

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY, PHILIPPINES

FIFTEENTH CONGRESS

House Bill No. 6914

Introduced by Hon. Jose Benjamin A. Benaldo

EXPLANATORY NOTE

Section 17, Article II of the 1987 Philippine Constitution declares that "[t]he State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development." It further provides in Section 1, Article XIV thereof that "[t]he State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all."

The sad reality is that despite the will to pursue tertiary education, many Filipinos cannot even set foot in College, or those who do are forced to dropout because of the high cost of college education. This greatly reduces the youth's hope for a better future and further increases the State's number of unemployed citizens.

To address this harsh reality, local governments should do their part in earmarking funds for subsidizing costs of higher education in the regions. In Cagayan de Oro City, there are 16 tertiary schools offering courses in various disciplines, but only Mindanao University of Science and Technology (formerly Mindanao Polytechnic State College) is a state university. Thus, there is a serious absence of quality and accessible tertiary education for the youth of Cagayan de Oro City.

It is in view of the foregoing that this bill is submitted for the establishment of the of Cagayan de Oro State College that will offer undergraduate and graduate studies in the fields of science, education, agriculture, and industrial fields and other degrees as may be necessary in order to meet the needs of Cagayan de Oro City. The Cagayan de Oro State College shall offer a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the College. Approving this bill is an important step towards empowering the Cagayan de Oro City youth through the provision of quality and accessible higher education.

Therefore, it is earnestly requested that this bill be expeditiously approved.


BENJO A. BENALDO
1st District, Cagayan de Oro City

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Second Regular Session

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AN ACT
ESTABLISHING A STATE COLLEGE IN THE CITY OF CAGAYAN DE ORO
CITY TO BE KNOWN AS THE CAGAYAN DE ORO STATE COLLEGE AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Establishment.* – There is hereby established a state college in the City of Cagayan de Oro to be known as the Cagayan de Oro State College, hereinafter referred to as the College.

SEC. 2. *General Mandate.* – The College shall primarily provide advanced education, higher technological, professional instruction and training in the fields of agriculture and environmental studies, education, forestry, and industrial technology, law, medicine and other health-related programs, information technology, arts and sciences and other related courses. It shall also undertake research and extension services and programs in food production, nutrition, health and sports development, and provide progressive leadership in its areas of specialization.

SEC. 3. *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 1987 Constitution of the Republic of the Philippines.

SEC. 4. *Curricular Offerings.* – The college shall offer undergraduate and graduate studies in the fields of agriculture and environmental studies, education, forestry,

and industrial technology, law, medicine and other health-related programs, information technology, arts and sciences and other related programs, as the Board of Trustees may deem necessary, particularly to meet the needs of the City of Cagayan de Oro and neighboring provinces.

The College may operate a reasonably-sized laboratory school, if it has a College of Education.

SEC. 5. **Administration.** – The 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 College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the College.

SEC. 6. **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) The Chairperson of the Commission on Higher Education (CHED),
Chairperson;
- (b) The President of the College, Vice Chairperson;
- (c) The Chairperson of the Committee on Education, Arts and Culture of the
Senate, member;
- (d) The Chairperson of the Committee on Higher and Technical Education of the
House of Representatives, member;
- (e) The Regional Director of the National Economic and Development Authority
(NEDA), member;
- (f) The Regional Director of the Department of Agriculture (DA), member;

- (g) The Regional Director of the Department of Science and Technology (DOST), member;
- (h) The President of the faculty association of the College, member;
- (i) The President of the student council of the College, member;
- (j) The President of the alumni association of the College, member; and
- (k) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the College, members.

The Board shall appoint the two (2) prominent citizens from among a list of at least five (5) qualified persons in the City of Cagayan de Oro, as recommended by the search committee constituted by the College President, in consultation with the Chairperson of the CHED and the other members of the Board, based on the normal standards and qualifications for the position.

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 constitutions and by laws.

The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment.

SEC. 7. ***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. 8. ***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 directors of a corporation under existing laws:

(a) To promulgate rules and regulations not contrary to law as may be 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, in order to carry out the purposes and functions of the 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 of the Philippines, as amended;

(d) To receive in trust legacies, gifts and donations of real properties of all kinds and to administer and dispose of the same when necessary for the benefit of the 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) of 1997, 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 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 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 for instruction, research, extension or other programs/projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which these 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 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;

(f) To adopt and implement a socialized scheme of tuition and other 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 and personal properties, including necessary supplies, materials and equipment;

(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, instructional 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 agriculture, public service, arts, science and technology, education or in any field of specialization within the academic competence of the College; and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;

(m) To establish and absorb nonchartered tertiary institutions within the City of Cagayan de Oro as branches and extension centers in coordination with the 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 and greater access to educational opportunities as mandated by the Constitution;

(n) To establish research and extension centers of the College where such will promote the development of the latter;

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

(p) To delegate any of its powers and duties provided for hereinabove to the President or Officer-in-Charge and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;

(q) To authorize an external management audit of the College, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA); 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 state universities and colleges within the City of Cagayan de Oro or Region X, 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;

(s) 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 same;

(t) To develop consortia and other forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the 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 learning system, open learning or distance education and community laboratory for the promotion of greater access to higher education and graduate studies, as the case may be;

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

(x) To privatize, where most advantageous to the College, the management of nonacademic services such as health, food, building, grounds or property maintenance and such other similar activities; and

(y) To extend the term of the President of the College beyond the age of retirement but not beyond the age of seventy (70), whose performance has been unanimously rated by the Board as outstanding, based on the guidelines, qualifications and/or standards set by the Board, after unanimous recommendation by the search committee.

SEC. 9. *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) special 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 CHED or the President of the College is among those present in the meeting.

In the absence of the Chairperson of the CHED, a Commissioner of the CHED, duly designated by him/her, shall represent him/her 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 Chairperson 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, 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 to meetings of the Board or in connection with other official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 10. *The College President.* – The 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.

Pending the appointment of the first President of the College, the Chairperson of the CHED shall appoint an Officer-in-Charge of the College. Within six (6) months before the expiration of the term of office of the incumbent President of the 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 College within six (6) months from the 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, his/her successor or the Officer-in-Charge of the College shall serve only the unexpired portion of the term.

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 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 a Vice President for Academic Affairs, who shall be appointed by the Board upon the recommendation of the President.

SEC. 11. *The Administrative Council.* – There shall be an Administrative Council, consisting of the President of the 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 the policies governing the administration, management and development planning of the College.

SEC. 12. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the College, who shall act as Chairperson, and all academic staff with the rank of at least an 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 approval of the Board. 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 through the President of the College. It shall have the disciplinary power over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SEC. 13. *The Secretary of the College.* – The Board shall appoint a secretary, who shall serve as such for both the Board and the College and shall keep all records and proceedings of the Board. He/She shall serve upon each member of the Board the appropriate notice of the Board meetings.

SEC. 14. *The Treasurer of the College.* – The Treasurer of the Philippines shall be the *ex officio* treasurer of the College.

SEC. 15. *The Faculty.* – No political beliefs, gender preference, cultural or community affiliation or ethnic origin, and 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 my 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. *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.

SEC. 18. *Campus Site/Assets.* - The College shall have an area of not less than five (5) hectares, at least three (3) hectares of which are contiguous to the main campus, for its exclusive use as campus site for its academic and instructional programs, research and development activities and experimental and laboratory facilities.

The Board shall forthwith recommend a suitable site within the City of Cagayan de Oro for this purpose. The parcel of land to be occupied by the Cagayan de Oro State College is hereby declared to be property of the College, and shall be titled under that name: *Provided,* That should the College cease to exist or be abolished, or should said parcel of land

aforementioned be no longer needed by the College, the same shall revert to the LGU concerned.

SEC. 19. ***Tax Exemption on Importation and Donations.*** – The importation of economic, technical, vocational, scientific, philosophical, historical or cultural purposes made by the College, upon verification by the CHED, shall be exempt from customs duties in accordance with the provisions of the Tariff and Customs Code of the Philippines.

Donations in any form to the College shall be exempt from the donor's tax and the same shall be considered as allowable deduction 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 of 1997.

SEC. 20. ***Appropriations.*** – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act of the year following its enactment into law and thereafter.

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 the DBM;
- (b) Undergo a management audit in cooperation with the CHED; and
- (c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the key officials of the College.

SEC. 22. ***Filing of Report.*** – On or before the fifteenth (15th) day of the second (2nd) 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 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 Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 26. ***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 thereby shall remain in full force and effect.

SEC. 27. ***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. 28. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

A handwritten signature in black ink, appearing to be 'J. S. Do', is written in a cursive style.