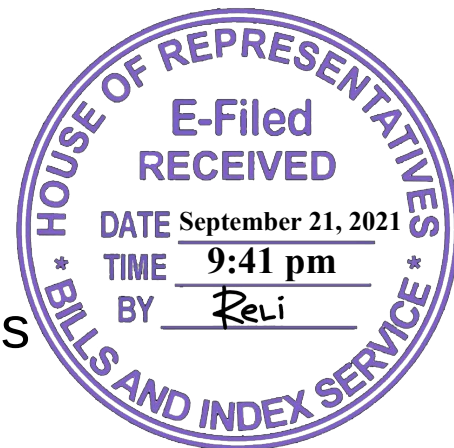




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Third Regular Session

HOUSE BILL NO. **10269**

Introduced by Representative Rudy S. Caoagdan, DPA

EXPLANATORY NOTE

This bill seeks to convert the Makilala Institute of Science and Technology (MIST), in the Municipality of Makilala, Province of Cotabato into a polytechnic college to be known as Makilala Polytechnic College.

Section 1, Article XIV of the 1987 Constitution provides:

“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.”

In furtherance of the State’s mandate to establish, maintain and support a complete adequate and integrated system of education, it is timely and beneficial for the students of Makilala Institute of Science and Technology to convert it to a polytechnic college.

Presently, MIST is one of the public higher educational institutions in Region XII and among the 78 local universities and colleges that was evaluated and found to be eligible to provide free tuition and other school fees under Republic Act No. 10931 or the “*Universal Access to Quality Tertiary Education Act of 2017*,” benefitting students from the Province of Cotabato, adjacent towns and provinces.

With the proposed conversion of MIST to a polytechnic college, it will have automatic appropriation from the national budget for free tuition fee, and

1 priority in public grants or financial aid and faculty development program.
2 These will redound to the benefit of the students, faculty and community.
3

4 The funding from the national government will improve the institution's
5 facilities and services that would allow more underprivileged or poor students
6 within and outside of the Municipality of Makilala and Province of Cotabato to
7 avail of the free tertiary education. The Makilala Polytechnic College will have
8 the opportunities for linkages with other public and private stakeholders and
9 institutions towards enhanced professional development and growth. Moreover,
10 this conversion will also provide its faculty and staff an improved access to
11 professional training to meet the demands of the fast changing educational
12 landscape and develop the core values of producing morally responsible,
13 innovative, gender and culture-sensitive, transformative and globally
14 competitive individuals.
15

16 The development and industrialization of the Municipality of Makilala and
17 the Province of Cotabato may also be attained by capacitating its citizens with
18 the knowledge acquired through college education. By converting the MIST
19 into a polytechnic college, the students and citizens of Makilala and Cotabato
20 are more assured of a high quality and sustainable education, and brighter
21 future.
22

23 In view of the foregoing, the immediate passage of this bill is earnestly
24 sought.
25
26
27
28



HON. RUDY S. CAOAGDAN

Representative
2nd District, North Cotabato



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Third Regular Session

HOUSE BILL NO. **10269**

Introduced by Representative Rudy S. Caoagdan, DPA

AN ACT
CONVERTING THE MAKILALA INSTITUTE OF SCIENCE AND
TECHNOLOGY IN THE MUNICIPALITY OF MAKILALA,
PROVINCE OF COTABATO INTO A POLYTECHNIC COLLEGE TO
BE KNOWN AS THE MAKILALA POLYTECHNIC COLLEGE, AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. **Conversion.** – The Makilala Institute of Science and Technology in the Municipality of Makilala, Province of Cotabato is converted into a polytechnic college to be known as the Makilala Polytechnic College, hereinafter referred to as the College.

SEC. 2. **General Mandate.** – The College shall primarily provide higher professional training in, and offer courses in the fields of education, agriculture, engineering and technology, agribusiness, information technology and other related fields of study.

It shall also undertake research and extension services and production activities in support of the socio-economic development of the Province of Cotabato and provide progressive leadership in its areas of specialization.

1 SEC. 3. **Curricular Offerings.** – The College shall offer undergraduate
2 and graduate courses in the fields of education, agriculture, engineering and
3 technology, agribusiness, information technology and other degree courses
4 within its areas of specialization and according to its capabilities, as the Board
5 of Trustees may deem necessary to carry out its objectives, and in order to meet
6 the needs of the Province of Cotabato.

7 SEC. 4. **Administration.** – The College shall have the general powers of a
8 corporation set forth in Republic Act No. 11232, otherwise known as the
9 “*Revised Corporation Code of the Philippines.*” The administration of the
10 College and the exercise of its corporate powers are vested exclusively in the
11 Board of Trustees and president of the College.

12 SEC. 5. **Governing Body.** – The governing body of the College is the
13 Board of Trustees, hereinafter referred to as the Board, which is composed of
14 the following:

15 a) Chairperson of the Commission on Higher Education (CHED), as
16 chairperson;

17 b) President of the College, as vice chairperson;

18 c) Chairperson of the Committee on Education, Arts and Culture of
19 the Senate;

20 d) Chairperson of the Committee on Higher and Technical Education
21 of the House of Representatives;

22 e) Chairperson of the Committee on Basic, Higher and Technical
23 Education under the Bangsamoro Transition Authority Parliament, or thereafter,
24 a regular Member of Parliament of the Bangsamoro Autonomous Region in
25 Muslim Mindanao;

26 f) Regional director of the National Economic and Development
27 Authority;

28 g) Regional director of the Department of Science and Technology;

29 h) Regional director of the Technical Education and Skills
30 Development Authority (TESDA);

- 1 i) President of the faculty association of the College;
- 2 j) President of the student council of the College;
- 3 k) President of the alumni association of the College; and
- 4 l) Two (2) prominent citizens from the private sector who have
- 5 distinguished themselves in their profession or fields of specialization.

6 The Board shall appoint the prominent citizens from a list of five (5)

7 qualified persons in the Province of Cotabato, as recommended by the search

8 committee constituted by the College president, in consultation with the Board.

9 The standards and qualifications of the prominent citizens are based on the

10 standards and qualifications set by the Board.

11 The president of the faculty association, student council and alumni

12 association of the College shall serve in the Board for the duration of their term

13 of office, as set forth in their respective constitution and by-laws.

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

15 the date of appointment.

16 SEC. 6. **Promulgation and Implementation of Policies.** – The Board shall

17 promulgate and implement policies in accordance with the provisions of the

18 Constitution on education, agriculture, science and technology, and other

19 declared policies of the State on education, including policies, standards and

20 thrusts of the CHED under Republic Act No. 7722, otherwise known as the

21 “*Higher Education Act of 1994.*”

22 SEC. 7. **Powers and Duties.** – In addition to its general powers of

23 administration and the exercise of all powers granted to the board of directors of

24 a corporation under existing laws, the Board shall exercise the following powers

25 and duties:

26 a) Promulgate rules and regulations not contrary to law as may be

27 necessary to carry out the purposes and functions of the College;

28 b) Receive and appropriate all sums as may be provided for the

29 support of the College in the manner it may determine, in its discretion, to carry

30 out the purposes and functions of the College;

1 c) Receive in trust legacies, gifts and donations of real and personal
2 properties of all kinds, and administer or dispose of the same when necessary
3 for the benefit of the College, subject to limitations, directions and instructions
4 of the donor.

5 The donations are exempt from the donor's tax and consider as allowable
6 deductions from the gross income in the computation of the income tax of the
7 donor, in accordance with the provisions of the Tax Reform Act of 1997 as
8 amended: *Provided*, That such donations shall not be disposed, transferred or
9 sold.

10 d) Coordinate with CHED, TESDA and other governing boards of
11 educational institutions in the country, consult with the Department of Budget
12 and Management (DBM) and work towards the restructuring of the College to
13 become more efficient, relevant, productive and competitive;

14 e) Approve the curricula, institutional programs and rules of
15 discipline drawn by the administrative academic councils as herein provided;

16 f) Establish applied research and extension programs that support the
17 goals and objectives of the College;

18 g) Develop and implement a system of equivalency and credit transfer
19 within the College to encourage students to enroll in the College, including the
20 recognition of prior learning to encourage competent people in the industry to
21 teach in the College;

22 h) Adopt modern and innovative modes of transmitting knowledge,
23 including the use of information technology, the dual training system, open
24 distance learning, community laboratory, and competency-based training for the
25 promotion of greater access to professional and technological education and
26 skills development;

27 i) Set policies on admission, graduation and certification of students;

28 j) Fix the tuition and other necessary fees and charges, including
29 matriculation fees, graduation fees and laboratory fees as the Board may deem
30 proper to impose after due consultations with the involved sectors: *Provided*,

1 That such fees and charges, including government subsidies and other income
2 generated by the College, shall be considered as special trust funds and
3 deposited in any authorized government depository bank, and all interests that
4 shall accrue therefrom shall form part of the same fund for the use of the
5 College: *Provided, further,* That any provision of existing laws, rules and
6 regulations to the contrary notwithstanding, any income generated by the
7 College from tuition and other charges, as well as from the operation of
8 auxiliary services and land grants, shall be retained by the College, and may be
9 disbursed by the Board for instruction, research, extension, or other programs
10 and projects of the College: *Provided, finally,* That all fiduciary fees shall be
11 disbursed for the specific purposes for which they are collected.

12 If, for reasons beyond its control, the College shall be not be able to pursue
13 any project for which funds have been appropriated and allocated under its
14 approved program of expenditures, the Board may authorize the use of said
15 funds for any reasonable purpose which, in its discretion, may be necessary and
16 urgent for the attainment of the objectives and goals of the College:

17 k) Adopt and implement a socialized scheme of tuition and other
18 school fees for greater access to education of poor but deserving students in
19 accordance with the provisions of Republic Act No. 10931, otherwise known as
20 the “*Universal Access to Quality Tertiary Education Act*”;

21 l) Fix and adjust the salaries of faculty members and administrative
22 officials and employees, subject to the provisions of Republic Act No. 6758, as
23 amended, otherwise known as the “*Compensation and Position Classification*
24 *Act of 1989*,” and other pertinent budget and compensation laws governing
25 hours of service, and such other duties and conditions as it may deem proper;
26 grant them at its discretion, leaves of absence under regulations as it may
27 promulgate, any provision of existing law to the contrary notwithstanding; and
28 remove them for cause in accordance with requirements of due process of law;

1 m) Establish professorial chairs in the College and provide local and
2 international fellowships to qualified faculty members who rendered at least
3 three (3) years of service to the College;

4 n) Develop academic arrangements for institutional capability-
5 building with appropriate institutions and agencies, public and private, local and
6 foreign and appoint experts or specialist as consultants, part-time or visiting or
7 exchange professors, scholars or researchers, as the case may be;

8 o) Authorize the construction or repair of the buildings, equipment
9 and other facilities and purchase or acquisition of real and personal properties,
10 including necessary supplies, materials and equipment: *Provided*, That such
11 purchases and other transactions entered into by the College through the Board
12 are exempt from all taxes and duties;

13 p) Import duty-free economic, technical and cultural books or
14 publications, machineries and equipment, upon certification by the CHED that
15 such imported books or publications, machineries and equipment are for
16 economic, technical, vocational, scientific, philosophical, historical or cultural
17 purposes, in accordance with the provisions of the Tariff and Customs Code of
18 the Philippines, as amended;

19 q) Enter into joint ventures with business and industry for the
20 profitable development and management of the assets of the College and use the
21 proceeds of the joint ventures for the development and strengthening of the
22 College;

23 r) Develop consortia and other forms of linkages with local
24 government units, institutions and agencies, both public and private, local and
25 foreign, in furtherance of the purposes and objectives of the College;

26 s) Privatize, where most advantageous to the College, management of
27 non-academic services such as health, food, building, grounds, property
28 management and similar activities;

29 t) Award honorary degrees upon persons in recognition of their
30 outstanding contribution in the fields of education, public service, arts, science

1 and technology, or in any field of specialization within the academic
2 competence of the College and authorize the awarding of certificates of
3 completion of non-degree and non-traditional courses;

4 u) Delegate any of its powers and duties provided herein to the
5 president or other officials of the College, as it may deem appropriate, to
6 expedite the administration of the affairs of the College;

7 v) Authorize an external management audit of the College, subject to
8 the rules and regulations of the Commission on Audit and institute reforms,
9 including academic and structural changes, on the basis of the audit results and
10 recommendations; and

11 w) Establish policy guidelines and procedures for participative
12 decision-making and transparency within the College.

13 SEC. 8. ***Meetings of the Board.*** – The Board shall regularly convene at
14 least once every quarter. The chairperson may, upon three (3) days prior written
15 notice, call a special meeting whenever necessary.

16 A majority of all the members holding office shall constitute a quorum for
17 the board meetings: *Provided*, That the chairperson or vice-chairperson of the
18 Board is among those present in the meeting.

19 The members of the Board may not receive any salary but may reimburse
20 actual and necessary expenses incurred for attending the Board meetings or
21 other official business authorized by the Board, subject to existing laws, rules
22 and regulations.

23 SEC. 9. ***College President.*** – The College is headed by a president who
24 shall render full-time service. The president is appointed by the Board, subject
25 to the guidelines, qualifications and standards set by the Board, upon the
26 recommendation of a duly constituted search committee. The president shall
27 serve for a term of four (4) years and shall be eligible for reappointment for
28 another term. In order to effect a smooth transition to a polytechnic college, the
29 current head of the Makilala Institute of Science and Technology shall be the
30 officer-in-charge until such time the president is appointed.

1 In case of vacancy in the office of the president, the Board shall elect the
2 successor who shall hold office for the unexpired term of the predecessor. If the
3 successor served for a period of more than two (2) years, the successor is
4 considered to have served a full term. The Board shall designate an officer in
5 charge until a new president is appointed.

6 The powers and duties of the president of the College in addition to those
7 specifically provided in this Act and designated by the Board, are those usually
8 pertaining to the office of the president of similar educational institutions.

9 The salary of the president is subject to the provisions of Republic Act No.
10 6758, as amended, otherwise known as the “*Compensation and Position*
11 *Classification Act of 1989.*”

12 SEC. 10. ***Administrative Council.*** – There shall be an administrative
13 council consisting of the president of the College as chairperson, vice-
14 presidents, deans, directors and other officials of equal rank as members whose
15 duty is to review and recommend to the Board the policies governing the
16 administration, management and development planning of the College.

17 SEC. 11. ***Academic Council.*** – There shall be an academic council
18 consisting of the president of the College as chairperson and all academic staff
19 with the rank not lower than assistant professor as members.

20 The academic council shall review and recommend the curricular offerings
21 and rules of discipline of the College, for the approval of the Board. It shall fix
22 the requirements for the admission of students, as well as for their graduation
23 and conferment of certificates and diplomas, subject to review and approval of
24 the Board through the president of the College.

25 The academic council shall, having disciplinary power over students of the
26 College, formulate academic policies, rules and regulations on discipline,
27 subject to the approval of the Board.

28 SEC. 12. ***College Secretary.*** – The Board shall appoint a secretary, who
29 shall serve as such for both the College and the Board and keep all the records

1 and proceedings of the Board. The secretary shall serve upon each member of
2 the Board the appropriate notice of the Board meetings.

3 SEC. 13. **College Treasurer.** – The Treasurer of the Philippines shall be
4 the *ex officio* treasurer of the College.

5 SEC. 14. **Faculty.** – No religious opinion or affiliation, political beliefs,
6 gender preference, cultural or community affiliation or ethnic origin, shall be a
7 matter of inquiry in the appointment of faculty members of the College:
8 *Provided*, That no member of the faculty shall teach for or against any particular
9 church or

10 SEC. 15. **Admission and Scholarship Program.** – No student shall be
11 denied admission to the College by reason of sex, religion, cultural or
12 community affiliation or ethnic origin, or political affiliation.

13 The College shall provide a scholarship program and other subsidies to
14 assist the poor but deserving students who qualify for admission to the College.

15 SEC. 16. **Academic Freedom and Institutional Autonomy.** – The
16 College shall enjoy academic freedom and institutional autonomy, pursuant to
17 Section 5 (2), Article XIV of the Constitution of the Republic of the
18 Philippines.

19 SEC.17.**Development Plan, Management Audit, and Organizational**
20 **Structure.** – Within one hundred twenty (120) days after the approval of this
21 Act, the College shall accomplish the following:

22 a) Submit a five (5) year development plan, including the program
23 budget to CHED and TESDA, for corresponding recommendation to the DBM;

24 b) Undergo a management audit in cooperation with CHED and
25 TESDA;

26 c) Accordingly set up its organizational, administrative and academic
27 structure, including the appointment of key College officials; and

28 d) Set in motion the establishment of higher and advanced programs
29 on technological education.

1 SEC. 18. ***Assets, Liabilities and Personnel.*** – Subject to the provisions of
2 Republic Act No. 7160, otherwise known as the “*Local Government Code of*
3 1991,” all assets, real and personal, personnel and records of the Makilala
4 Institute of Science and Technology, as well as the liabilities or obligations, are
5 transferred to the College.

6 The qualified incumbent faculty members and personnel of the Makilala
7 Institute of Science and Technology are automatically absorbed as personnel of
8 the College. All parcels of land occupied by the Makilala Institute of Science
9 and Technology are declared property of the College and shall be titled under
10 that name.

11 SEC. 19. ***Authority to Loan or Transfer Apparatus, Equipment, Supplies***
12 ***and Detail of Personnel.*** – The heads of bureaus and offices of the national
13 government are authorized to loan or transfer upon the request of the president
14 of the College such apparatus, equipment or supplies as may be needed by the
15 College, and to detail employees for duty therein when, in the judgment of the
16 head of bureau or office, such apparatus, equipment, supplies or services of such
17 employees may be spared without serious detriment to public service. The
18 employees detailed shall perform such duties as required of them by the
19 president of the College and the time so employed shall be counted as part of
20 their regular services.

21 SEC. 20. ***Tax Exemptions.*** – The College shall be entitled to the
22 following tax exemptions:

23 (a) All revenues and assets of the College used exclusively and solely
24 for educational purposes or in furtherance thereof shall be exempt from all
25 taxes and duties;

26 (b) All grants, bequest, endowments, donations and contributions
27 made to the College to be used actually, directly and exclusively by the
28 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 Tax Reform Act of 1997, as amended;

(c) Importation of economic, technical, and cultural books or publications, which are for economic, technical, vocational, scientific, philosophical, historical or cultural 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*”;

(d) The College shall be exempt from value-added tax as provided for in Section 109 (1)(H) of the Tax Reform Act of 1997, as amended; and

(e) All educational monetary awards shall be exempt from income tax as prescribed in the Tax Reform Act of 1997, as amended.

SEC. 21. **Auditing.** – All accounts and expenses of the College shall be audited by the Commission on Audit or its duly recognized representative.

SEC. 22. **Compliance with CHED Requirements.** – The provisions of this Act notwithstanding, the conversion of the Makilala Institute of Science and Technology 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, that the institution has complied with the requirements for a 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.

1 The CHED shall designate a panel of experts who shall prepare a
2 recommendation to the chairperson of the CHED, on whether the institution has
3 complied with the requirements for the grant of college status. The following
4 are the operational requirements for a state college:

5 (a) Equivalent or appropriate accreditation under CHED policies and
6 guidelines for colleges;

7 (b) Ratio of qualified full-time faculty with requisite degree to number
8 of students;

9 (c) Adequate library and laboratories;

10 (d) Research and development output of practical and commercial
11 application to the community;

12 (e) Relevant linkages and outreach programs that are of service to the
13 community; and

14 (f) Relevant academic policies, systems and processes.

15 The Makilala Institute of Science and Technology shall enjoy the benefits
16 of a polytechnic college after complying with the requirements provided therein
17 and attaining the converted status.

18 SEC. 23. ***Supplementary Application.*** – The provisions of Republic Act No.
19 8292, otherwise known as the “*Higher Education Modernization Act of 1997*,”
20 shall supplementary apply and serve as part of the governing charter of the College.

21 SEC. 24. ***Parity Clause.*** – All other powers, functions and privileges,
22 responsibilities and limitations to state universities and colleges and their
23 officials under existing laws are deemed granted or imposed upon the College
24 and its officials, whenever appropriate.

25 SEC. 25. ***Appropriations.*** – The amount necessary for the initial
26 implementation of this Act shall be charged against the current year’s

1 appropriations of the Makilala Institute of Science and Technology. Thereafter,
2 such sums as may be necessary for the continued operation and maintenance of
3 the College shall be included in the annual General Appropriations Act.

4 SEC. 26. ***Implementing Rules and Regulations.*** – Within ninety (90)
5 days from the approval of this Act, the Board shall, in consultation with the
6 chairperson of CHED, promulgate the necessary rules and regulations for the
7 effective implementation of this Act.

8 SEC. 27. ***Separability Clause.*** – If any part or provision of this Act is
9 declared invalid or unconstitutional, the remaining parts or provisions not
10 affected shall remain in full force and effect.

11 SEC. 28. ***Repealing Clause.*** – All laws, presidential decrees, executive
12 orders, rules and regulations contrary to or inconsistent with the provisions of
13 this Act are repealed, amended, or modified accordingly.

14 SEC. 29. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in a newspaper of general circulation.

16 Approved,

