



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular session

HOUSE BILL NO. 1737

INTRODUCED BY HON. CONGRESSMAN DAMIAN GAVIOLA MERCADO

EXPLANATORY NOTE

This Bill seeks the creation of an Agricultural College in the City of Maasin, Southern Leyte to be known as the NACIONAL O. MERCADO AGRICULTURE COLLEGE (NOMAC).

The people of the Province of Southern Leyte are highly dependent on agriculture as a means of their livelihood.

Preference for white collar jobs has been the overriding factor in our youth's quest for higher education. However, our country's economy is mainly based on agriculture more particularly the Province of Southern Leyte. It is therefore imperative to inculcate in the minds of our students a love for agricultural undertakings.

Agriculture is considered as the backbone for progressive social development. By providing our students especially those coming from the far flung areas of the province, an accessible and adequate educational institution from which they can acquire sufficient knowledge and skills of this kind of specialization that will help to make our nation a progressive country.

The creation of an Agriculture College in the Province of Southern Leyte will greatly cater to the needs of its people for advanced studies including progressive trainings in agriculture, science and technology.

Further our Constitution mandates the State to establish and maintain a complete, adequate and integrated system of education relevant to the goals of national development. It prescribes that *all educational institutions shall aim, among other things to develop scientific, technological and vocational efficiency, especially in the field of agriculture.*

The intent of this bill is to comply with the mandate of the state and provide the delivery of educational services in the Province of Southern Leyte in order to provide quality education on Agriculture not only to the population of the province but also to the neighboring municipalities, particularly the poor and marginalized people of Leyte.

The importance of this bill has been recognized by the people of Southern Leyte and considering the desire in upgrading a more responsive educational institution that will address pressing priority for higher education particularly for the poor and marginalized sectors of the province.

Hence, immediate passage of this bill is earnestly sought.


DAMIAN GAVIOLA MERCADO



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
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HOUSE BILL NO. **1737**

INTRODUCED BY HONORABLE CONGRESSMAN DAMIAN GAVIOLA
MERCADO

**AN ACT CREATING AN AGRICULTURE COLLEGE IN THE CITY OF
MAASIN, SOUTHERN LEYTE, TO BE KNOWN AS THE NACIONAL O.
MERCADO AGRICULTURE COLLEGE (NOMAC) AND APPROPRIATING
FUNDS THEREFOR**

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

Section 1. An Agriculture College is hereby created to be known as The
"NACIONAL O. MERCADO AGRICULTURE COLLEGE (NOMAC)", hereinafter
referred to as the College.

Section 2. The College shall primarily provide studies and advanced
instructions in agricultural sciences and technology, and shall also offer professional
training courses related thereto and to promote research and extension services and
progressive leadership in agriculture and other fields as may be relevant.

Section 3. The College shall offer undergraduate and graduate courses in
the field of Agriculture and related sciences and other degree courses as the Board of
Regents may deem necessary to carry out its objectives: *Provided*, That the College
shall retain its original mandate as primarily an agricultural institution: *Provided
further*, That in the case of Graduate course, the College shall strengthen its Masteral
degree programs in Agricultural courses.

Section 4. 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 Regents.

Section 5. The Governing Board's; Manner of Appointment. –

(a) Composition – The governing body of the College shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- (1) Chairman of the Commission on Higher Education (CHED), *Chairman*;
- (2) President of the College, *Vice Chairman*;
- (3) Chairman of the Senate Committee on Education and the House of Representatives Committee on Higher and Technical Education, *members*;
- (4) Regional Director of the National Economic and Development Authority (NEDA) where the main campus of the College is located, *member*;
- (5) Regional Director of the Department of Science and Technology (DOST), *member*;
- (6) President of the faculty association of the College, *member*;
- (7) President of the Student Council of the College, *member*;
- (8) President of the Alumni Association of the College, *member*;
- (9) Two (2) prominent citizens who have distinguished themselves in their field professions or fields of specialization chosen from among a list of at least five (5) persons qualified in the province, as recommended by the Search Committee constituted by the President, in consultation with the Chairman of the CHED based, on the normal standards and qualifications for the position, *members*.

The private sector representatives shall be appointed by the Board of regents upon recommendation of a duly constituted Search Committee.

(b) Term of Office – The Presidents of the faculty, alumni and student associations shall be coterminous with their respective terms of office.

The prominent citizens shall serve for a term of two (2) years.

In case of vacancy in the Office of the President, the Officer-in-charge of the College designated by the Board shall serve for the unexpired term only.

Section 6. Promulgation and implementation of policies. – The Governing Board shall promulgate and implement policies in accordance with declared state policies on education and other pertinent provisions of the Constitution on education, agriculture, science and technology.

Section 7. Powers and Duties of Governing Boards. – 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 enact rules and regulations not contrary to law 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, in its discretion, determine to carry out the powers and functions of the College;
- (c) 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 all taxes and shall be considered as deductible items from the income tax of the donor;
- (d) To fix the tuition fees and other necessary school charges, such as but not limited to, matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose. 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 shall accrue there from shall form part of the same funds for the use of the College;

Any provision of existing laws to the contrary notwithstanding, any income generated by the College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the College and may be disbursed by the Board of Instruction, research, extension or other programs/projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If, for reason 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;

- (e) To confirm appointments and/or designations of vice presidents, deans, director, heads of departments, faculty members and other officials and employees of the College made by the President of the College;
- (f) To fix and adjust salaries of faculty members and administrative officials and employees in accordance with the Revised Compensation and Position Classification System;
- (g) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- (h) To confer degrees upon successful candidates for graduations and to award honorary degrees upon persons in recognition of outstanding contribution in the field of Agriculture, or in any related field of specialization;
- (i) To establish branches if and when it becomes essential and necessary where there is no existing school offering similar programs or courses to promote and carry out access to education opportunities as mandated by the Constitution;

- (j) To establish chairs in the College and to provide fellowship for qualified faculty members and scholarships to deserving students;
- (k) To create, in addition to the existing colleges, other colleges as the Board may deem necessary;
- (l) To examine the property, course of study, discipline and the state of finances of the college and make report to the Congress of the Philippines upon the same; and
- (m) To authorize the construction or repair of its buildings, machinery, equipments and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies and materials and equipment. Purchases and other transactions entered into by the College through the Board shall be exempt from all the taxes and duties.

Section 8. Meetings; Quorum. – A quorum of the Board shall consist of a majority of all members holding office at the time of the meeting: *Provided, however,* that among those present in the meeting is the Chairman of the CHED who is the Chairman of the Board, or the President of the College.

In the absence of the Chairman of the CHED, a Commissioner of the CHED, duly designated by the former, shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* that in the said meeting, the President of the College as vice chairman shall be the presiding officer. The Board shall convene regularly once every two (2) months. The Chairman of the Board may, upon three (3) days prior written notice, call a special meeting whenever necessary.

The members of the Board shall not receive any salary but shall be entitled to reimbursement of actual and necessary expenses incurred either for attendance in meetings of the Board or for other official business authorized by resolution of the Board subject to pertinent existing laws on honoraria and allowances.

Section 9. The Administration. – The College shall be headed by a President who shall render full time service and shall be appointed by the Board upon the recommendation of a duly constituted search committee. He shall hold office for a term of four (4) years, extendible only for another four (4) years.

In case of vacancy in the Office of the President of the College by reason of death, resignation, incapacity of the President of the College to perform the functions of his office, or removal for a cause, the Board shall have the authority to designate an Officer-in-Charge of the College pending the appointment of a successor. The Officer-in-Charge shall serve only for the duration of the unexpired 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 the College.

The salary of the President of the College shall be fixed by the Board and shall be comparable to that being received by the President of similar institution of like enrollment and standing.

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

Section 11. *Administrative Council.*- There shall be a College Administrative Council consisting of the President of the College as chairman; the vice president(s), deans, directors, and other official of equal rank, as members, whose duty is to implement the policies governing the administration, management and development planning the College as approved by the Board.

Section 12. *Academic Council.*- There shall be a College Academic Council with the President of the College as chairman and all the members of the instructional staff with the rank of not lower than assistant professor as members. The academic council shall have the power to prescribe curricular offerings subject to the review and approval of the Board. It shall fix the requirements for admission to the College as well as for graduation and the conferring of degree subject to review and/or approval by the Board through the President of the College. It shall also have the disciplinary power through the President of the College over the students within the limits prescribed by the rules of discipline as approved by the Board.

Section 13. *Secretary of the College.* - There shall be a Secretary of the College who shall be appointed by the Board upon the recommendation of the President of the College. He or she shall also be the Secretary of the Board and shall keep such records of the College and the Board.

Section 14. The Treasurer of the Republic of the Philippines shall be the *ex officio* Treasurer of the College.

Section 15. No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: *Provided, however,* that no matter the faculty shall teach for or against any particular church or religious sect.

Section 16. All properties and/or parcels of land belonging to the government, to be occupied by the College are hereby declared to be the property of the College and shall be titled under its name: *Provided,* that should the College cease to exist or be abolished or should such real properties be no longer needed by the College, the same shall respectively revert to the City of Maasin or Province of Southern Leyte as the case may be.

Section 17. The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon 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 bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service. Employees so detailed shall perform such duties as required by them by the President of the College, and the time so employed shall be counted as part of their regular services.

Section 18. The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the College.

Section 19. Admission. - No student shall be denied admission to the College by reason of gender, nationality, religion, cultural or community affiliation or ethnic origin.

Section 20. Pursuant to Paragraph 2, Section 5 of the Article XIV of the Constitution of the Republic of the Philippines, the College shall enjoy and pursue academic freedom.

Section 21. Filing of Report. - On or before the thirtieth (30th) 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 Commission on Higher Education and both Houses of Congress, a detailed report on the progress, condition and needs of the College.

Section 22. All other powers, functions and privileges, responsibilities and limitations to a College are granted and/or its officials whenever appropriate.

Section 23. The amount necessary to carry out the provisions of this Act shall be charged against the Annual General Appropriations Act. Thereafter, such sums may be necessary for the continued operation and maintenance of the Maasin City Agricultural University shall be included in the Annual Generations Appropriations Act: *Provided*, that to ensure that the University retain its original mandate as an agricultural institution, at least fifty percent (50%) of the appropriations every year shall fund the teaching requirements for agricultural courses and relevant research.

Section 24. Tax Exemptions. - The provisions of any general or special law to the contrary notwithstanding:

- (a) All profits and income generated by the College derived exclusively from its fundamental function as an education institution are exempt from the income tax imposed on every corporation;
- (b) Gifts and donations of real and personal properties of all kinds are exempt from the donor's tax and are considered as allowable deductions from the provisions of the National Internal Revenue Code as amended; and
- (c) Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books or publications are exempt from taxes and duties upon certification by the Department of Education, Culture and Sports (DECS) that such imported books or publications are for economic, technical, vocational, scientific, philosophical, historical and cultural purposes, in accordance with the provision of the Tariff and Customs Code as amended.

Section 25. Commission on Audit. - All accounts and expenses of the College shall be audited by the Commission on Audit or its duly authorized representative.

Section 26. *Implementing Agency.* - The Commission on Higher Education is directed to take such steps as are necessary for the creation of the College, its operation and the immediate implementation of this Act.

Section 27. *Separability Clause.* - If, for any reasons, any part or provisions of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Section 28. *Repealing Clause.* - All laws, executive orders, rules and regulations or issuances contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 29. *Effectivity Clause.* - This Act shall take effect upon its approval.

Approved.