

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEETH CONGRESS
First Regular Session

HOUSE BILL NO. **5077**



Introduced by Representative Florida P. Robes

EXPLANATORY NOTE

Corollary to the pronouncement of President Rodrigo Roa Duterte that tuition fees in state colleges and universities shall be free, the constituents of the City of San Jose Del Monte are left wanting. At present, the only government-owned and supervised tertiary schools in the city are the satellite campuses of Bulacan State University and Bulacan Polytechnic College. The City, which aims to become a prime sustainable city in the country, considers the establishment of a tertiary school a must as this is guaranteed under the 1987 Constitution which states that it is the duty of the State to promote quality and accessible education for all.

Needless to say, the main objective of this legislative proposal is for the general welfare of the residents of the City. The City serves as a home to many relocatees coming from Metro Manila. As such, good quality educational infrastructures will help alleviate their living conditions. It is also undeniable that quality higher education harnesses the productive capacities of the people and will lead to economic prosperity.

Further, this proposal is align with one of the 17 Sustainable Development Goals which seeks to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. With these said, tertiary education in the country must be enhanced and be made globally competitive, as well as accessible and affordable. Hence, the establishment of this proposed State College will definitely boost the present administration's development agenda. In view thereof, the approval of this Bill is earnestly sought.


FLORIDA P. ROBES

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

SEVENTEETH CONGRESS
First Regular Session

HOUSE BILL NO. **5077**

Introduced by Representative Florida P. Robes

**AN ESTABLISHING A STATE COLLEGE IN THE LONE LEGISLATIVE
DISTRICT OF SAN JOSE DEL MONTE, PROVINCE OF BULACAN TO BE
KNOWN AS SAN JOSE DEL MONTE CITY 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 in the City of San
Jose Del Monte, Province of Bulacan, a state college to be known as San Jose Del
Monte City State College, the same to be organized as a corporation under the same
name.

SEC. 2. General Mandate. - The State College shall primarily provide
advanced education, higher technological, professional instruction and training in
the sciences, arts, teacher education, agriculture, engineering, business and
entrepreneurial technology and other related courses. It shall also seek academic
leadership in these areas of specialization and likewise advance human knowledge
through basic study and research in other relevant fields of study.

SEC. 3. Academic Freedom and Institutional Autonomy. - The State
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. 4. Curricular Offerings. - The State College shall offer
undergraduate and graduate studies within its areas of specializations, specifically,
but not limited to, the fields of sciences, arts, teacher education, agriculture,
engineering, business and entrepreneurial technology, health related programs,
information technology and other fields as the Board of Regents may deem necessary
to carry out its objectives, particularly to the needs of the constituency: Provided,
that no degree program shall be offered without the approval of the Commission on
Higher Education before the same shall be approved by its Board.

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

SEC. 6. The Governing Board. - The government of the said State College is vested upon the Board of Regents of the San Jose Del Monte City State College. The Board of Regents shall be composed of the following:

- (a) The Chairperson of the Commission on Higher Education (CHED), Chairperson;
- (b) The President of the State 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 Science and technology (DOST), member;
- (g) The President of the federation of faculty associations of the State College, member;
- (h) The President of the federation of student councils of the State College, member;
- (i) The President of the federation of alumni associations of the State College, member;
- (j) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization, and chosen from among a list of at least five (5) qualified persons within the Lone Legislative District of the City of San Jose Del Monte, as recommended by the search committee constituted by the State 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 set by the Board.

(1) The term of office of the President of the federation of faculty associations, the federation of student councils and the federation of alumni associations shall be co-terminous 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. Powers and Duties of the Board of Regents. - 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 State College;
- (b) To receive and appropriate all sums as may be provided for the support of the State College in the manner it may determine in its discretion, in order to carry out its purposes and functions;
- (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 and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the State College, 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 incomes generated by the State 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 State College.

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

If, for reasons beyond its control, the State 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 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 State 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 property, including necessary supplies, materials and equipment;

(h) To appoint upon recommendation of the President of the State College, Vice Presidents, deans, directors and heads of campuses, faculty members and other officials and employees of the State 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 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 education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the State College; and to authorize the awarding of certificates of completion of non-degree and nontraditional courses;
- (m) To establish research and extension centers of the State College where such will promote the development of the latter;
- (n) To establish professorial chairs in the State College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (o) To delegate any of its powers and duties provided for hereinabove to the President and/or other officials of the State College as it may deem appropriate, so as to expedite the administration of the affairs of the State College;
- (p) To authorize an external management audit of the State 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;
- (q) To collaborate with other governing boards of the state colleges and universities within the Province of Bulacan, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the State 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 State College, the proceeds from which shall be used for the development and strengthening of the State College;
- (t) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private,

local and foreign, in the furtherance of the purposes and objectives of the State 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 education;

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

(x) To privatize, where most advantageous to the State College, the management of nonacademic 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 State 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.8. 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 Board or the President of the State 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 State 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. 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, arts and culture, 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. 10. Tax Exemption. - All grants, bequests, endowments, donations and contributions made to the State College to be used actually, directly and exclusively by the State College shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor for purposes of computing the taxable income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 11. The Administration - The Administration of the State 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.

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 State College, 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 shall serve only the unexpired portion of the term.

The powers and duties of the President of the State College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the President of similar state colleges, and those delegated by the Board.

The salary of the President of the State 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 State College shall be assisted by the Vice President/s, who shall be appointed by the Board upon recommendation of the President.

SEC. 12. The Administrative Council. - There shall be an Administrative Council consisting of the President of the State 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 State College.

SEC. 13. The Academic Council. - There shall be an Academic Council to be composed of the President of the State College, who shall act as Chairperson, and all the 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 State 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 State College. It shall have the disciplinary power over students of the State College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SEC. 14. The Faculty. - No political beliefs, gender preference, cultural or community affiliation or ethnic origin, religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the State 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 any particular church or religious sect.

SEC. 15. Admission. - No students shall be denied admission to the State College by reasons of sex, nationality, religion, political affiliation, physical disability, cultural or community affiliation or ethnic origin.

SEC. 16. Annual Report. - On or before the fifteenth (15th) day of the second (2nd) month after the opening of the regular classes each year, the President of the State 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 College.

SEC. 17. Campus Site. - The State 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 shall forthwith recommend a suitable site within the Lone Legislative District of San Jose Del Monte, Province of Bulacan for this purpose. The Office of the President of the Philippines, through the CHED, shall effect the immediate acquisition of the said area for use as campus site.

SEC. 18. Development Plan. - Within the period of one hundred twenty (120) days after the approval of this Act, the State College shall submit a seven (7) - year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM and which shall serve as the basis for its policy decisions.

SEC. 19. Compliance with CHED Requirements. - The provisions of this Act notwithstanding, the establishment or conversion of the institution into a state State College shall become effective only upon the determination and declaration by the CHED, based on the recommendation and declaration by the CHED, based on the recommendation of a panel of experts that the institution has complied with the requirements for a State College status. The CHED, through its

regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the Commission.

SEC. 20. CHED Monitoring and Evaluation. - The CHED shall conduct regular monitoring and evaluation to determine continuing compliance with the requirements on State College status. In the event that the Commission finds that the State College does not maintain compliance thereof, it shall submit the appropriate recommendation for the revocation of the State College status to the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education.

SEC. 21. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC 22. Supplementary 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 State College.

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

SEC 24. Implementing Rules and Regulations. - The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

SEC. 25. 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. 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.¹⁴

SEC. 29. Effectivity. - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,