

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 512



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

Explanatory Note

Since the creation of South Cotabato in 1966 and up to the present, the people have yet to witness governmental imprimatur on the creation of a state university that will cater to their educational and developmental needs. The reality is that, more often than not, college education is obtained in other parts of Mindanao and even in the Visayas not only due to the soaring costs of education but also to sheer lack of educational institutions in the province.

Notre Dame of Marbel University which is privately-owned and administered serves as the only choice when a college student chooses to remain therein for the completion of his/her studies. The nearest agricultural college, the University of Southern Mindanao in Kabakan, North Cotabato, is six (6) hours away and covers a route known for armed skirmishes between the government and rebel forces.

Not only that this measure has long been overdue, but the present times clearly demand the immediate establishment of a state college that will sustain the booming development of the province as a natural off-shoot of its being one of the points of the South-East Asian economic growth triangle and also due to the current thrusts of agricultural modernization by the current government. May it be stressed that the province of South Cotabato and the City of Koronadal have been the hub of economic, cultural and educational activities in the SOCCSKSARGEN Region.

This will also complement thriving agri-based industries by private initiative, encourage entrepreneurship with the trainings and exposure that the college can effectively impart and promote the availment of recent technological and scientific advances, apart from the increasing demands of a burgeoning populace especially that of the youth sector.

No less than the Constitution calls for the State to protect and promote the right of all citizens to quality education and to take appropriate steps to make such education accessible to all. Such unequivocal expression and recognition of the paramount importance of education for all is, however, not translated strongly in South Cotabato as its people have yet to enjoy the benefits of a complete, adequate and affordable quality education.

This bill is, therefore, filed to address this urgent concern and immensely contribute to the training and education of the province's human resource so vital for them to effectively participate in and partake of the gains of economic development. This will also benefit the students and residents of the adjacent provinces of Sultan Kudarat and Sarangani and the rest of the SOCCSKSARGEN region which suffers from the same situation.

In view of the foregoing, approval of this measure is earnestly sought.


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

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AN ACT ESTABLISHING A STATE COLLEGE IN THE CITY OF KORONADAL, PROVINCE OF SOUTH COTABATO, TO BE KNOWN AS THE SOUTH COTABATO STATE COLLEGE (SCSC) AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. **Establishment.** – There is hereby established in the City of Koronadal, Province of South Cotabato, a state college to be known as the South Cotabato State College (SCSC), the same being organized as a corporation under that name, and hereinafter referred to as the State College.

SEC. 2. **Purposes.** – The State College shall provide technical and professional training in the sciences, arts, teacher education, agriculture, engineering, business and entrepreneurial technology as well as short-term vocational courses. It shall likewise promote research, advance studies and academic leadership in the stated areas of specialization.

SEC. 3. **Powers.** – The State College shall have the general powers set forth in Section Thirty-Six (Sec. 36) of Batas Pambansa 68 (B.P. 68), as amended, and the exercise of its corporate powers shall be exercised exclusively by a Board of Trustees.

SEC. 4. **Board of Trustees.** The governing body of the State College shall be vested in a board of trustees to be known as the Board of Trustees of the South Cotabato State College, hereinafter referred as the Board of Trustees.

a) **Composition and Manner of Appointment.** The Board of Trustees shall be composed of ten (10) members, namely:

- i. Chairman of the Commission on Higher Education (CHED), Chairman;
- ii. President of the State College, Vice Chairman;
- iii. Respective Chairmen of the Congressional and Senate Committees on Education and Culture;
- iv. Regional Director of the National Economic Development Authority (NEDA) of Region XII;
- v. President of the faculty association;
- vi. President of the supreme student council or the student representative elected by the student council; Provided, That in the absence of a student council president, or student representative elected by the student council, the State College shall schedule one (1) week for the campaign and election of a student representative;
- vii. President of the alumni association of the State College;
- viii. Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization chosen among a list of at least five (5) persons, qualified within the 1st and 2nd Legislative District of South Cotabato, as recommended by the search committee constituted by the resident in consultation with the Chairman of the CHED based on the normal standards and qualifications for the position.

The faculty and the student council shall be represented by the president of their respective federations within the State College.

The private sector representatives shall be appointed by the Board of Trustees upon the recommendation of a duly constituted search committee.

- b) *Term of Office.* The presidents of the faculty and alumni associations and the student trustee shall sit in the Board of Trustees until the expiration of their term of office in such capacities.

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

- c) *Meetings.* 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 the said meeting.
- d) *Quorum.* A majority of all members holding office shall constitute a quorum for board meetings; Provided, That the Chairman of the CHED who is the chairman of the Board of Trustees or the president of the State College is among those present in the meeting. In the absence of the Chairman of 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 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 CHED Commissioner shall act as the presiding officer.
- e) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for the necessary expenses incurred in their attendance of meetings of the Board of Trustees or in connection with their official business authorized by a resolution of the Board of Trustees.

SEC. 5. Powers and Duties of the Board of Trustees. – The Board of Trustees shall have the following specific powers and duties in addition to its general powers and 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, namely:

- 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 in the manner it may determine in its discretion and to carry out the purposes and functions of the college;
- c) to receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the State College, subject to limitations, discretions and instructions of the donors, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items for the income tax of the donor;
- d) 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 of Trustees 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 interest that shall accrue therefrom shall form part of the same fund for the use of the State College.

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 of Trustees for instruction, research, extension or other programs/projects of the said 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 of Trustees 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 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 State College through the Board of Trustees shall be exempt from all taxes and duties;
- g) to appoint, upon the recommendation of the State College President, vice presidents, deans, directors, heads of 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 the 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, subject to existing budgetary laws, and to remove them for cause in accordance with the requirements of due process of law;
- i) to approve the curricula, institutional programs and uniform 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 education, public service, arts, science and technology or in any field of specialization within the academic competence of the college and to authorize the award of certificates of completion of non-degree and non-traditional courses;
- l) to absorb non-chartered tertiary institution within South Cotabato in coordination with CHED and in consultation with the Department of Budget and Management, and to offer thereon 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 of the State College where such will promote development of the latter;
- n) to establish chairs in the State College and to provide fellowships for qualifies faculty members and scholarships to deserving students;
- o) to delegate any member(s) of the Board of Trustees to exercise any of its powers and duties provided for hereinabove as it may deem appropriate so as to expedite the administration of the affairs of the 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 audits results and recommendations;
- q) to collaborate with other governing boards of state universities and colleges within the region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of said colleges and universities to become more efficient, relevant and competitive;
- r) to enter into joint ventures with business and industry for the profitable development and management of the economic assets of the State College, the proceeds from which to be used for the development and strengthening of the same;
- s) to develop consortia and other forms of linkages 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 or private, local or foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be, subject to existing laws;
- 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, 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 it is most advantageous to the State College, management and non-academic services such as health, food, building or grounds or property maintenance and similar such other activities;
- 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 recommendation by the search committee.

SEC. 6. *Promulgation and Implementation of Policies.* – The Board of Trustees 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 thrust of CHED under Republic Act No. 7722.

SEC. 7. *The Administration.* – 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 the duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, That this provision shall not be adversely affect the terms of the incumbents.

The president shall be assisted by a vice-president for academic affairs, who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one vice-president when so warranted.

In case of vacancy 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 mentioned in the 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 provided in this Act, shall be those usually pertaining to the Office of the President of the same college, and those delegated by the Board of Trustees.

The salary of the President of the State College shall be subject to the existing compensation and position classification system and shall be comparable to that being received by other presidents of similar educational institutions of like standing.

SEC. 8. *The Secretary of the College.* – The Board shall appoint a secretary who shall serve as such for both of Trustees and the State College and shall keep all the records and proceedings of the Board of Trustees. He shall communicate to each member of the Board of Trustees any notice of meetings.

SEC. 9. *The Treasurer of the Philippines.* – The Treasurer of the Philippines shall be the ex-officio treasurer of the college. All accounts and expenses of the college shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 10. *Administrative Council.* – There shall be an administrative council consisting of the President of the State College as Chairman, the vice-president(s), deans, directors and other officials of equal rank as members and 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. 11. **Academic Council.** – 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 professors as members.

The academic council shall have the power to review and recommend the curricular offerings and rules of discipline of the college subject for appropriate action of the Board of Trustees. It shall fix the requirements for the admission as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Trustees through the president of the college.

SEC. 12. **Academic Freedom.** – Pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, all institution of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.

SEC. 13. **Admission.** – No student shall be denied admission to the State College by reasons of sex, nationality, religion, political affiliation, physical disability, cultural or community affiliation or ethnic region.

SEC. 14. **Filing of Report.** – On or before the fifteenth (15th) day of the second month after the opening of regular classes each year, the president of the college shall file with the Office of the President of the Philippines through the Chairman of the CHED and with the Senate and House of Representatives a detailed report on the progress, conditions and needs of the college.

SEC. 15. **Campus Site.** – The State College shall have an area of not less than five (5) hectares for its exclusive use as campus site for its academic and instructional programs, research and development activities and experimental and laboratory facilities.

The Board of Trustees shall forthwith recommend a suitable site within the City of Koronadal for this purpose. The Office of the President of the Philippines through the CHED shall effect the immediate acquisition of the said area for use as campus site.

SEC. 16. **Development Plan.** – The Board of Trustees, within six (6) months following its creation, shall complete a seven-year development plan for the State College which shall serve as the basis for its policy decisions.

SEC. 17. **Appropriation.** – The amount of (P50,000,000) shall be initially appropriated to the budget of Commission on Higher Education (CHED) for the purpose of implementing this Act. Thereafter, such additional amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into the law.

SEC. 18. All other powers, functions, privileges, responsibilities and limitations to state universities and/or its officials under existing laws shall be deemed granted to or imposed upon the State College whenever appropriate.

SEC. 19. **Effectivity Clause.** – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two newspapers of general circulation.

Approved,