College where such will promote the development of the latter;
- (o) To establish chairs in the College 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 and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;
- (q) To authorize an external management audit of the College, to be financed by the CHED, subject to the Commission on Audit (COA) rules and regulations; and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (r) To collaborate with other governing boards of the state colleges and universities within the Province of Sarangani or the region, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the College 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 College, the proceeds of which shall be used for the development and strengthening of the College;
- (t) To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in the furtherance of the purpose and objectives of the College;
- (u) To develop academic arrangements for institution-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 system, open learning or distance education, community laboratory, etc. for the promotion of greater access to education;
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- (x) To privatize, where most advantageous to the College, 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 College beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated by the Governing 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 chairman 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 chairman of the Board or the president of the College 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 meetings with all the rights and responsibilities of a regular member: *Provided, however,* That during this meeting, the president of the College as vice chairman shall be the presiding officer: *Provided, further,* That this *proviso* notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner as the regular chair of the Board of Trustees, in which case said CHED Commissioner shall act as the presiding officer.

In case the chairmen of the Congressional Committees on Education shall not be able to attend the board meeting, they may duly designate their respective representatives to attend the aid 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 authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 9. *The College President.*- The College shall be headed by a president, who shall render full time service. He shall be appointed by the Board, subject to the guidelines, qualifications and/or standards set by the Board, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided*, That in order to effect a smooth transition to a state college, the incumbent Head of the Glan School of Arts and Trade, if qualified, shall serve as the first president of the College.

In case of vacancy in the office of the president by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board shall have the authority to designate an officer-in-charge of the College pending the appointment of a new president.

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

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

The salary of the president of the College shall be in accordance with the Revised Compensation and Position Classification Board System and shall be comparable to that being received by the presidents of similar educational institution.

SEC. 10. *The Administrative Council.* – There shall be an administrative council consisting of the president of the College as chairman, vice presidents, deans, directors and other officials of equal rank as members, whose duty is to review and recommend the policies governing the administration, management and development planning of the College, as approved by the Board.

SEC. 11. *The Academic Council.* – There shall be an academic council with the president of the College as chairman and all members of the academic staff with the rank of not lower than assistant professor as members.

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

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

SEC. 13. *The Treasurer of the College.* – The Treasurer of the Philippine shall be the ex officio treasurer of the College.

SEC. 14. *Faculty.* – No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: *Provided*, That said appointment shall be subject to the guidelines, qualifications and/or standards set by the Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

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

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

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

SEC. 17. *Authority to Loan or Transfer.* – The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the request of the president of the college. Such apparatus, equipment or supplies as may be needed by the College, and to detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. The employees so detailed shall perform such duties as required of them by the president of the College, and the time so employed shall be counted as part of their regular services.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, fixed and movable personnel and records of the Glan School of Arts and trade, as well as liabilities or obligations, are hereby transferred to the College: *Provided, however,* That the positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into college are not impaired.

All parcels of land belonging to the government and occupied by the Glan School of Arts and Trade, are hereby declared to be the property of the Glan Polytechnic State College, and shall be titled under that name: *Provided,* That should the College cease to exist or to be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the concerned local government unit.

SEC.19. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriation of the Glan school of arts and Trade, except the sums needed to continue the operations of the existing high school. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Glan Polytechnic State College shall be included in the annual General Appropriations Act.

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

- (a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;
- (b) Under a management audit in cooperation with the CHED;
- (c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the college key officials;and
- (d) Set in motion the establishment of at least four (4) separate degree-granting units, one of which in the arts and sciences and another, at the graduate level.

SEC. 21. *Filing of Report.* – On or before the fifteenth (15TH) day of the second (2ND) month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines, through the Chairman of the CHED, and with both Houses of Congress a detailed report on the progress, conditions and needs of the College.

SEC. 22. *Suppletory Application.* – The provisions of Republic act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall be an integral part of this Act and shall serve as part of the Governing Charter of the College.

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

SEC. 24. *Implementing Rules and Regulations.* – The CHED shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 25. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 26. *Effectivity.* – This Act shall take effect upon its approval.

Approved,