

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1476



Introduced by **HON. JORGE T. ALMONTE**

EXPLANATORY NOTE

This bill seeks to create the Misamis Occidental State College (MOSC) by **converting** the Oroquieta agro-Industrial School (OAIS) in Barangay Villaflor, Oroquieta City, Province of Misamis Occidental.

The constitution explicitly provides that the 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. In pursuance thereof, Congress has passed the Free Secondary Education Act of 1988 opening the pathway to education to hundreds of our-of-school youths nationwide whose dire need for education has been barred by poverty.

In a country like in the Philippines however, sending children to college has been a life-long dream for all parents that they even shed blood, sweat and tears for such noble ambition. For most of them and even for all of us, pursuing higher education is the beginning of our long journey in search for loftier goals and ideals. It is quite fortunate however, that while it is true that education is a ticket to alleviate poverty and improved station in life, still many of our children have remained out-of-school due to the vicious cycle that they are out-of-school because they are poor, they are poor because they are out-of-school. This situation encourages the growth and establishment of state colleges and universities in the provinces to cater the poor but deserving students.

It is therefore the paramount objective of this important piece of legislation to establish a state college in the Province of Misamis Occidental by converting the Oroquieta agro-Industrial School (OAIS) in Barangay Villaflor, Oroquieta City, Province of Misamis Occidental to be known as the **"Misamis Occidental State College (MOSC)**". The conversion of OAIS into MOSC will not only help accommodate the expected influx of enrolees who are expected to graduate from nearby high schools within the province but this will certainly improve the quality education in the province.

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



HON. JORGE T. ALMONTE
Representative

First District, Misamis Occidental

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

SIXTEENTH CONGRESS
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House Bill No. _____

INTRODUCED BY REPRESENTATIVE JORGE T. ALMONTE

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE MISAMIS OCCIDENTAL STATE COLLEGE (MOSC) BY **CONVERTING** THE OROQUIETA AGRO-INDUSTRIAL SCHOOL (OAIS) IN BARANGAY VILLAFLO, OROQUIETA CITY, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

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

SECTION 1. Establishment/Conversion- There is hereby established as State College in the Province of Misamis Occidental to be known as the ***Misamis Occidental State College (MOSC)***, hereinafter referred to as the College, by **converting** the Oroquieta Ago-Industrial School (OAIS) in Barangay Villaflo, Oroquieta City, Province of Misamis Occidental. The existing campus of OAIS in Barangay Villaflo, Oroquieta City shall be the main campus of the College.

SEC.2. General Mandate.- The College shall primarily provide advanced and professional training in sciences, arts, teacher, education, agriculture, engineering and technology and other related fields. 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 and graduate and short-term technical courses 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 need of the Province of Misamis Occidental and the Region.

The existing high schools shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the said high schools shall be allowed to remain and operate within the campuses of the College until the existing students shall have completed their high school education: *Provided, further*, That the College may operate a reasonably-sized laboratory school if it has a Department 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 exclusively in the Board of Trustees and the president of the College insofar as authorized by the Board.

SEC.5 The Governing Board.- 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) The Chairperson of the Commission on Higher Education (CHED), as chairperson;
- (b) The president of the College, vice- chairperson
- (c) The Chairperson of the Committee of Education , Arts and Culture of the Senate, member;
- (d) The Chairperson of the Committee of Education , Arts and Culture of the House of Representatives, member;

- (e) The Regional director of the National Development Authority (NEDA), Region X, member;
- (f) The president of the faculty association of the College, member;
- (g) The president of the student council of the College, member;
- (h) The president of the alumni association of the College, member;
- (i) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the College, members.

The two (2) prominent citizens shall be chosen from among the list of at least five (5) qualified persons in the Province of Misamis Occidental, 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 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 by laws. The Two (2) prominent persons shall serve a term of two years.

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, agriculture, science and technology of the CHED under sports 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 all powers granted to the board of directors of a corporation under existing laws:

- (a) To enact rules and regulations not contrary to laws as may be necessary to carry out the purpose 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 purpose and functions of the College;
- (c) To import duty-free economic, technical and cultural books and/or publications upon verifications 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, 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 donation shall not be disposed of, transferred or sold; and

- (e) To fix the tuition fees and other necessary school charges such as but not limited to matriculation fees, graduation fees and laboratory fees an the Board may deem proper to impose;

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 regulation 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 purposes which they were collected.

If, for reasons beyond its control, the 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 the said funds for any reasonable purpose which, in its discretion, any 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 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 the necessary supplies, materials and equipment;
- (h) To appoint upon the recommendation of the College, vice presidents, deans, directors and head of departments , faculty members and other officials and employees of the College;
- (i) To fix and adjust the 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, as 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 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 and absorb non-chartered tertiary institutions within the Province of Misamis Occidental as branches and centers in coordination with the CHED, 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 mandated by the Constitution;
- (n) To establish research and extension centres of the College where such will promote the development of the latter;
- (o) To establish 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 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 institution, to be financed by the CHED, subject to Commission of Audit (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 Region, under the supervision of the CHED and in consultation with the DBM, and work for the restructuring of the College to become more efficient, relevant, productive and competitive;
- (s) To enter into joint ventures with business and industry for profitable development and management of the economic assets of the College, the proceeds of which shall be used for the development and strengthening of the College;

- (t) 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;
- (u) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign and to appoint experts/specialists as consultants, 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, community laboratory, etc, for the promotion of greater access to education.
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- (x) To privatize, where most advantageous to the University, 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 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, after unanimous recommendation by the search committee.

SEC.8 Meetings of the Board.- The Board shall convene regularly at least once every two (2) months. The chairman of the Board may, upon three (3) days prior written notice, call a special meeting whenever necessary.

A quorum of the Board shall consist of majority of all its members holding office at a 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 CHED, a commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting withal 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.9 The College President.- The College shall be headed by the 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 constitutes 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, the Board shall constitute the Serach 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 have the authority to designate an officer-in-charge of the College pending the appointment of a new president.

SEC.10. Administrative Council.-There shall be an administrative council consisting of the president of the College, as chairperson, the vice-president(s), deans, directors and other officials of equal rank as members, whose duty is to implement the policies governing the administration, management and development of the College, as approved by the Board.

SEC.11. Academic Council.-There shall be an academic council with the president of the 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 College, subject to the appropriate action by 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. 12. *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.

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

SEC. 14. *Faculty.*-Members of the faculty of the College at the tertiary level shall be exempt from any civil service examination as a requisite for appointment, without prejudice to the right of the Board to impose other professional examination requirements intended to maintain high academic standards.

No religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the College: Provided, however, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. *Scholarships Program/Admission.*- The College shall provided 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, nationality, religion, cultural or community affiliation or ethnic origin.

SEC. 16. *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. 17. *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 College.

SEC. 18. *Authority to loan or Transfer Apparatus/Equipment.*-The heads of the bureaus and offices of the national government are hereby authorized to loan 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. 19 *Assets, Liabilities and Personnel.*- All assets, real and personal, personnel and records of the Oroquieta Agro-Industrial School in Oroquieta City, Province of Misamis Occidental as well as its liabilities or obligations, are hereby transferred to the College; *Provided*, That the positions, rights and security of tenure of the academic staff and personnel therein employed, except those who would be transferred along with the high school components of the College, under existing laws prior to absorption by the College are not impaired: *Provided, further*, That the incumbents of the positions shall remain in the same status until otherwise provided for by the Board.

All parcels of land belonging to the government occupied by the Oroquieta Agro-Industrial School are hereby declared the property of the Misamis Occidental State College (MOSC) and shall be titled under that name: *Provided*, That should the College cease to exist, or be abolished, or such aforementioned parcels of land be no longer needed by the College, the title to said parcels of land shall be transferred to Oroquieta City, Province of Misamis Occidental.

Sec. 20. Appropriations- The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations for the Oroquieta Agro-Industrial School. Thereafter, such sums as may be necessary for the operation and maintenance of the 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 the DBM;
- (b) Undergo a management audit in cooperation with the CHED;
- (c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the College key officials; 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.

SEC. 22. *Inclusion Clause.*- The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1197," shall be an integral part of this Act and shall serve of the governing charter of the College.

SEC. 23. *Imposition of Powers.*- All other powers, functions and privileges, responsibilities and limitations to State college/universities and to their officials under existing laws shall be deemed granted to or imposed upon the College and/or its officials whenever appropriate.

SEC. 24. *Transitory Provisions.*- Pending the appointment of the first president of the College, the Chairman of the CHED shall appoint an officer-in-charge of the College.

The CHED shall be empowered to formulate rules, regulations and guidelines, to fully implement the provisions of this Act.

SEC. 25. *Separately 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 newspapers of general circulation.

Approved,