

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3078

Introduced by **HON. RONALD M. COSALAN**

EXPLANATORY NOTE

Education plays an important role in the government's ultimate goal of achieving progress. Thus, the 1987 Philippine Constitution mandates that the State give priority to education. It likewise provides that the State recognizes the vital role of the youth in nation-building and obliges itself to promote the intellectual and physical well-being of the youth. Thus, Section 1, Article XIV of the Constitution provides that the State shall protect and promote the right of all citizens to quality education at all levels and shall take the appropriate steps to make education accessible to all.

However, the Province of Benguet has only a single state college with branches at three separate municipalities, none of which is within or near the Municipality of Kabayan. Prospective college students from this Municipality have to travel far and leave their homes to pursue a college degree and finish vocational courses, incurring tremendous expenses in the process, considering the distance and road conditions between the municipalities of Benguet Province.

Thus, it is high time to take the appropriate steps to make higher education accessible to the youth of Benguet Province, especially those from the Municipality of Kabayan, and not reduce those provisions of the Constitution to become empty promises. The establishment of a state polytechnic college within the Municipality of Kabayan will not only serve the higher education needs of its constituents but also those of the nearby municipalities of Buguias and Bokod, as well as the Provinces of Ifugao and Nueva Vizcaya.

In view of the foregoing, this bill is being filed to establish a state polytechnic college, to be known as KABAYAN STATE POLYTECHNIC COLLEGE at the Municipality of Kabayan, Province of Benguet. Approval of the same is highly urged.


HON. RONALD M. COSALAN
Representative
Lone District, Benguet Province (CAR)

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HOUSE BILL NO. **3078**

Introduced by HON. RONALD M. COSALAN

AN ACT ESTABLISHING A STATE POLYTECHNIC COLLEGE AT THE
MUNICIPALITY OF KABAYAN, PROVINCE OF BENGUET, TO BE
KNOWN AS THE KABAYAN STATE POLYTECHNIC COLLEGE,
AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Establishment.* - There is hereby established in the Municipality of Kabayan, Province of Benguet, a state polytechnic college to be known as the Kabayan State Polytechnic College, the same being organized as a corporation under that name, and hereinafter referred to as "State Polytechnic College."

SECTION 2. *Purpose.* - The State Polytechnic College shall provide technical and professional training in the sciences, arts, teacher education, agriculture, engineering, business and entrepreneurial technology as well as short-term vocational courses. It shall likewise promote research, advance studies and academic leadership in the stated areas of specialization.

SECTION 3. *Powers.* - The State Polytechnic College shall have the general powers set forth in Section Thirty-Six (Sec. 36) of Batas pambansa 68 (B.P. 68), as amended, and the exercise of its corporate powers shall be exercised exclusively by a Board of Trustees.

SECTION 4. *Board of Trustees.* - The governing body of the State Polytechnic College shall be vested in a group of persons to be known as the Board of Trustees of the Kabayan State Polytechnic College, in a manner set forth hereinbelow:

a. *Composition and Manner of Appointment.* The Board of Trustees shall be composed of ten (10) members, namely:

- i. Chairman of the Commission on Higher Education (CHED),
Chairman;
- ii. President of the State College, Vice Chairman;
- iii. Respective Chairmen of the Congressional and Senate
Committees on Education and Culture;
- iv. Regional Director of the National Economic Development
Authority (NEDA) of Cordillera Administrative Region;
- v. President of the faculty association;
- vi. President of the supreme student council or the student
representative elected by the student council; Provided, That in
the absence of a student council president, or student
representative elected by the student council, the State
Polytechnic College shall schedule (1) week for the campaign
and election of a student representative;
- vii. President of the alumni association of the State Polytechnic
College;
- viii. Two (2) prominent citizens who have distinguished themselves
in their professions or fields of specialization and chosen among
a list of at least five (5) persons, qualified within the Lone
Legislative District of the Province of Benguet, as recommended
by the search committee constituted by the resident in
consultation with the Chairman of the CHED based on the
normal standards and qualifications for the position.

The faculty and the student council shall be represented by the president of their respective federations within the State Polytechnic College.

The private sector representatives shall be appointed by the Board of Trustees upon the recommendation of a duly constituted search committee.

b. *Term of Office.* The presidents of the faculty and alumni associations and the student trustee shall sit in the Board of Trustees until the expiration of their term of office in such capacities.

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

c. *Meetings.* The Board of Trustees shall regularly convene at least once every quarter. The Chairman of the Board of Trustees may call a special meeting whenever necessary; Provided, that members are notified in writing at least three (3) days prior to the said meeting.

d. *Quorum.* A majority of all members holding office shall constitute a quorum for board meetings; Provided, that the Chairman of the CHED who is the chairman of the Board of Trustees or the President of the State Polytechnic College is among those present in the meeting. In the absence of the Chairman of CHED, a commissioner of the CHED, duly designated by him, 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 State Polytechnic College as vice chairman shall be the presiding officer; Provided, further, that this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chair to the Board of Trustees, in which case CHED Commissioner shall act as the presiding officer.

e. *Compensation.* The members shall serve without compensation, but they shall be reimbursed for the necessary expenses incurred in their attendance of meetings of the Board of Trustees or in connection with their official business authorized by a resolution of the Board of Trustees.

SECTION 5. Powers and Duties of the Board of Trustees. – The Board of Trustees shall have the following specific powers and duties in addition to its general powers and administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Bilang 68, otherwise known as the Corporation Code of the Philippines, to wit:

- a. To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the State Polytechnic College;
- b. To receive and appropriate all sums in the manner it may determine in its discretion and to carry out the purposes and functions of the college;
- c. To receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the State Polytechnic College, subject to limitations, discretions, and instructions of the donors, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items for 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 of Trustees 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 Polytechnic College, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interest that shall accrue there from shall form part of the same fund for the use of the State Polytechnic College.

Any income generated by the State Polytechnic College from the tuition fees and other charges as well as from the operation of auxiliary services and the land grants, shall be retained by the State Polytechnic

College, and maybe disbursed by the Board of Trustees for instruction, research extension or other programs/projects of the said 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 Polytechnic 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 of Trustees 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 goal of the State Polytechnic College;

- e. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- f. To authorize the construction or repair of its buildings, machineries, equipment and other facilities, and the purchase and acquisition of real and personal properties including necessary supplies, materials and equipment. Purchases and other transactions entered into by the State Polytechnic College through the Board of Trustees shall be exempt from all taxes and duties;
- g. To appoint, upon the recommendation of the State Polytechnic College President, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;
- h. To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and classification system and other pertinent budget and compensation laws governing hours of service and such other duties conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, subject to existing budgetary laws, and to remove them for cause in accordance with the requirements of due process of law;
- i. To approve the curricula, institutional programs and uniform rules of discipline drawn by the administrative and academic councils as herein provided;
- j. To set policies on admission and graduation of students;
- k. To award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the college and to authorize the award

of certificates of completion of non-degree and non-traditional courses;

- l. To absorb non-chartered tertiary institution within the Province of Benguet in coordination with CHED and in consultation with the Department of Budget and management, and to offer thereon needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
- m. To establish research and extension centers of the State Polytechnic College where such will promote development of the latter;
- n. To establish chairs in the State Polytechnic College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- o. To delegate any member(s) of the Board of Trustees to exercise any of its powers and duties provided for hereinabove as it may deem appropriate so as to expedite the administration of the affairs of the State Polytechnic College;
- p. To authorize an external management audit of the institution, to be financed by the CHED, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations.
- q. To collaborate with other governing boards of state universities and colleges within the region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of said colleges and universities to become more efficient, relevant and competitive;
- r. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the State Polytechnic College, the proceeds from which to be used for the development and strengthening of the same;
- s. To develop consortia and other forms of linkages with the local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purpose and objectives of the College;
- t. 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, or visiting or exchange professors, scholars, researchers as the case maybe, subject to existing laws;

- u. To set up adoption of modern and innovative modes of transmitting knowledge, such as the use of information technology, the dual system, open learning, community laboratory, for the promotion of greater access to higher education;
- v. To establish policy guidelines and procedures for participative decision-making and transparency within the State Polytechnic College;
- w. To privatize, where it is most advantageous to the State Polytechnic College, management and non-academic services such as health, food, building or grounds or property maintenance and similar such other activities;
- x. To extend the term of the President of the State Polytechnic College beyond the age of retirement but not later than the age of seventy (70) whose performance has been unanimously rated as outstanding and upon recommendation by the search committee

SECTION 6. *Promulgation and Implementation of Policies.* - The Board of Trustees shall promulgate and implement policies in accordance with the declared policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports, as well as the policies, standards and thrust of CHED under Republic Act No. 7722.

SECTION 7. *The Administration.* - The administration of the State Polytechnic College shall be vested in the President of the State of Polytechnic College who shall render full time service. He shall be appointed by the Board of Trustees, upon the recommendation of the duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, that this provision shall not adversely affect the terms of the incumbents.

The President shall be assisted by a Vice-President for academic affairs, who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one vice-president when so warranted.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board

shall have the authority to designate an officer-in-charge pending the appointment of a new president.

In case of the vacancy in the office of the President mentioned in the immediately preceding paragraph, his successor shall hold office only for the unexpired term.

The powers and duties of the President of the State Polytechnic College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the President of the same college, and those delegated by the Board of Trustees.

The salary of the President of the State Polytechnic College shall be subject to the existing compensation and position classification system and shall be comparable to that being received by other presidents of similar educational institutions of like standing.

SECTION 8. *The Secretary of the College.* - The Board shall appoint a Secretary who shall serve as such for both of the Board of Trustees and State of Polytechnic College and shall keep all the records and proceedings of the Board of Trustees. He shall communicate to each member of the Board of Trustees any notice of meetings.

SECTION 9. *The Treasurer of the Philippines.* - The Treasurer of the Philippines shall be the ex-officio treasurer of the College. All accounts and expenses of the college shall be audited by the Commission on Audit or its duly authorized representative.

SECTION 10. *Administrative Council.* - There shall be an *Administrative Council* consisting of the President of the State Polytechnic College as Chairman, the vice-president(s), deans, directors and other officials of equal rank as members and whose duty is to review and recommend to the Board of Trustees policies governing the administration, management and development planning of the State College for appropriate action.

SECTION 11. *Academic Council.* - There shall be an *Academic Council*, with the President of the State Polytechnic College as Chairman and all members of the instructional staff with the rank of not lower than assistant professors as members.

The *Academic Council* shall have the power to review and recommend the circular offerings and rules of discipline of the college subject for appropriate action of the Board of Trustees. It shall fix the requirements for the admission as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Trustees through the president of the college.

SECTION 12. *Academic Freedom.* - Pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, the State Polytechnic College, like all institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.

SECTION 13. *Admission* - No student shall be denied admission to the State Polytechnic College by reasons of sex, nationality, religion, political affiliation, physical disability, cultural or community affiliation or ethnic region.

SECTION 14. *Filing of Report.* - On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the President of the State Polytechnic College shall file with the Office of the President of the Philippines through the Chairperson of the CHED, and with the Senate and the House of Representatives, a detailed report on the progress, conditions and needs of the State Polytechnic College.

SECTION 15. *Campus Site.* - The State Polytechnic College shall have an area of not less than five (5) hectares for its academic and instructional programs, research, and development activities and experimental and laboratory facilities.

The Board of Trustees shall forthwith recommend a suitable site within the Municipality of Kabayan, Province of Benguet for this purpose. The Office of the President of the Philippines through CHED shall effect the immediate acquisition of the said area for use as campus site.

SECTION 16. *Development Plan.* - The Board of Trustees, within six (6) months following its creation, shall complete a seven-year development plan for the State Polytechnic College which shall serve as the basis for its policy decisions.

SECTION 17. *Appropriations.* - The amount of Fifty Million Pesos, (50,000,000) shall be initially appropriated to the budget of Commission on Higher Education (CHED) for the purpose of implementing this Act. Thereafter, such additional amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law.

SECTION 18. All other powers, functions, privileges, responsibilities and limitations to state universities and/or its officials under existing laws shall be deemed granted to or imposed upon the State Polytechnic College whenever appropriate.

House Bill No. _____, p. 9.

SECTION 19. *Effectivity Clause.*- This Act shall take effect fifteen (15) days following its publication in the official Gazette or in two newspapers of general circulation.

Approved,