

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

Thirteenth Congress
First Regular Session

House Bill No. **4377**



Introduced by Honorable **HUSSIN U. AMIN**

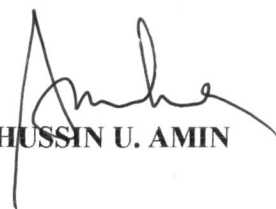
EXPLANATORY NOTE

This bill seeks to convert the Hadji Butu School of Arts and Trades in the Municipality of Jolo, Province of Sulu into a State College to be known as the Hadji Butu State Polytechnic College.

Hadji Butu School of Arts and Trades was established in 1928 with Woodworking and Sheet Metal Worker as its pioneering courses. Several courses were also added to its curriculum until the advent of the Second World War which raged the school to the ground. In 1948, the administrator availed of the magnanimity of the Philippine War Damages Reconstruction and re-built the devastated buildings. On June 22, 1963, Republic Act No. 3618 was enacted into law and converted the school into a National School of Arts and Trades. Later it was renamed as the Hadji Butu School of Arts and Trades in memory of the late Senator Hadji Butu who brought education to the people of Sulu.

A developing province like Sulu needs more highly trained engineers, technicians, craftsmen, factory workers and the like which need may be answered and provided for by a Polytechnic College. It is hoped that the new state college will be able to provide the right manpower to the community on a functional and effective levels of performance.

Hence, the approval of this bill is earnestly sought.


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AN ACT

CONVERTING THE HADJI BUTU SCHOOL OF ARTS AND TRADES IN THE MUNICIPALITY OF JOLO, PROVINCE OF SULU, INTO A STATE COLLEGE, TO BE KNOWN AS THE HADJI BUTU STATE POLYTECHNIC COLLEGE AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. *Conversion.* The Hadji Butu School of Arts and Trades in the Municipality of Jolo, Province of Sulu is hereby converted into a state college to be known as the Hadji Butu State Polytechnic College, hereinafter referred to as the College.

SECTION 2. *General Mandate.* The College shall primarily provide higher professional, technical and special instructions for special purposes and to promote research and extension services, advance studies and progressive leadership in agriculture, education, forestry, engineering, fishery, medicine, veterinary medicine, nursing, midwifery, industrial technology, pharmacy, dentistry, arts and sciences, and other fields as maybe relevant.

SECTION 3. *Curricular Offerings.* The College shall offer undergraduate and graduate courses in the fields of agriculture, education, fishery, forestry, engineering, medicine, veterinary medicine, medical technology, nursing, optometry, nutrition and dietetics, radiologic technology, computer courses, midwifery, industrial technology, pharmacy, dentistry, arts and sciences, and other degree courses as the Board of Regents may deem necessary to carry out its objectives. It shall also offer opportunity in short term technical or vocational courses within its area of specialization to meet the needs of the nation.

SECTION 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 insofar as authorized by the Board.

SECTION 5. The governing body of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- a) Secretary of Education – Chairman;
- b) President of the College – Vice-Chairman
- c) Chairman of the Senate Committee on Education – member
- d) Chairman of the Committee on Education of the House of Representatives – member
- e) Representative of the National Economic and Development Authority (NEDA) – member
- f) President of the Faculty Association of the College – member
- g) President of the Supreme Student Council – member
- h) Secretary of Education – ARMM – member
- i) Chairman of the Commission on Higher Education – (CHED-ARMM) member

In addition, the Board may appoint as member the following when deemed necessary:

- a) President of the Alumni Association of the College
- b) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the College shown from among those qualified in the Province of Sulu.

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

The Presidents of the Alumni Associations and the Employees Associations as well as the two (2) prominent citizens so appointed by the Board shall have the same powers, authority and privileges as regular members of 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 coterminous with their respective terms of office, as set forth in their respective Constitution and By-Laws.

SECTION 6. *Promulgation and Implementation of Policies.* The Board shall promulgate and implement the policies in accordance with the declared state policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports as well as policies,

standards and thrusts of the CHED under RA No. 7722, otherwise known as the "Higher Education Act of 1994".

SECTION 7. *Powers and Duties of the Board of Regents.* 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 University;
- b) To receive and appropriate all sums as maybe provided for the support of the College in the manner it may, in its discretion, determine to carry out the purposes and functions of the College;
- c) To import duty-free essential commodities, materials and equipment that are not available locally 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 the same when necessary for the benefit of the College and subject to the limitations, directions and instructions of the donor, in any.

Such donations shall be exempt from all taxes and 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;

- 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 improve. Such fees and charges, including government subsidies and other income generated by the College, constitute special trust funds and shall be deposited in any authorized government depository bank, any and all interests that shall assume therefrom shall form part of the same funds for the use of the College.

Any provision of existing laws to the contrary notwithstanding, the income generated by the college may, at the discretion of the board, be disbursed for the professional growth and development, health, welfare and other similar benefits of the faculty members and personnel, for the acquisition, construction, maintenance and repair of urgently needed instructional and auxiliary facilities,

equipment, buildings and other infrastructures and for expenses necessary for the attainment of the purposes under this Act.

If reasons beyond its control, the College shall not be able to pursue any project for which funds have been appropriated for reasons beyond control 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, maybe necessary and urgent for the attainment of the objective 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, machineries, equipments 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 shall be exempt from all taxes and duties;
- h) To appoint upon recommendation of the President of the College, Vice-presidents, Deans, Directors, Heads of departments, 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 provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- j) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and Academic Councils as herein provided;
- k) To set policies on admission and graduation of students;
- l) To award honorary degrees upon persons in recognition of their 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 certificates of completion of non-degree and non-traditional courses;

- m) To establish research and extension centers of the College where such will promote the development of the latter;
- n) To delegate any of its powers and duties provided 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;
- o) To authorize an external management audit of the College, to be financed by the CHED, subject to COA rules and regulations; and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- p) To collaborate with other Governing Boards of State Colleges and Universities within the Province of Sulu 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;
- q) 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 shall be used for the development and strengthening of the College;
- r) 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;
- s) 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;
- t) 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 and community laboratory for the promotion of greater access to education;
- u) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- v) To privatize, where most advantageous to the College, management of non-academic services such as health, food, building or grounds or property maintenance and such other similar activities; and

- w) 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.

SECTION 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 a majority of all 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 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 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 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 attendance in meetings of the Board or in other official business authorized by resolution of the Board subject to existing laws and regulations.

SECTION 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 Polytechnic College, the present Head, if qualified, shall serve as the first President of the College.

Within six (6) months before the expiration of the term of office of the incumbent President, the Board shall constitute the Search Committee for the Presidency.

The President shall be assisted by a Vice-President for Academic Affairs and a Vice-President for Administration, who shall be appointed by the Board upon recommendation of the President.

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 Revised Compensation and Position Classification System and shall be comparable to that being received by the Presidents of similar educational institutions.

SECTION 10. The President of the College, whose term maybe terminated according to this Act, shall be entitled to full retirement benefits under existing laws.

SECTION 11. *The Administrative Council.* There shall be an Administrative Council consisting of the President of the College, as Chairman, the Vice Presidents, Deans, Directors and other officials of equal rank, whose duty is to implement the policies governing the administration, management and development planning of the College as approved by the Board.

SECTION 12. *The Academic Council.* There shall be an Academic Council with the President of the 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 of the College subject to the appropriate action of the Board. It shall fix the requirements for admission in the College as well as for graduation and the conferring of degrees subject to review and/or approval by the Board through the President of the College. It shall have disciplinary powers over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SECTION 13. *The Secretary of the College.* The Board shall appoint a Secretary, who shall serve as such for both the Board and College and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board the notices of meetings.

SECTION 14. *The Treasurer of the College.* The Treasurer of the Philippines shall be the ex-officio treasurer of the College.

SECTION 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.

SECTION 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, political affiliation or ethnic origin.

SECTION 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.

SECTION 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* 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.

SECTION 19. *Assets, Liabilities and Personnel.* All assets, fixed and movable, personnel and records of the Hadji Butu School of Arts and Trades, as well as its 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 a College are not impaired.

All parcels of land belonging to the government occupied by the Hadji Butu School of Arts and Trades are hereby declared to be the property of the Hadji Butu State Polytechnic College, 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 Province of Sulu.

SECTION 20. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Hadji Butu School of Arts and Trades, 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 College shall be included in the Annual General Appropriations Act.

SECTION 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 the DBM;
- b) Undergo a management audit in cooperation with CHED;
- c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the key officials of the College; and
- d) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another, at the graduate level.

SECTION 22. *Filing of Report.* 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 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.

SECTION 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.

SECTION 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.

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

SECTION 26. *Repealing Clause.* 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.

SECTION 27. *Effectivity.* This Act shall take effect upon its approval.

Approved,