

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 510



Introduced by **Hon. Arthur "Dodo" Y. Pingoy, Jr., M.D.**

Explanatory Note

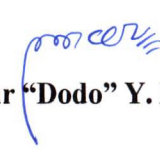
South Cotabato and its neighbors, the provinces of Sultan Kudarat and Sarangani and the cities of Koronadal and General Santos are agriculturally rich areas. However, they all lack a tertiary agricultural school to train and educate its manpower to cater to the demands of agri-based industries now mushrooming all throughout the area as an off-shoot of being one of the points of the South-East Asian economic growth triangle. The nearest agricultural college, the University of Southern Mindanao in Kabakan, North Cotabato is six (6) hours away, a very considerable distance, and the route even passes through municipalities with volatile peace and order conditions.

Establishing an agricultural college now will definitely enhance and develop practical farming skills and agricultural entrepreneurship in students which is indispensable in bringing about agro-industrialization needed for the country's development, more so made significant by the challenges posed by the country's ratification of GATT and by the current thrust of agricultural modernization by the present government.

This bill is, therefore, filed to address this urgent concern. It seeks to offer relevant college education in these areas by converting the existing Surallah National Agricultural School (SUNAS) located in the municipality of Surallah, Province of South Cotabato, into an Agricultural College to be known as the South Cotabato Agricultural State College.

This proposed measure is also in line with the Constitutional provision that the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all and corollary thereto, 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.

In view of the foregoing, approval of this bill is highly recommended.


Arthur "Dodo" Y. Pingoy, Jr., M.D.

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**AN ACT CONVERTING THE SURALLAH NATIONAL AGRICULTURAL SCHOOL (SUNAS)
IN THE MUNICIPALITY OF SURALLAH, PROVINCE OF SOUTH COTABATO, INTO A
STATE COLLEGE TO BE KNOWN AS THE SOUTH COTABATO AGRICULTURAL STATE
COLLEGE, AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. The Surallah National Agricultural School in the Municipality of Surallah, Province of South Cotabato, is hereby converted into an agricultural state college to be known as the South Cotabato Agricultural State College, hereinafter referred to as the State College.

SEC. 2. The State College shall offer undergraduate, graduate, and short-term technical courses within its area of specialization, as the Board of Trustees may deem necessary to carry out its objectives particularly, in order to meet the needs of the province.

SEC. 3. The objectives of the establishment of the said agricultural college are: (a) to produce trained and skilled manpower relevant to the socioeconomic growth of the region in general and the service are in particular, along with the program of agro-industrial development of the country; (b) to provide tertiary education that is accessible to the broad mass, particularly the qualified but economically disadvantaged members of society in the service area; (c) to offer agricultural, technological and professional courses and provide leadership in the scientific and technical fields through research and skills training; (d) to promote and establish linkages with public and private agencies or instrumentalities within the context of an integrated implementation of development plans for the region; and (e) to reinforce moral values and to instill qualities of good citizenship through understanding and appreciation of the dignity of labor.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports: *Provided*, This high school shall be allowed to remain and operate within the campus of the State College until it shall have been transferred to another location, or until its students shall have been accommodated in other public or private high schools: *Provided*, further, that the State College may operate a reasonably-sized laboratory school if it has a college of education.

SEC. 4. The State College shall have the general powers of a corporation as set forth in the corporation law. The administration of the State College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the president of the State College insofar as authorized by the Board.

SEC. 5. The governing body of the State 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 State College, vice chairman;
- (c) The Chairman of the Committee on Education and Culture of the Senate, member;

- (d) The Chairman of the Committee on Education and Culture 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 faculty association of the State College, member;
- (h) The president of the supreme student council, member;
- (i) The president of the alumni association, member; and
- (j) Two (2) prominent citizens, who have distinguished themselves in their professions or fields of specialization, members.

Two (2) prominent citizens shall be chosen from among a list of at least five (5) persons qualified in the province of South Cotabato, as recommended by a search committee constituted by the State College president in consultation with the chairman of the CHED based on normal standards and qualifications for the position.

The term of office of the president of the faculty association, the alumni association, and the supreme student council shall be coterminous with their term of office.

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

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

SEC. 7. The governing 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 Bilang 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 State College;
- (b) To receive and appropriate all sums as may be provided for the support of the State College in the manner it may, in its discretion, determine to carry out the purposes and functions of the State College;
- (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 State College and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from taxes and shall be considered as deductible items from the income tax of the donor;
- (d) To fix 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 State 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 part of the same fund for the use of the State College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the State College from tuition fees and other charges as well as from the operation of auxiliary services and land grants, shall be retained by the State College and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the State 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 State College 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 State College.

- (e) To adopt and implement a socialized tuition scheme of tuition and school fees for greater access to poor but deserving students;
- (f) To authorize the construction or repair of its building, 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 State College through the Board shall be exempt from all taxes and duties;
- (g) To appoint, upon the recommendation of the president of the State College, vice-president, deans, directors, head of the departments, faculty members, and other officials and employees;
- (h) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of revised compensation and 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 for cause in accordance with the requirement of due process of law;
- (i) To approve 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 contributions in the fields of education, public service, arts, science and technology, or in any field of specialization within the academic competence of the State College; and to authorize the awarding of certificates for completion of non-degree and non-traditional courses;
- (l) To absorb non-chartered tertiary institutions within the Province of South Cotabato in coordination with the CHED and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses to promote and carry out equal access to educational opportunities mandated by the constitution;
- (m) To establish research and extension centers where such will promote the development of the State College;
- (n) To establish chairs in the State College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (o) To delegate any of its powers and duties provided fro hereinabove to the president and/or other officials of the State College as it may deem appropriate so as to expedite the administration of the affairs of the State College;

- (p) To authorize an external management audit of the institution to be financed by the CHED and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (q) To collaborate with other governing boards of state colleges and universities within the province or region under the supervision of the Commission on Higher Education and in consultation with the Department of Budget and Management, the restructuring of the State College to become more efficient, relevant, productive, and competitive;
- (r) To enter into joint ventures with business and industry for the profitable development of and management of the economic assets of the State College, the proceeds from which to be used for the development and strengthening of the State College;
- (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 State College;
- (t) 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, 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 State College;
- (w) To privatize, where most advantageous to the institution, management and non-academic services such as health, food, building or grounds, or property maintenance and such other similar activities; and
- (x) To extend the term of the president of the State College 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 by the search committee for the president of the institution concerned.

SEC. 8. The Board of Trustees shall regularly convene at least once every quarter. The chairman of the Board of Trustees may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, That the chairman of the Board or the president of the State 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: *Provided, however*, That during these meetings, the president of the State 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 to the Board of Trustees, in which case said commissioner shall act as the presiding officer.

The member of the Board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meetings or in connection with their official business authorized by resolution of the Board.

SEC. 9. The administration of the State College shall be vested in the president of the State College who shall render full-time service. He shall be appointed by the Board of Trustees, 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, *however* That this proviso notwithstanding, in order to effect a smooth transition to a State College, the head of the Surallah National Agricultural School (SUNAS), if qualified, shall be the first president of the State College.

In case of vacancies by reason of death, 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 pending the appointment of a new president.

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

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

The salary of the president of the State College shall be in accordance with the revised compensation and position classification system and shall be comparable to that being received by the presidents of similar educational institutions of like enrollment and standing.

SEC. 10. The Board shall appoint a secretary who shall serve as such for both the Board and the State College and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board notice of meetings.

SEC. 11. There shall be an administrative council consisting of the president of the State College as chairman, vice-president(s), deans, directors, and other officials of equal rank as members, whose duty is to review and recommend to the Board of Trustees policies governing the administration, management and development planning of the State College for appropriate action.

SEC. 12. There shall be an academic council with the president of the State College as chairman, and all members of the instructional 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 for the State College subject to appropriate action of the Board of Trustees. It shall fix the requirements for the admission to the State College, as well as for graduation and the conferment of degrees, subject to review and/or approval by the Board through the president of the State College.

SEC. 13. The treasurer of the Philippines shall be the *ex officio* treasurer of the State College.

SEC. 14. No student shall be denied admission to the State College by reason of sex, nationality, religion, or political affiliation.

SEC. 15. Pursuant to Paragraph 2, Section 5, article XIV of the Constitution of the Republic of the Philippines, all institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.

SEC. 16. On or before the fifteenth (15th) day of the second 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 to both Houses of Congress, a detailed report on the progress, conditions and needs of the State College.

SEC. 17. All accounts and expenses of the State College shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 18. The Commission on Higher Education is hereby directed to take such steps as are necessary for the immediate implementation of this Act.

Pending the appointment of the first State College president, the appointment of an officer-in-charge of the State College shall be made by the CHED.

SEC. 19. All the assets, fixed and movable, personnel, records and facilities of the Surallah National Agricultural School, as well as liabilities or obligations, are hereby transferred to the South Cotabato Agricultural State College: *Provided, however,* The positions, rights and security of tenure of personnel therein employed under existing laws prior to absorption by the State College are not impaired: *Provided, further,* That the incumbents of the positions shall remain in the same status until otherwise provided by the Board. All parcels of land belonging to the government occupied by the Surallah National Agricultural School are hereby declared the property of the South Cotabato Agricultural State College and shall be titled under that name: *Provided, furthermore,* That should the State College cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the State College, the same shall revert back to the Province of South Cotabato.

SEC. 20. The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the president of the State College, such apparatus, equipment or supplies as may be needed by the State College and detailed employees for duty therein, when in the judgment of the bureau or office, such apparatus, equipment, supplies or services of such employees can spared without serious detriment to the public service. Employees so detailed shall perform such duties as required of the by the president of the State College and the time so employed shall be counted as part of their regular services.

SEC. 21. The amount needed to carry out the provisions of this Act shall be charged against the current year's appropriations of the Surallah National Agricultural School (SUNAS). Thereafter, such sums as may be necessary for the operation and maintenance of the South Cotabato Agricultural State College shall be included in the annual General Appropriations Act.

SEC. 22. All laws, presidential decrees, executive orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 23. If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 24. This Act shall take effect upon its approval.

Approved,