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



THIRTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 660

INTRODUCED BY HONORABLE ALIPIO CIRILO V. BADELLES

EXPLANATORY NOTE

This is the third re-filing of this legislative measure originally registered in the 11th Congress as House Bill No. 2039 and House Bill No. 2094 in the 12th Congress to fulfill a constitutional mandate to give priority to the advancement of education, science and technology as an instrument to accelerate social progress and promote total human liberation and development.

In line with the spirit and intent of this state policy as enshrined in the constitution, this humble representation is proposing the conversion of the CHED-supervised Maigo School of Arts and Trade (MSAT) located in the Municipality of Maigo, Province of Lanao del Norte to a polytechnic state college. It shall be known as the Lanao del Norte Polytechnic State College (LNPSC).

The candidate school was created with the enactment of Republic Act No. 4279 in June 19, 1965. This was authored by then Representative of the Lone District of Lanao del Norte, the late Honorable Laurentino Ll. Badelles. Republic Act No. 4279 established the core institution known as the Maigo School of Arts and Trade. Since the establishment of the school, MSAT has been providing technology education in the secondary, post secondary and collegiate level. Thirty-three years since its founding, the enrollment of the MSAT has been steadily increasing. Today, more than ever, it has become necessary and important for a state institution of higher learning that offers a complete technological, scientific and integrated system of education of higher learning be made accessible to our people. Besides, a responsive academe is a vital component to stimulate socio-economic development and growth in the region.

It is envisioned that with the conversion, the new school will be able to fulfill the demands for an institution of higher learning not only in the Province of Lanao del Norte but in also the surrounding region. The existence of state institution of higher learning such as the proposed Lanao del Norte Polytechnic State College can be a big boost to the socio-economic growth and development of the area.

Thus, to fulfill a cherished dream of the people of the Municipality of Maigo and the rest of the Province of Lanao del Norte, the immediate approval of this bill is highly recommended.

ALIPIO CIRILO V. BADELLES

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AN ACT
CONVERTING THE CHED-SUPERVISED MAIGO SCHOOL OF ARTS AND TRADES IN THE MUNICIPALITY OF MAIGO, PROVINCE OF LANAO DEL NORTE INTO A POLYTECHNIC STATE COLLEGE TO BE KNOWN AS THE LANAO DEL NORTE POLYTECHNIC STATE COLLEGE, THEREBY REPEALING REPUBLIC ACT NO. 4279, AND FOR OTHER PURPOSES.

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

SECTION 1. *Conversion.* - The CHED-supervised Maigo School of Arts and Trades in the Municipality of Maigo, Province of Lanao del Norte is hereby converted into a Polytechnic State College, to be known as the Lanao del Norte Polytechnic State College, hereinafter referred to as the College.

SEC. 2. *General Mandate.* - The College shall primarily provide advance instructions and training in the fields of technology, agriculture, fisheries and forestry, arts and sciences, education and related courses that will support the development of the Province of Lanao del Norte and surrounding region. 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, graduate courses in the fields of technology, agriculture, fisheries and forestry, arts and sciences, education and other degrees 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 Lanao del Norte and the Southern Philippines.

The existing developmental high school will be allowed to remain and operate within the campus of the University as laboratory high school for the 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 in the President of the College and the Board of Trustees.

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) Chairperson of the Commission on Higher Education (CHED), chairman;

(b) President of the College, vice chairman;

(c) Chairperson of the Committee on Education, Arts and Culture of the Senate, member;

(d) Chairperson of the Committee on Higher and Technical Education of the House of Representatives, member;

(e) Regional Director of the National Economic Development Authority (NEDA), Region X, member;

(f) Regional Director of the Department of Science and Technology (DOST), Region X, member

(g) President of the faculty association of the College, member;

(h) President of the supreme student council of the College, member;

(i) President of the alumni association of the College, member; and

(j) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization, as members

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

The term of office of the representatives of the faculty association, supreme student council and the alumni association shall be co-terminus with their *respective* terms of office, as set forth in their respective Constitutions and By-laws.

The two (2) private sector representatives shall serve for a term of two (2) years from 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, science and technology, agriculture, 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 Trustees.* - The Board shall have the following specific powers and duties, in addition to its general powers of administration and the exercise of the powers granted to the Board of Directors of a corporation under existing laws:

a) to enact rules and regulations not contrary to law as may by 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 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 college, subject to limitations, directions and instructions of the donors, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor unit concerned and in coordination with the CHED:

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 their respective Boards 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 there from shall form part of the same fund 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 of Trustees

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 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 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 college through the Board of Trustees shall be exempt from all taxes and duties;

g) to appoint , upon the recommendation of the President of the College, 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, 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 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 institutions within Lanao del Norte 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 a research and extension center of the college where such will promote the development of the latter;

n) to establish chairs in the college 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 college 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 audit results and recommendations;

q) to collaborate with other governing boards of state universities and colleges within the province or 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, 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 college, the proceeds from which to be used for the development and strengthening of the 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 college;

t) to develop academic arrangements for the college's 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 institution;

w) to privatize, where most advantageous to the institution, management and on-academic services such as health, food, building or grounds or property maintenance and similar such other activities; and

x) 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 as outstanding and upon unanimous recommendation by the search committee for the president of the institution concerned.

SEC. 8. *Meetings of the Board of Trustees, Quorum, Notices and Presiding Officer.* - The Board shall convene regularly 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 meeting whenever necessary.

A quorum of the Board of Trustees shall consist of the majority of all members holding office at the time of the meeting: *Provided, however*, That the Chairperson of the Board or the President of the College is among those present in the meeting.

In the absence of the Chairperson of the Commission On Higher Education, 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 during this meeting, the President of the College as Vice Chairman 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 of Trustees, in which case said CHED commissioner shall act as 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 the 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 the 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 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 MSAT, if qualified, shall serve as the interim President of the College

Within six (6) months before the expiration of the term of office of the incumbent President of the Lanao del Norte Polytechnic State College, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy 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 designate an Officer-in-Charge of the College within six (6) months from date of vacancy, pending appointment of a new President.

In case of vacancy in the office of the President as mentioned in the immediately preceding paragraph, the Officer-in-Charge or the newly appointed President 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 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 System and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the College shall be assisted by Vice Presidents, who shall be appointed by the Board upon recommendation of the President.

SEC. 10. *College Site.* - The site of the MSAT that has been reserved for the use of the latter under Republic Act No. 4279, located in the Municipality of Maigo, Province of Lanao del Norte is hereby granted for the exclusive use of the College.

SEC. 11. *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 to the Board policies governing the administration, management and development of the College for appropriate action.

Sec. 12. *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 for appropriate action of the Board of Trustees. It shall fix the requirements for the admission of students 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. 13. *The Secretary of the Board.* - The Board shall appoint a Secretary, who shall serve as such for 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. 14. *The Treasurer of the College.* - The Treasurer of the Philippines shall be the *ex-officio* treasurer of the College.

SEC. 15. *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. 16. *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. 17. *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. 18. *Authority To Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* - The heads of 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 by them by the President of the College, and the time so employed shall be counted as part of their regular services.

SEC. 19. *Assets, Liabilities and Personnel.* - All assets, fixed and movable, records, personnel and funds of the Maigo School of Arts and Trades, as well as liabilities or obligations, are hereby transferred to the College without exception and unconditionally. All personnel, academic, administrative and non-teaching employees, are hereby deemed absorbed into the staff of the College, with all rights and privileges carried over and these shall neither be diminished or altered as a consequence of this Act.

All parcels of land belonging to the government and occupied by MSAT are hereby declared to be property of the Lanao del Norte Polytechnic State College (LNPSC) and shall be titled under that name: *Provided,* That should the College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the local government unit concerned: *Furthermore,* That the state shall provide subsidy to the College in form of land grants and donations and use of other real properties for the attainment of the objectives and goals of the College.

Such parcels of land ceded by law, decree or presidential issuance to the College are hereby declared to be reserved for the purposes intended. The absolute ownership of the College over these landholdings including those covered by original and transfer certificates of title in the name of the University and their future derivatives are hereby confirmed. Where the issuance of proper certificates of title is yet pending for these landholdings, the appropriate government office shall expedite the issuance thereof within six (6) months from the date of effectivity of this Act provided that all registration requirements necessary for the issuance of the said titles have been submitted and complied with.

SEC. 20. *Appropriations.* - The amount needed to carry out the provisions of this Act shall be charged against the current year's appropriations of the Maigo School of Arts and Trades. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Lanao del Norte Polytechnic State College shall be included in the annual General Appropriations Act.

SEC. 21. *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 DBM;

(b) Undergo a management audit in cooperation with DBM;

(c) Accordingly set up its organizational, administrative as well as academic structure including the appointment of the College key officials.

SEC. 22. *Filing of Report.* - On or before the fifteenth (15th) day of the second (2^{nd}) 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 chairperson of the Commission on Higher Education, and with the Senate and House of Representatives a detailed report of the progress, conditions and needs of the College.

SEC. 23. *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. 24. *Parity Clause.* – All other powers, functions and privileges, responsibilities and limitations to State Colleges and/or their officials under existing laws shall be deemed granted to or imposed upon the College and/or its officials whenever appropriate.

SEC. 25. *Implementing Rules and Regulations.* - The Commission on Higher Education (CHED) shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 26. *Separability Clause.* – If any provision of this Act or the application of such provision to any person or party is declared invalid, the remainder of the Act or the application of such provision to other persons or parties shall not be affected by such declaration of invalidity.

SEC. 27. *Repealing Clause.* – The Republic Act No. 4279 is hereby repealed. All laws, rules and regulations and other issuances or parts thereof which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 28. *Effectivity.* - This Act shall take effect upon its approval.

Approved,