

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES
H.B. NO. 1139

INTRODUCED BY REPRESENTATIVE EMMARIE "LOLYPOP" OUANO-DIZON

AN ACT
CONVERTING THE MANDAUE CITY COLLEGE IN THE CITY OF
MANDAUE, PROVINCE OF CEBU INTO A STATE COLLEGE TO BE
KNOWN AS THE MANDAUE STATE COLLEGE AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

This bill seeks to convert the Mandaue City College in the City of Mandaue in the Province of Cebu into a state college to be known as the "Mandaue State College" to ensure its fiscal autonomy, enhance its academic standards, and provide accessible and affordable but quality education to poor but deserving students.

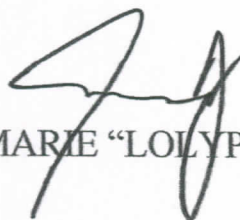
Pursuing a college degree is almost impossible for many poverty-stricken residents of Mandaue given the high cost of transportation, personal sustenance, and other necessary expenses that go with the equally high cost of education, especially in private universities and colleges in Cebu City and in Mandaue City itself. This also holds true for neighboring communities where incidence of poverty is also high.

In an effort to address this problem, the local government of the City of Mandaue seeks to establish the Mandaue State College with the objective of providing accessible and affordable tertiary, vocational, and technical education to the youth of the city. It is also hoped that the establishment of the College will stimulate more economic activity in the area and provide residents with the opportunity to acquire skills and education necessary for them to obtain decent and

stable jobs for the improvement of their economic and social standing, and for their total development as individuals as well.

It is the State's mandate to establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of society. With the establishment of the Mandaue State College, the author seeks to secure adequate support and appropriate funds from the national budget to ensure that the institution has the necessary facility, personnel, and instructional materials which are at par with other tertiary learning institutions.

Hence, the early approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be 'Emmarie', written over the printed name.

EMMARIE "LOLYPOP" OUANO-DIZON



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

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House Bill No. 1139

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

Section 1. Conversion. – The Mandaue City College in the City of Mandaue, Province of Cebu, is hereby converted into a state college to be known as the Mandaue State College, hereinafter referred to as the College.

Section 2. General Mandate. – The College shall primarily provide quality but affordable advanced instructional and professional training in engineering, industrial technologies, business, arts, sciences, and other relevant fields of study. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

Section 3. Curricular Offerings. – The College shall offer undergraduate and graduate studies in the fields of engineering, industrial technologies, business, arts, sciences, and other degrees or courses within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives, in order to meet the needs of the Province of Cebu and Region VII.

The College may operate a reasonably-sized laboratory school if it has a College of Education.

Section 4. Administration. – The 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 College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the College.

Section 5. The Governing Board. – The Governing Board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- a) Chairperson of the Commission on Higher Education (“CHED”) as Chairperson;
- b) President of the College as Vice-Chairperson;
- c) Chairperson of the Senate Committee on Education, Arts, and Culture;
- d) Chairperson of the House of Representatives Committee on Higher and Technical Education;
- e) Regional Director of the National Economic and Development Authority;
- f) Regional Director of the Department of Science and Technology;
- g) President of the faculty association of the College;
- h) Student Council President of the College;
- i) President of the alumni association of the College;
- j) Incumbent Mayor of Mandaue City;
- k) Incumbent District Representative of the place where the College sits; and
- l) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the College.

The Board shall appoint two (2) prominent citizens from among a list of at least five (5) qualified persons in the Province of Cebu, as recommended by the search committee constituted by the College President, in consultation with the Chairperson of CHED and the other members of the Board, based on the normal standards and qualifications for the position.

The term of office of the President of the faculty association, Student Council President, and the President of the alumni association shall be co-terminus with their terms of office, as set forth in their respective constitution and bylaws.

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

Section 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, 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”.

Section 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 the powers granted to the Board 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 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, in order to carry out the purposes and functions of the College;
- c) To import duty-free economic, technical and cultural books and/or publications, upon certification by CHED that such 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 properties of all kinds and to administer and dispose of the same when necessary for the benefit of the College, and subject to limitations, directions and instructions of the donor, if any.

Such donations shall be exempt from 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 reasonable 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 income generated by the College, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interest that shall accrue therefrom shall form part of the same funds for the use of the College.

Any provisions of existing laws, rules and regulations 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 or projects of the College: *Provided*, that all fiduciary fees shall be disbursed for the specific purpose for which these are collected.

If, for any 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;

- f) To adopt and implement a socialized scheme of tuition and other 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 necessary supplies and materials and equipment;
- h) To appoint, upon recommendation of the President of the College, Vice-President, Deans, Directors, Heads of Departments, Faculty Members, and other officials and employees of the 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;

- j) To grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing laws to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- k) To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;
- l) To set policies on admission and graduation of students;
- m) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of engineering, agriculture, public service, arts, science and technology, education 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;
- n) To establish and absorb non-chartered tertiary institutions within the Province of Cebu as branches and extension centers in coordination with the CHED and in consultation with the Department of Budget and Management (“DBM”), and to offer therein programs or courses to promote and carry out equal and greater access to educational opportunities as mandated by the Constitution;
- o) To establish research and extension centers of the College where such will promote the development of the latter;
- p) To establish professional chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- q) To delegate any of its powers and duties provided for hereinabove to the President or Officer-in-Charge and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the College;
- r) To authorize an external management audit of the College, to be financed by the CHED, subject to the rules and regulations of the of the Commission on Audit (“COA”); and to institute reforms, including academic and structural changes on the basis of audit results and recommendations;
- s) To collaborate with other governing boards of state universities and colleges within the Province of Cebu or Region VII, under the supervision of CHED and in consultation with the DBM, and work towards the restructuring of the College to become more efficient, relevant, productive, and competitive;
- t) To develop consortia and other forms of linkages with local government units (“LGUs”), institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the 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 or 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 higher education and graduate studies, as the case may be;
- w) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- x) To privatize, where most advantageous to the College, the management of non-academic services such as health, food, building, 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 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.

Section 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 CHED 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 the former, shall represent him or her in the meeting with all 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 Presiding Officer.

In case the Chairpersons of the Congressional Committees on Education, the incumbent Mayor of Mandaue City, or the incumbent District Representative shall not be able to attend the Board meeting, they may duly designate their respective

representatives to attend 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;

Section 9. *The College President.* = The College shall be headed by a President, who shall render full-time service. He or 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: *Provided*, that in order to effect a smooth transition to a State College, the incumbent head of the Mandaue City College, if qualified, shall act as the Officer-in-Charge, pending the appointment of the first President of the College.

Within six (6) months before the expiration of the term of office of the incumbent President of the College, the Board shall constitute the Search 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 or her office, the Board shall designate an Officer-in-Charge of the College within six (6) months from date of vacancy, 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 College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the President of similar colleges, and those delegated by the Board.

The salary of the President of the 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 College shall be assisted by a Vice-President for Academic Affairs, who shall be appointed by the Board upon recommendation of the president.

Section 10. *The Administrative Council.* – There shall be an Administrative Council consisting of the President of the 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 policies governing the administration, management, and development planning of the College.

Section 11. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the College, who shall act as Chairperson, and all the academic staff with the rank of at least 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 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 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.

Section 12. *The Secretary of the College.* – The Board shall appoint a Secretary, who shall serve as such for both the Board and the College and shall keep all the records and proceedings of the Board. He/She shall serve upon each member of the Board the appropriate notice of the Board meetings.

Section 13. *The Treasurer of the College.* – The Treasurer of the Philippines shall be the ex-officio Treasurer of the College.

Section 14. *The Faculty.* – No political beliefs, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: *Provided*, that said appointment shall be subject to the guidelines, qualifications, an/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.

Section 15. *Scholarship Program/Admission.* – The College shall provide 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, religion, cultural or community affiliation or ethnic origin.

Section 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.

Section 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of bureaus and offices of the national government are hereby authorized to loan or 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 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.

Section 18. *Assets, Liabilities, and Personnel.* – All assets, real and personal, personnel, and records of the Mandaue City College, as well as liabilities or obligations, are hereby transferred to the College. The positions, rights, and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a State College shall be respected.

All parcels of land belonging to the government and occupied by the Mandaue City College are hereby declared to be property of the Mandaue State College of Science and Technology, and shall be titled under that name: *Provided:* that should the College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the City of Mandaue, or the Province of Cebu, or the Republic of the Philippines, as the case may be.

Section 19. *Appropriations.* – The amount necessary for the initial implementation of the provisions of this Act shall be charged against the current year's funding provided by the Commission on Higher Education ("CHED"). The concerned LGU shall continue to provide assistance to the Mandaue City College until such time that the full funding requirement of the Mandaue State College of Science and Technology is included in the annual General Appropriations Act.

Section 20. *Development Plan, Management Audit, Organizational/Administrative/Academic Structure.* – Within the period of one hundred (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 CHED; and
- c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials of the College.

Section 21. *Filing of Report.* – On or before the fifteenth (15th) day of the second (2nd) month after the opening of regular classes every year, the Board shall file with the Office of the President of the Philippines through the Chairperson of CHED, and with both Houses of Congress a detailed report on the progress, conditions and needs of the College.

Section 22. *Suppletory 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 College.

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

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

Section 25. *Separability Clause.* – If, for any reason any part or provision of this Act is declared invalid and unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

Section 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.

Section 27. *Effectivity.* – The Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,