

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3225



INTRODUCED BY REP. ISAGANI S. AMATONG

3rd District, Zamboanga del Norte

EXPLANATORY NOTE

Section 1, Article XIV (Education) of the 1987 Constitution mandates that, *"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."*

Consistent with the constitutional mandate, this Bill seeks to establish the **Murcielagos State College (MSC)** by converting the Kipit Agro-Fishery National High School (KAFHS) in Brgy. Kipit, Municipality of Labason, Province of Zamboanga del Norte.

At present time, there is only one state university serving the entire 3rd District of Zamboanga del Norte, which is not strategically reachable by the 12 municipalities of the district and the rest of the province. Especially those coming from the far-flung areas like the municipalities of Gutalac, Baliguian, Sirawai, Sibuco and the nearby towns of Leon B. Postigo, Salug, Godod, Liloy, Kalawit. Poor but deserving prospective college students have to leave their homes, incur enormous expenses and travel far in between municipalities just to pursue higher education.

Thus, it is imperative that the State must make appropriate steps in bringing education closer and more accessible to its citizens. Ultimately, the envisioned state college will elevate the quality of life and livelihood of the people of the Province of Zamboanga del Norte.

In view of the foregoing, the passage of this bill is earnestly sought.


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AN ACT

**CONVERTING THE KIPIT AGRO-FISHERY HIGH SCHOOL IN KIPIT,
LABASON, ZAMBOANGA DEL NORTE INTO A STATE COLLEGE TO BE
KNOWN AS THE MURCIELAGOS STATE COLLEGE (MSC)
AND APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES**

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

SECTION 1. *Establishment/Conversion.* The Kipit Agro-Fishery High School (KAFHS) in Barangay Kipit, Municipality of Labason, Province of Zamboanga del Norte is hereby converted into a State College to be known as the MURCIELAGOS STATE COLLEGE (MSC), hereinafter referred to as the College. Its main campus shall be in the Municipality of Labason, Zamboanga del Norte.

SECTION 2. *General Mandate.* The College shall primarily provide advanced education, higher technological, professional instruction and training in the fields of education, agricultural technology, agribusiness management, business administration, industrial technology, arts and sciences, health sciences, information technology, engineering and other relevant fields of study. It shall undertake extension and development services, and provide progressive research leadership in agriculture and fishery in the Municipality of Labason and neighboring municipalities in the Province of Zamboanga del Norte.

SECTION 3. *Curricular Offerings.* The College shall offer, undergraduate, graduate, short-term technical-vocational courses, and other degree and non-degree courses within its areas of specialization, according to its capacity, and as the Board of Trustees may deem necessary to carry out its objectives and to meet the needs of the Province of Zamboanga del Norte.

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The existing and any other future technical-vocational courses or programs under the supervision of the Technical Education and Skills Development Authority (TESDA) shall continue to be offered at the College's campus.

The existing high school shall continue to be under the jurisdiction and supervision of the Department of Education: *Provided*, That the College may operate a reasonable-sized laboratory high school if it has a College of Education.

SECTION 4. *The Governing Board.* The governing body of the College shall be the Board of Trustees, hereinafter referred to as the Board;

(a) *Composition* – The Board shall be composed of the following:

- (i) The Chairperson of the Commission on Higher Education (CHED), Chairperson;
- (ii) The President of the College, Vice-Chairperson
- (iii) The Chairperson of the Committee on Education, Arts and Culture of the Senate, member;
- (iv) The Chairperson of the Committee on Education, Arts and Culture of the House of Representatives, member;
- (v) The Regional Director of the National Economic Development Authority (NEDA), Region IX, member;
- (vi) The Regional Director of the TESDA, member;
- (vii) The Regional Director of the Department of Science and Technology (DOST), member;
- (viii) The Regional Director of the Department of Agriculture (DA), member;
- (ix) The President of the Faculty Association of the College, member;
- (x) The President of the Student Council of the College, member;
- (xi) The President of the Alumni Association of the College, member;
- (xii) Two (2) prominent citizens who have distinguished themselves in their 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.

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

(b) *Term of Office* – The term of office of the President of the faculty association, the President of the student council and the President of the alumni

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association shall be coterminous with their respective terms of office as set forth in their respective constitution and by-laws.

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

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

A majority of all its members holding office at the time of the meeting shall constitute a quorum for board meetings: *Provided*, however, That the Chairperson of the Board 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 CHED chairperson as representative in the meeting, shall have all the rights and responsibilities of a regular member: *Provided, further*, that this proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson 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 be able to attend the Board meeting, they may designate their respective representatives who shall have the same rights and responsibilities as the 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 5. Powers and Duties of the Board of Trustees. In addition to its general powers of administration and the exercise of all powers granted to the board of directors of a corporation under existing laws, the Board shall have the following specific powers and duties:

- (a) To promulgate rules and regulations not contrary to laws 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 determine in its discretion to carry out the purpose and functions of the College;

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(c) To import duty-free economic, technical and cultural books and/or publications upon verifications 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, as amended;

(d) To receive, in trust, all kinds of legacies, gifts and donations of real personal properties 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 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), as amended: *Provided*, That such donation shall not be disposed of, transferred or sold; and

(e) To fix the tuition fees and other necessary school charges such as matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultation with the involved sectors. Such fees and charges, including government subsidies and other income generated by the College, shall constitute the 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 College. Any provision 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/projects of the College; *Provided*, that all fiduciary fees shall be disbursed for the specific purposes which they were collected: *Provided*, however, that if, for reasons beyond its control, the College shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program and expenditures, the Board may authorize the use of the said funds for any reasonable purpose which, in its discretion, may be necessary

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and urgent for the attainment of the objectives and goals of the College;

- (f) To adopt and implement a socialized scheme of tuition and school fees for greater access to education of poor but deserving students in accordance with the provisions of Republic Act No. 10931, otherwise known as the "Universal Access to Quality Tertiary Education Act";
- (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 the necessary supplies, materials and equipment;
- (h) To appoint, upon the recommendation of the President of the College, the Vice Presidents, Deans, Directors and Heads of Departments, Faculty Members, and other officials and employees of the College;
- (i) To fix and adjust the 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 provisions of existing laws 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 the 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 College; and to authorize the awarding of certificates of completion of non-degree and non-traditional courses;
- (m) To establish and absorb non-chartered tertiary institutions within the Province of Zamboanga del Norte as branches and

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center, 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 access to educational opportunities, as mandated by the Constitution;

- (n) To establish research and extension centers of the College where such will promote the development of the latter;
- (o) To establish professorial chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (p) To delegate any of its powers and duties provided herein to the President or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;
- (q) To authorize an external management audit of the College, to be financed by the CHED, subject to the rules and regulations of the Commission of Audit (COA); and to institute reforms, including academic and structural changes on the basis of the audit results and recommendations;
- (r) To collaborate with other governing boards of other state universities and colleges (SUCs) within the Province of Zamboanga del Norte and Region IX, under the supervision of the CHED and in consultation with the DBM and work for the restructuring of the College to become more efficient, relevant, productive and competitive;
- (s) To enter into joint ventures with business and industry for profitable development and management of the economic assets of the College, the proceeds of which shall be used for the development and strengthening of the College;
- (t) To develop consortia and other linkages with local government units (LGUs), institutions and agencies both public or private, local or foreign, in the furtherance of the purpose and objectives of the College;
- (u) To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public or

private, local or 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 training system, open distance learning, and community laboratory, for the promotion of greater access to education;
- (w) To establish policy guidelines and procedures to promote 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 services, food services, building or 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, whose performance has been unanimously rated by the governing board as outstanding, after unanimous recommendation by the search committee, but not beyond the age of seventy (70).

SECTION 6. *Promulgation and Implementation of Policies.* The Board shall promulgate and implement policies in accordance with the declared State policies on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under the Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994" and the TESDA under Republic Act No. 7796, otherwise known as the "TESDA Act of 1994".

SECTION 7. *Administration.* The administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees, and in the President of the College, insofar as authorized by the Board.

SECTION 8. *The College President.* The College President shall head the College who shall render full-time service. The President 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.

The College President shall have a term of four (4) years and shall be eligible for reappointment to another term: *Provided*, that notwithstanding, and in order to

effect a smooth transition to a state college, the incumbent administrator of the KAFHS, if qualified, shall serve as the first President of the College. The remaining term of the incumbent administrator of the KAFHS shall be considered as the first term as College President.

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 the office, the Board shall have the authority to designate an Officer-in-Charge (OIC) of the College pending the appointment of a new President. Within six (6) months from the date of vacancy, the Board shall constitute a Search Committee for the Presidency.

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 college, 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 by the presidents of similar educational institutions.

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

SECTION 9. *The Secretary of the College.* The Secretary of the College shall be appointed by the Board, who shall serve as such for both the Board and the College, and who shall keep all records and proceedings of the Board in addition to other duties and responsibilities. The Secretary shall serve upon each member of the Board the appropriate notice of Board meetings.

SECTION 10. *The Treasurer of the College.* The Treasurer of the Philippines shall be the ex officio treasurer of the College.

SECTION 11. *Administrative Council.* There shall be an Administrative Council consisting of the President of the College, as Chairperson, the Vice-Presidents, Deans, Directors, and other officials of equal rank as members, whose duty is to implement the policies governing the administration, management and development of the College, as approved by the Board.

SECTION 12. *Academic Council.* There shall be an Academic Council composed of the President of the College, who shall act as Chairperson, and all members of the academic staff with the rank of not lower than 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 appropriate action by the Board. It shall fix the requirements of degrees, subject to review, and approval by the Board through the President of the College. It shall also have disciplinary powers over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SECTION 13. *Faculty.* No political belief, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the College: *Provided*, however, That said appointment shall be subject to the qualifications and 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 14. *Scholarships Programs/Admission.* The College shall provide a scholarship program and other affirmative action programs to assist poor by deserving students who qualify for admission to the College. No student shall be denied admission to the College by reason of sex, nationality, religion, cultural or community affiliation or ethnic origin.

SECTION 15. *Academic Freedom and Institutional Autonomy.* The College shall enjoy academic freedom and institutional autonomy pursuant to paragraph 2, Secion 5 of Article XIV of the Constitution of the Republic of the Philippines.

SECTION 16. *Authority to Lend or Transfer Apparatus / Equipments / Supplies and Detail of Personnel.* The heads of the bureaus and offices of the national government are hereby authorized to lend, 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 the 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 17. *Assets, Liabilities and Personnel.* All assets, real and personal, personnel and records of the KAFHS in Brgy. Kipit, Labason, Zamboanga del Norte, as well as its liabilities or obligations, are hereby transferred to the College. The

positions, rights and security of tenure of the academic staff and personnel therein employed under existing laws prior to the conversion of the KAFHS into the College shall be respected. The College shall also include an upgrade or increase in its human resource component.

All parcels of land belonging to the government occupied by the KAFHS are hereby declared the property of the College and shall be titled under that name: *Provided*, that should the College cease to exist, or be abolished, or such aforementioned parcels of land be no longer needed by the College, the title to said parcels of land shall be transferred to the LGU of Labason, Province of Zamboanga del Norte.

SECTION 18. *Development Plan, Management Audit, Organizational / Administrative / Academic Structured.* Within the period of one hundred twenty (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 the CHED;
- c. Accordingly, *set-up* its organizational, administrative as well as academic structure, including the appointment of the College key officials; and
- d. Set in motion the establishment of at least four (4) separate degree granting units, one of which is in the arts and sciences, and another unit for non-degree technical-vocational education and training.

SECTION 19. *Compliance with CHED Requirements.* The provisions of this Act notwithstanding, the establishment or conversion of the institution into a state college shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a college status based on CHED Memorandum Order No. 46, series of 2012 (Policy Standards to Enhance Quality Assurance (QA) in Philippine Higher Education through an Outcomes-Based and Typology-Based QA): *Provided*, that the panel may issue such a recommendation when the institution has substantially complied with the requirements for the grant of status as state college.

The institution shall retain its status prior to the effectivity of this Act until such time that it is able to comply with the requirements provided herein.

SECTION 20. *Filing of Annual Report.* On or before the fifteenth (15th) 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 CHED, and with both Houses of Congress, a detailed report on the progress, conditions and needs of the College.

SECTION 21. *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 the governing charter of the College. All other applicable laws shall have supplementary application.

SECTION 22. *Parity Clause.* All other powers, functions and privileges, responsibilities and limitations to state colleges and their officials under existing laws shall be deemed granted to or imposed upon the College and its officials whenever appropriate.

SECTION 23. *Appropriations.* The amount necessary to carry out the provisions of this Act, shall be charged against the current year's appropriations for the KAFHS. Thereafter, such sums as may be necessary for the operation and maintenance of the College shall be included in the annual General Appropriations Act.

SECTION 24. *Implementing Rules and Regulations.* Within sixty (60) days upon the effectivity of this Act, the Board, in consultation with the 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 or unconstitutional, the remaining parts or provisions not affected 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.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,