

Republic of the Philippines
House of Representatives
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. 4511



Introduced by Hon. GERRY A. SALAPUDDIN

EXPLANATORY NOTE

One of our best assets is our human capital and the same should be harnessed through quality but affordable education. The pursuit of quality and accessible education is not only mandated by the Constitution, but likewise dictated by practical considerations if we hope to make our manpower and labor force competitive in the age of globalization.

Education likewise empowers an individual and gives the latter wider opportunities that would redound to the benefit of his or her family and community, and would eventually contribute to the peace and progress of the country.

The establishment of the Basilan Polytechnic State College is aimed to meet the foregoing goals, hence the approval of this bill with dispatch is vigorously sought.


GERRY A. SALAPUDDIN
Deputy Speaker for Mindanao
Representative
Lone District of Basilan

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Introduced by Hon. GERRY A. SALAPUDDIN

**AN ACT CREATING THE BASILAN POLYTECHNIC STATE COLLEGE
LOCATED IN LAMITAN, PROVINCE OF BASILAN, DEFINING ITS MISSION,
MANDATE, COVERAGE AND DUTIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSE.**

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

Sec 1. *Creation.* – There shall be established a Polytechnic State College located in the Municipality of Lamitan, Province of Basilan, thereby converting and making a part of said state college the annex of the Basilan State College in Lamitan, Basilan, to be known as the Basilan Polytechnic State College;

Sec. 2. *General Mandate.* - The State College shall primarily provide for higher technological, professional and vocational instructions and training in science, agricultural and industrial fields, as well as short-term technical and vocational courses, subject to the policies and standards of the Commission on Higher Education. It shall also undertake research and extension services in support of the socio-economic development of Basilan, and provide progressive leadership in its areas of specialization.

Sec. 3. *Administration.* - The State College shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,

otherwise known as "The Corporation Code of the Philippines." 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. 4. *The Governing Board.* - The Governing Board 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 Chairperson of the Commission on Higher Education (CHED),
as chairperson;
- (b) The president of the State College, as vice chairman;
- (c) The Chairperson of the Committee on Education, Arts and Culture of
the Senate, as member;
- (d) The Chairperson of the Committee on Higher and Technical
Education of the House of Representatives, as member;
- (e) The Regional Director of the National Economic and Development
Authority (NEDA), as member;
- (f) The Regional Director of the Department of Science and Technology
(DOST), as member;
- (g) The president of the federation of faculty associations of the State
College, as member;
- (h) The president of the federation of student councils of the State
College, as member;
- (i) The president of the federation of alumni associations of the State
College, as member; and,

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

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

The term of office of the president of the federation of faculty associations, the President of the federation of student councils, and the president of the federation of alumni associations shall be coterminous 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 date of appointment, and maybe reappointed for one (1) term.

Sec. 5. *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 Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994."

Sec. 6. *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 Trustees 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 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 determine in its discretion, in order to carry out the purposes and functions of the State 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 State 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;

(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 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 funds 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 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 State 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 State College, vice presidents, deans, directors, heads of campuses, faculty members, and other officials and employees of the State 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, instructional programs and rules 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 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 State College; and to authorize the awarding of certificates of completion of non-degree and non-traditional courses;

(m) To establish and absorb non-chartered tertiary institutions within the Province of Basilan as branches and centers in coordination with the Commission on Higher Education (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 State College where such will promote the development of the latter;

(o) To establish chairs in the State College and to provide fellowships for qualified faculty members and scholarships to deserving students;

(p) To delegate any of its powers and duties provided herein above 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;

(q) To authorize an external management audit of the State 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;

(r) To collaborate with other Governing Boards of the state colleges and universities within the Province of Basilan or ARMM, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the State 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 State College, the proceeds from which shall be used for the development and strengthening of the State College;

(t) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purpose and objectives of the State College;

(u) To develop academic arrangements for institutional 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, and community laboratory for the promotion of greater access to education;

(w) To establish policy guidelines and procedures for participative decision-making and transparency within the State College;

(x) To privatize, where most advantageous to the State College, management of non-academic 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 State College beyond the age of retirement but not to exceed the age of seventy (70), whose performance has been unanimously rated by the Governing Board as outstanding based on the guidelines, qualifications an/or standards set by the Board, after unanimous recommendation by the search committee.

Sec. 7. Meetings of the Board. - The Board shall regularly convene 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) specials 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 Chairperson of the Board or the president of the State College is among those present in the meeting.

During this meeting, the president of the State 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 Regents, 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 their attendance in meetings of the Board or in connection with other official business authorized by resolution of the Board, subject to existing laws and regulations.

Sec. 8. *The State College President* - The State College shall be headed by a president, who shall render full time service. He/She 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/She shall have a term of four (4) years and shall be eligible for reappointment for another term.

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

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/her office, the Board shall designate an officer-in-charge of the State College within six months from date of vacancy, pending the 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 State College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar State colleges, and those delegated by the Board.

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.

The president of the State College shall be assisted by vice-presidents, who shall be appointed by the Board upon recommendation of the president.

Sec. 9. *Head of State College Campuses.* – The State College campuses shall be headed by campus directors who shall render full time service. They shall be appointed by the Board upon recommendation of the Search Committee and the State College president, subject to the guidelines, qualifications and/or standards set by the Board: *Provided*, That the incumbent

college administrators/campus heads of the extension campuses shall serve as campus directors of their respective campuses.

Sec. 10. *The Administrative Council.* - There shall be an Administrative Council consisting of the president of the State College as chairperson, 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 State College for appropriate action.

Sec. 11. *The Academic Council.* - There shall be an Academic Council with the president of the State College as Chairperson 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 State College, subject to the appropriate action by the Board of Trustees. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board of Trustees through the president of the State College. It shall have disciplinary power over the students of the State College and shall formulate academic policies, rules and regulations on discipline, subject to the approval of the Board of Trustees.

Sec. 12. *The Secretary of the State College.* - 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/She shall communicate to each member of the Board the notices of meetings.

Sec. 13. *The Treasurer of the State College.* - The Treasurer of the Philippines shall be the *ex officio* treasurer of the State College.

Sec. 14. *Faculty.* - No political beliefs, gender preference, cultural or community affiliation or ethnic origin, religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the State College: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

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

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

Sec. 16. *Academic Freedom and Institutional Autonomy.* - The State 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 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 State College, such apparatus, equipment or supplies as may be needed by the State 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 State College, and the time so employed shall be counted as part of their regular services.

Sec. 18. Assets. –

All assets, whether fixed or movable, of the Basilan State College Lamitan annex are hereby transferred to the Basilan Polytechnic State College;

Sec. 19. Appropriations. – The amount necessary for the implementation of this Act shall be charged 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 State 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 CHED; and

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

Sec. 21. 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 the Office of the President of the Philippines through the

Chairperson of the CHED, and with both Houses of Congress a detailed report on the progress, conditions and needs of the State College.

Sec. 22. *Supplementary 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 State College.

Sec. 23. *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 State College and/or its officials whenever appropriate.

Sec. 24. *Implementing Rules and Regulations.* - The Board of Trustees, in consultation with the Commission on Higher Education (CHED), shall formulate the guidelines to fully implement the provisions of this Act.

Sec. 25. *Separability Clause.* - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Sec. 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 or modified accordingly.

Sec. 27. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved.