

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)

First Regular Session)



HOUSE BILL NO. 2780

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Introduced by ANGKLA Partylist Representative JESULITO A. MANALO

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**AN ACT ESTABLISHING THE MINDANAO MERCHANT MARINE
ACADEMY, PROVIDING FOR A GOVERNING BOARD,
DEFINING ITS DUTIES AND RESPONSIBILITIES, AND
APPROPRIATING FUNDS THEREFOR.**

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

EXPLANATORY NOTE

The skill for seafaring of our brothers in Mindanao is of national notice.

Since time immemorial, they have sailed the high seas and traded with our Asian neighbors using boats of their own design and built using indigenous materials. Their version of fast crafts, called "kumpits", are reputed even today to easily outrun their imported counterparts in our own Philippine Navy. Their innate love of the sea makes them natural students of the merchant marine, and needs only to be given the opportunity to hone and sharpen these skills at a proper institute for them to compete at an international level as Filipino global maritime professionals.

This bill seeks to establish a state-run maritime college in Mindanao, to be known as the "*Mindanao Merchant Marine Academy*" and appropriate funds for its establishment and operation.

At present, the entire Mindanao has no state-run maritime school offering courses in marine transportation or in marine engineering. As a result, the youth in Mindanao who aspire to become Filipino global maritime professionals have little choice but to enroll in private schools or uproot themselves in order to study in Manila or elsewhere.

The creation of this Academy is thus intended to address these aspirations and democratize access to maritime education and training in Mindanao. It will enhance the economic engine and bring about much-needed development to the Tri-People in the south, benefiting Muslims, Lumads, and Christian settlers alike.

More importantly, an Academy such as this is the first step towards allowing any qualified Filipino, anywhere in these thousands of our islands, the chance to embark on his own destiny upon the open seas of opportunity in his chosen maritime profession.

The passage of this bill cannot come at a more opportune time.



JESULITO A. MANALO
Partylist Representative
ANGKLA

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

Section 1. *Short Title.* – This Act shall be known as the “*Mindanao
Merchant Marine Academy Act*”.

Section 2. *Declaration of Policy.* – It is the policy of the State to
support and promote the maritime industry of the Philippines. The
State recognizes the vital role of the industry to the social and economic
development of the country. Towards this end, the State shall establish
an institution in Mindanao that will offer appropriate education,
training, skills, and values to aspiring Filipino seafarers in order to

sustain their competitiveness and maintain the status of the Philippines as the premier provider of competent and certificated seafarers in the international seaborne trade.

Section 3. *Mindanao Merchant Marine Academy.* - There is hereby created a corporate body to be known as the Mindanao Merchant Marine Academy, hereinafter referred to as the Academy, which shall be located in the province of Maguindanao.

Section 4. *Purpose.* - The main purpose of the Academy is to produce merchant marine officers who are qualified and competent for shipboard and shore-based positions, in response to the national and global requirements of the expanding maritime industry.

Section 5. *Administration.* - The Academy shall have the general powers of a corporation set forth in the Corporation Code of the Philippines. The administration of the Academy and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees, hereinafter referred to as the Board and the President of the Academy.

Section 6. *Board of Trustees; Composition.* - The Board of Trustees shall be composed of the following:

- a) Chairperson of the Commission on Higher Education (CHED), as the Chairperson;
- b) President of the Academy, Vice Chairperson;

- c) Chairpersons of the Congressional Committees on Higher Education of the Senate and of the House of Representatives;
- d) Administrator of the Maritime Industry Authority (MARINA);
- e) President of the Supreme Student Council of the Academy;
- f) President of the Faculty Association of the Academy; and
- g) Four (4) prominent Filipino citizens, one for national affairs and one for each of the local tri-people of Mindanao, as members.

These prominent Filipino citizens shall be chosen from amongst a short list of at least five (5) persons who have distinguished themselves in the seafaring profession or the maritime industry, as recommended by a duly-constituted search committee formed by the President of the Academy in consultation with the Chairperson of the CHED, and with the endorsement of a duly-accredited national organization of seafarers. These citizen-trustees shall serve for a period of two (2) years.

The presidents of the student council and of the faculty association, as the case may be, shall serve on the Board of

Trustees until such time as their term of office in such respective capacities shall end.

The Chairpersons of the CHED, Congressional Committees on Higher Education of the Senate and of the House of Representatives, and the Administrator of MARINA, may designate representatives to act on their behalf, provided, that their service shall be coterminous with that of their respective principals, and provided further, that their principals may, at any time, and for whatever reason, attend to any matter or Board Meeting themselves.

Section 7. *Board Meetings.* - The Board of Trustees shall convene on a regular basis at least once every quarter. A majority of all members holding office shall constitute a quorum to do business. The Trustees shall be notified in writing at least three (3) days prior to the date of the meeting. The Chairman of the Board may call a special meeting whenever necessary upon due notice to the other Trustees.

Section 8. *Powers & Duties.* - The Board of Trustees shall have the following powers and duties in addition to the general powers of administration, as well as the powers granted to a board of directors of a corporation under the Corporation Code of the Philippines:

- a) To enact rules and regulations as may be necessary to carry out the purposes and functions of the Academy;
- b) To receive and appropriate all sums as may be provided for the support of the Academy in order to best carry out the functions and purpose of the Academy;
- c) To receive, in trust, legacies, gifts, and donations of real and personal properties of all kinds and to administer or dispose of the same for the benefit of the Academy, subject to whatever limitations, directions, or restrictions set by the donors, if any; furthermore, these donations shall be exempt from all taxes and considered as deductible items from the income tax of the donor;
- d) To fix tuition fees and other necessary expenses relating to the cost of education, after due consultation with those sectors affected;
- e) To adopt and implement, as far as practicable and sustainable, a socialized scheme of tuition fees to provide greater access for poor but deserving students;
- f) To authorize the construction, repair, or upgrading of its buildings, facilities, and equipment, as well as the purchase

and acquisition of real and personal properties including all necessary supplies, materials, and items relating to the fulfillment of the functions and purpose of the Academy;

- g) To appoint, upon the recommendation of the President, the deans, directors, heads of departments, faculty members, officials, and employees of the Academy;
- h) To fix and adjust the salaries of faculty members, administrative officials, staff, and employees in accordance with an established compensation and classification system, subject to all other pertinent budget and compensation-related laws governing hours of service, leaves of absence, benefits, and incentives;
- i) To remove faculty members, officials, staff, and employees for cause and in accordance with due process of law;
- j) To approve and apply the relevant curricula, institutional programs, and rules of discipline as may be required in order to fully comply with the standards and requirements set by the Standards of Training, Certification, and Watchkeeping for Seafarers (1978 STCW Convention) as amended;

- k) To set out the policies and procedures for the admission and graduation of students;
- l) To award honorary degrees in recognition of outstanding contributions to the field of maritime education or technology, as well as confer certificates of completion for non-degree or non-traditional courses offered by the Academy;
- m) To establish research and extension centers of the Academy for the purpose of further developing and enriching maritime education and training;
- n) To establish professorial chairs and provide fellowships at the Academy for qualified faculty members, including scholarship opportunities for deserving students;
- o) To appoint experts or specialists as consultants, or to admit visiting or exchange professors, scholars, students, or researchers, as the case may be;
- p) To develop academic arrangements, agreements, and accords for institution capability building with other entities, institutions, or agencies, whether public or private, local or foreign; and

q) To delegate any of these powers and duties as provided for herein and by other relevant laws to the President or other officials of the Academy as it may deem appropriate or expeditious for the conduct and effective administration of the affairs of the Academy.

Section 9. *President.* – The Academy shall be headed by a President, who shall render full-time service. As such, he shall be appointed by the Board of Trustees, upon the recommendation of a duly-constituted search committee, for a term of four (4) years, eligible for reappointment of another term. The powers, duties, and responsibilities of the President of the Academy, in addition to those provided by this Act, shall be those pertaining to the office of the president of a college.

In case of a vacancy caused by reason of death, resignation, removal for cause, or the incapacity of the President to perform the duties and functions of his office, the Board of Trustees shall have the authority to designate an officer-in-charge to hold such office pending the appointment of a replacement who shall then only hold office for the unexpired term.

Section 10. *Administrative Council.* – There shall be constituted an administrative council, composed of the deans, directors, and other Academy officials, headed by the President as its Chairperson, whose function is to review and recommend to the Board of Trustees policies on the administration, management, and development planning of the Academy.

Section 11. *Academic Council.* – There shall be constituted an academic council, composed of all members of the instructional staff with a rank of at least assistant professor, and headed by the President as its Chairperson, whose function is to review and recommend to the Board of Trustees for their action any amendments or improvements on the academic standards and curricular requirements relating to the Academy's maritime course offerings, subject to their compliance with all pertinent and relevant international maritime conventions and the corresponding government implementing rules, regulations, and memoranda.

The academic council shall also fix the rules of discipline in the Academy, as well as the requirements for admission, prerequisites for graduation, and the mechanics in the conferment of degrees.

Section 12. *Secretary.* - The Board of Trustees shall appoint a secretary who shall keep all records and take the minutes of all Board proceedings. Notices of meetings shall be communicated to the Trustees by the secretary.

Section 13. *Parity Clause.* - All other powers, functions, privileges, responsibilities, and duties relating to state colleges and their officials under existing Philippine laws shall also be deemed granted and imposed upon the Academy and all its officials as the case may be.

Section 14. *Appropriations.* - For the purpose of constituting the Academy and for carrying out the provisions of this Act, the amount of One Hundred Million Pesos (PhP100,000,000.00) is hereby appropriated from the National Treasury. Thereafter, such sums as may be necessary for the continuous operation and maintenance of the Academy shall be included in the annual General Appropriations Act.

Section 15. *Implementing Rules & Regulations.* - Within ninety (90) days from the effectivity of this Act, the Commission on Higher Education, in coordination with the Maritime Industry Authority, shall issue the necessary rules and regulations for the effective implementation of this Act.

Section 16. *Separability Clause.* - Should any of the provisions of this Act be declared invalid or unconstitutional, those remaining sections or provisions not so declared shall remain to be valid and in full force and effect.

Section 17. *Repealing Clause.* - All laws, decrees, orders, rules, regulations, policies, programs, or parts thereof that are inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,