

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

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7473



Introduced by Representative **SHIRLYN L. BAÑAS-NOGRALES**

EXPLANATORY NOTE

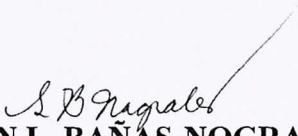
This bill seeks to establish a College of Medicine on the campus of Mindanao State University, General Santos City.

The establishment of Mindanao State University College of Medicine in General Santos City hoped to bridge the very wide gap between the ratio of patient and physician within Region 12 as there are only 114 practicing physicians to take care of the health of the region's 4,545,276 total population¹.

The establishment of Mindanao State University College of Medicine in General Santos City will surely provide bright opportunity for the poor but deserving students in Southern Philippines to acquire excellent medical education and training from a State university not only because of the proximity of this learning institution to their residence but also because of the very minimal cost they would incur to becoming doctors of medicine.

Finally, the enactment of this bill shall pave the way for the separation of the administration of Mindanao State University College of Medicine from, and as an extension program of, the Mindanao State University Marawi College of Medicine in Iligan City. This is to ensure autonomy of the College of Medicine from its main campus and a chance for the Mindanao State University, General Santos City, to prove its worth in the administration of an independent medical degree course.

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


SHIRLYN L. BAÑAS-NOGRALES

¹ PSA, 2015 Region 12 census of population.

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**AN ACT ESTABLISHING THE COLLEGE OF MEDICINE IN
MINDANAO STATE UNIVERSITY, GENERAL SANTOS CITY
CAMPUS, PROVIDING FOR ITS GOVERNANCE,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES**

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

Section 1. *Establishment of Mindanao State University College of Medicine.*

– There is hereby established the College of Medicine in Mindanao State University, General Santos City Campus, General Santos City.

After the effectivity of this Act, the existing College of Medicine Extension Program in Mindanao State University, General Santos City Campus, shall be independent from Mindanao State University main campus in Marawi City.

Section 2. *General Mandate.* – The Mindanao State University College of Medicine, hereinafter referred to as the “College”, shall provide advanced instruction and professional training in medicine, and be the center of excellence in the field of medical science and research. It shall also undertake research and extension services, and provide progressive leadership in its area of specialization.

Section 3. *Administration.* – The administration of the College shall be vested in the Chancellor of Mindanao State University, General Santos City Campus, General Santos City.

Section 4. *Powers and Duties of the Board of Regents and the Chancellor.* – In addition to the exercise of general powers of administration over the College, the Chancellor shall have the following specific powers and duties:

- a) 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;
- b) To import duty-free medical books or publications, laboratory equipment, apparatuses, and chemicals upon certification by the Commission on Higher Education (CHED) that such imported books or publications, equipment, and chemicals are for medical, research or scientific purposes, in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;
- c) 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 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 of 1997, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold;

- d) Upon the approval of the Board of Regents of Mindanao State University System, to determine the tuition fees and other necessary school charges such as matriculation fees, graduation fees and laboratory fees, after due consultations with the involved sectors: *Provided*, That such fees and charges, including government subsidies and other income generated by the College shall be considered as special trust funds and shall be deposited in any authorized government depository bank, and all interest income that shall accrue therefrom shall form part of the same funds for the use of the College: *Provided, further*, That 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 for instruction, research, extension or other programs/projects of the College: *Provided, finally*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected. 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 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;
- e) Upon the approval of the Board of Regents, to adopt and implement a socialized scheme of tuition and other school fees for greater access to education of poor but deserving students in accordance with the provisions

of Republic Act No. 10931, or the "Universal Access to Quality Tertiary Education Act";

- f) Upon the approval of the Board of Regents, 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;
- g) To approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and Academic Councils herein provided;
- h) To set the policies on admission and graduation of students;
- i) To establish research centers of the College where such will promote the development of the latter;
- j) To provide fellowships for qualified faculty members and scholarships to deserving students;
- k) To delegate any of its powers and duties provided herein to the Dean or other officials of the College, as it may deem appropriate, so as to expedite the administration of the affairs of the College;
- l) To authorize an external management audit of the College, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- m) To develop consortia and other forms of linkages in the field of medicine 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 College;
- n) To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint medical experts or specialists as consultants, part-time or visiting or exchange professors, scholars or researchers, as the case may be;
- o) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, blended learning, and community laboratory for the promotion of greater access to education;
- p) To establish policy guidelines and procedures for participative decision-making and transparency within the College; and
- q) To privatize, where most advantageous to the College, the management of non-academic services such as sanitation, food, building or grounds or property maintenance and such other similar activities.

Section 5. *The College Dean.* – The College shall be headed by a Dean. The Dean shall be appointed by the Board of Regents upon recommendation of the Chancellor. The Dean shall serve for a term of three (3) years and shall be eligible for reappointment for another term.

Within six (6) months upon the effectivity of this Act, the Chancellor of MSU General Santos City shall constitute the Search Committee for Deanship.

In case of a vacancy in the Office of the Dean, as mentioned in the immediately preceding paragraph, the successor shall serve only for the unexpired portion of the term.

The powers and duties of the Dean of the College, in addition to those specifically provided in this Act, shall be those usually pertaining to the Office of the Dean of similar state universities and those delegated by the Chancellor.

The salary of the Dean of the College shall be in accordance to his/her existing professorial rank and with the Revised Compensation and Position Classification System and shall be comparable to that being received by the dean of similar educational institutions.

The Dean of the College shall be assisted by a College Secretary, who shall be appointed by the Chancellor.

Section 6. *The Administrative Council.* – There shall be an Administrative Council consisting of the Dean of the College, as Chairperson, the college secretary, and other officials of equal rank within Mindanao State University, General Santos City Campus, as members, whose duties are to review and recommend to the Chancellor the policies governing the administration, management and development planning of the College.

Section 7. *The Academic Planning Council.* – The Dean will become an official member of the Academic Planning Council, which is the highest policy determining body of the Mindanao State University General Santos City.

The Academic Planning 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 Chancellor. It shall fix the requirements for the admission of students, as well as for their graduation and the conferment of degrees, subject to the review and approval of the Chancellor. It shall have disciplinary power over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Chancellor.

Section 8. *The Faculty.* – No political belief, 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 and/or standards set by the Board of Regents.

Section 9. *Scholarship Program and 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 10. *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 11. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the request of the Chancellor, such apparatuses, 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 the 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 Dean of the College, and the time so employed shall be counted as part of their regular services.

Section 12. *Tax Exemptions.* – The Mindanao State University College of Medicine shall be entitled to the following tax exemptions:

- a) All revenues and assets of the College used exclusively and solely for educational purposes or in furtherance thereof shall be exempt from all taxes and duties;
- b) All grants, bequests, endowments, donations and contributions made to the College to be used actually, directly and exclusively by the College shall be exempt from donor's tax and the same shall be allowed as allowable deductions 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;
- c) Importation of medical books or publications, medical equipment or instruments which are for medical, laboratory or scientific purposes made by the College upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)";
- d) The College shall be exempt from value-added tax as provided for in Section 109(1)(h) of the National Internal Revenue Code of 1997, as amended; and
- e) All educational monetary awards shall be exempt from income tax as prescribed in Section 32(B)(7)(c) of the National Internal Revenue Code of 1997, as amended.

Section 13. *Assets, Liabilities and Personnel.* – All existing appropriations, assets, real and personal, personnel and records of the Mindanao State University College of Medicine Extension Program, as well as the liabilities or obligations, are hereby transferred to the Mindanao State University, General Santos City Campus. The positions, rights, and security of tenure of faculty members and personnel therein employed under existing laws or resolutions prior to the enactment of this Act shall be respected.

All parcels of land belonging to the government occupied by the College campus are hereby declared to be the property of the College 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 Mindanao State University General Santos City.

Section 14. *Development Plan, Management Audit, Organizational or Administrative/Academic Structure.* – 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 Board of Regents, for corresponding recommendation to the DBM;
- b) Undergo a management audit in cooperation with the Board of Regents and CHED; and
- c) Accordingly set up its organizational, administrative and academic structures, including the appointment of the key officials of the College.

Section 15. *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.

Section 16. *Parity Clause.* – All other powers, functions and privileges, responsibilities and limitations to SUCs and their officials under existing laws shall be deemed granted to or imposed upon the College and its officials, whenever appropriate.

Section 17. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Mindanao State University System. Thereafter, such sums as may be necessary for the continued operation and maintenance of the College shall be included in the annual General Appropriations Act.

Section 18. *Promulgation and Implementation of Policies.* – The Board of Regents shall, within sixty (60) days from effectivity of this Act, promulgate and implement policies in accordance with the declared State policy on health and other pertinent provisions of the Philippine Constitution on health, 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 19 *Separability Clause.* – If, for any reason or reasons, 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.

Section 20. *Repealing Clause.* – All laws, presidential decrees, resolutions, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,