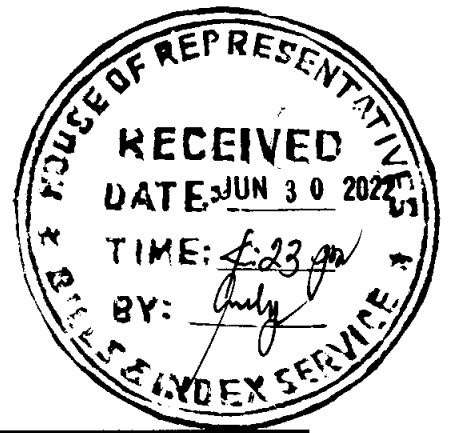


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 321



Introduced by Hon. **ALAN 1 B. ECLEO**

EXPLANATORY NOTE

Education, in general, is a crucial component and tool in developing an individual, a society, and a nation. It provides tools for the realization of potentials hidden in each citizen, creates avenues for self-sufficiency and social mobility, and imparts values and historical lessons necessary for nation-building and progressive development.

The right to education is a right recognized by all civilized nations, including our own Constitution which 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." Pursuant to Sustainable Development Goals adopted by Member States of the United Nations, it is aimed that by 2030, equal access for all women and men to affordable and quality technical, vocational and tertiary education including university will be ensured.

Unfortunately, there is more often than not an underappreciation of tertiary education and its role in continuing and further improving upon the skills and knowledge accumulated by a student during the primary and secondary education stages. Especially for impoverished and indigent families who cannot afford tertiary education, or who reside in places where no accessible Higher Education Institutions (HEIs) exist, a college or university education remains a distant, impractical dream.

The Province of Dinagat Islands is not lacking in students ready to pursue further studies in order to provide a better future for themselves and their families. For school years 2017-2018 to 2019-2020 in the whole Province of Dinagat Islands, there are 3,838 Grade 12 student graduates projecting a graduation rate of 98.47%. What is lacking, however, is a State University or College (SUC) to provide avenues for its residents to pursue public tertiary education, especially among its most economically challenged and vulnerable sectors.

Being geographically remote and isolated, poor Dinagatnons have very limited options if they desire to go to college. While the Province has 33 schools for the secondary level, it has only one college to service the whole Province: a private one. This means that Dinagatnons who cannot afford to pay tuition and miscellaneous fees would usually have to travel to Surigao City or as far as Cebu City, Cagayan de

Oro City, Butuan City and Marawi City in order to secure a public tertiary education. Even the latter option entails burdensome costs for hard-up families and individuals who are already struggling to make ends meet.

The high cost of the available options and the lack of a publicly funded HEI or a SUC in the Province dissuades individuals from poor communities to follow through with tertiary education and get degrees which will supposedly help them secure better employment within or outside the Province. As commerce, trade, and other proficient industries continue to progress in the Lone District of Dinagat Islands, the demand for a competent labor and workforce increases, specifically in the areas of Fisheries, Agriculture, Environmental Science, Mining Engineering, Marine Engineering, Hospitality Management, and Food Technology.

Without the establishment of a State College in the Province, not only is the employment and economic development in the local economy of Dinagat Islands in jeopardy, it also means the vicious cycle of poverty pervasive in its population will not be broken.

Believing that every Dinagatnons deserves equal opportunity to accessible, affordable tertiary education, it is timely and essential to establish a State College in and for Dinagat Islands. The establishment of such an institution will enable the youth to increase in competence and improve the lives of their family which will therefore lead to progressive local economic growth.

Thus, this Bill proposes the creation of the Dinagat Islands State College with the end view of bolstering the economy through the provision of an adequate and integrated system of education relative to the needs of the people and the society.

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



ALAN B. ECLEO
Representative, Lone District of Dinagat Islands

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

NINETEENTH CONGRESS
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HOUSE BILL NO. 321

Introduced by Hon. ALAN 1 B. ECLEO

AN ACT
CREATING A STATE COLLEGE IN THE LONE DISTRICT OF DINAGAT ISLANDS
TO BE KNOWN AS THE DINAGAT ISLANDS STATE COLLEGE AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the “Dinagat Islands State College Charter.”

SEC. 2. Declaration of Policy. – The State shall promote, foster, nurture, and protect the right to accessible, equitable and quality education. Through a refocused institutional culture and improved governance, the Dinagat Islands State College shall aim to become one of the State’s main higher education provider in the region.

SEC. 3. Creation of the Dinagat Islands State College. – There is hereby created a Dinagat Islands State College hereinafter referred to as the State College.

SEC. 4. General Mandate. The State College shall provide a unified corporate structure to guarantee common academic standards and institutional identity. It shall foster complete unity and deep collaboration among its constituency towards the following strategic goals:

- a.) To uphold academic freedom;
- b.) To create greater critical mass and economies of scale that will enable the State College to achieve greater efficiency and effectiveness;
- c.) To build greater synergy among the constituency to establish and improve the State College academic portfolio, boost academic performance to higher levels and enhance teaching quality in more diverse academic disciplines; and
- d.) To utilize governance structures more effectively by having a single governing board that can better focus on responding to development needs and combining disconnected academic and non-academic functions that can create additional capacity for other appropriate pursuits.

SEC. 5. Administration. –The State College shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as “The Corporation Code of the Philippines.” The administration of the State College and the exercise of its corporate powers shall be vested exclusively in the Board of Regents. However, nothing in this Section shall diminish the powers of the Commission on Higher Education (CHED) under Republic Act No. 7722 pertaining to its exercise of oversight powers and reasonable supervision over higher education institutions.

SEC. 6. Governing Board. – The Governing Board of State College shall be the Board of the Regents, hereinafter referred to as the Board, which shall be composed of the following:

a.) The Chairperson of the Commission on Higher Education (CHED) or his/her representative, as Chairperson;

b.) The President of the State College, as Vice Chairperson;

c.) The Chairperson of the Committee on Higher and Technical Education of the House of Representatives;

e.) The Regional Director of the National Economic and Development Authority (NEDA);

f.) The Regional Director of the Department of Science and Technology (DOST);

g.) The President of the faculty union/association;

h.) The President of the College student council;

i.) The President of the alumni association; and

j.) The two (2) prominent from the private sector who have distinguished themselves in their profession or fields of specialization and are active in dominant industries in the region that are directly relevant to the College’s need and external affairs, as members.

The Board of Regents shall appoint the two (2) prominent alumni from a list of at least five (5) qualified persons who are residents of the Province of Dinagat Islands, as recommended by the search committee constituted by the State College President, in a consultation with the chairman of the CHED, based on the normal standards and qualifications for the position.

The term of office of the president of the federation of alumni associations shall be co-terminus with their respective terms of office, as set forth in their respective constitutions and by-laws.

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

SEC. 7. *Promulgation and Implementation of Policies.* – The Board shall promulgate and implement policies in accordance with the declared State policies on education, including those stated in Section 2 hereof, and other pertinent provisions of the Philippine Constitution on education, science, and technology, and other fields deemed important for economic growth in the City.

SEC. 8. *Powers and Duties of the Board of Regents.* – The Board shall have the following specific powers and duties, in addition to its general powers granted to the board of directors of a corporation under existing laws:

a.) Promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the Regional College System;

b.) Receive and appropriate all sums as may be provided for the support of the Regional College System in the manner it may determine in its discretion, in order to carry out the purposes and functions of the Regional College System;

c.) Import duty-free economic, technical, and cultural books or publications, upon certification by the CHED that such books are economic, technical, vocational, scientific, philosophical, historical, or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, as amended;

d.) 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 Regional College System, 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 donations shall not be disposed of, transferred, or sold;

e.) Fix the tuition fees and other necessary school charges, such as but not limited to, matriculation fees, graduation fees and charges shall, including government and subsidies and other income generated by the State College, constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same funds for the use of the State College. In cases where tuition and other fees adjustment shall be implemented, a documented consultation compendium on the proposed increase should be submitted to the Board in order to support the Board's action.

Any provision of existing laws, rules, and regulations to the contrary notwithstanding, all income generated by the State College from tuition fees, programs, and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the constituent units of the Regional College System, 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 purposes for which these are collected.

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

f.) 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.) Designate, upon recommendation of the President of the State College, the vice presidents, deans, directors, heads of departments, head of campus, faculty members, and other officials and employees of the College;

h.) 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; grant them, as its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and remove them for cause in accordance with the requirements of due process of law;

i.) Approve curricula, instructional programs and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

j.) Set policies on the minimum system-wide requirements for admission, graduation of students and grant of honors;

k.) Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the State College: Provided, That such degrees shall not be conferred in consideration of any payment, gift or other valuable consideration. Provided further, That the same is consistent and compliant with the CHED guidelines in giving of honorary degrees.

l.) Establish research and extension centers of the State College where such will promote the development of the latter;

m.) Establish professorial chairs in the State College and provide fellowships for the qualified faculty members and scholarships to deserving students;

n.) Delegate any of its powers and duties to the president or other officials of the State College, as it may deem appropriate, so as to expedite the administration of the affairs of the State College;

o.) Authorize an external management audit of the State College, subject to the rules and regulations of the Commission on Audit (COA) and institute reforms,

including academic and structural changes, on the basis of the audit results and recommendation;

p.) Collaborate with other governing boards of the State Colleges and universities well as private colleges and universities in working towards the development of the State College to become more efficient, relevant, productive, and competitive;

q.) Enter into joint ventures, which may be initiated by the constituency, with business and industry for the profitable development and management of the economic assets of the State College; Provided, these ventures shall not affect the academic character of the State College;

r.) Develop consortia and other economic forms of linkages with the local government unit (LGU), as well as public or private institutions and agencies, local and foreign, in the furtherance of the purposes and objectives of the State College;

s.) Develop academic arrangements for institution-capability building with appropriate institutions and agencies, public and private, local and foreign, and appoint experts or specialists as consultants, part-time or visiting or exchange professors, scholars, or researches, as the case may be;

t.) Establish policy guidelines and procedures for participative decision-making and transparency within the State College,

u.) Extend the term beyond the age of retirement but not beyond the age of seventy (70) of the State College President whose performance has been unanimously rated by the Board as outstanding, after unanimous recommendation by the Performance Evaluation Committee (PEC); and

SEC. 9. *Meetings of the Board.* – The Board of the Regents of the State College 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 four (4) special meetings within a year, whenever necessary.

All regular meetings of the Board shall be held in either the main campus or in any of the constituent units as may be determined by the Regional College System President in consultation with the chancellor, except for the certain meritorious and expedient reasons where special meetings may be held in venues outside the Region.

A quorum of the Board of Regents shall consist of a majority of all its members holding office at the time of the meeting; Provided, That the Chairperson of the Board or the State College President is among those present in the meeting.

In the absence of the Chairperson of the CHED, a duly designated Commissioner of the CHED shall represent the Chairperson in the meeting however, that during this meeting, the State College President as Vice-Chairperson shall be the presiding officer: Provided, further, That this proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner

as the regular Chair of the Board, in which case said CHED Commissioner shall act as the presiding officer.

In case the Chairpersons of the Congressional Committees on Education shall not be able to attend the said meeting, their respective representative shall have the same rights and responsibilities as a regular member of the Board, except in cases of the appointment of the State College officials, including the State College President, wherein the Chairpersons shall send an official communication to the Board transmitting their approval of the appointment/designation.

The members of the Board shall not receive any salary or honoraria but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance to meetings of the Board or in connection with other official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 10. State College President. – The State College shall be headed by the full-time president who shall be appointed by the Board subject to the guidelines, qualification and standards set by the Board and upon recommendation of a duly constituted search committee; Provided, the candidate shall be a doctorate degree holder. The State College President shall have a term of four (4) years and shall be eligible for reappointment for another term.

In case of vacancy in the office of the State College President by reason of death, compulsory retirement, resignation, removal for cause or incapacity to perform the functions of the office, the Board shall have the authority to designate an officer-in-charge of the State College within six (6) months from the date of vacancy, pending the appointment of new State College President; Provided, the officer-in-charge shall only serve a period of not more than one (1) year. The State College President appointed by the Board after the occurrence of any aforementioned events shall serve the unexpired portion of the term, subject to re-appointment for another term if warranted.

The powers and duties of the President of the State College, in addition to those specifically provided in this Act, shall be those usually pertaining to the Office of the President of similar universities.

The salary of the State College President 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.

SEC. 11. Vice-President. – The State College President shall be assisted by a vice president for academic affairs, a vice president for administration and finance and a vice president for research and extension and development, and such other vice presidents as may be determined by the Board, but not exceeding five (5) vice presidents serving at a time. They shall be designated by the Board, upon the recommendation of the State College President. They shall serve as staff and may assume line functions upon the direction of the State College.

SEC. 12. *Secretary of the College of the Board.* – There shall be a Secretary of the College and of the Board of Regents to be appointed by the Board, who shall keep such records of the College and the Board, as may be designated by the Board.

SEC. 13. *Executive Administrative Council.* – There shall be a College-wide administrative council headed by the State College President, with membership consisting of the vice-presidents for administration and finance, deans, and other officials as may be deemed necessary by the Board. The Executive Administrative Council shall set the direction and administrative policies on a College-wide basis and shall perform oversight functions on administrative matters.

SEC. 14 *Administrative Council.* – There shall be an administrative council in the State College with the President as Chairman, the deans and directors of equal rank within the College as members. The Administrative Council shall formulate and recommend plans, programs, and policies for administration, finance, and production for approval of the Board.

The Presidents of the student council of the College may be allowed to attend the meetings of the Administrative Council as an observer.

SEC. 15 *Academic Council.* – The Academic Council is the supreme academic advisory body in the State College and shall be responsible for the following functions:

- a.) Set academic policies and minimum academic standards;
- b.) Perform oversight functions on all academic matters pertaining to the State College and its programming;
- c.) Formulate, evaluate, and recommend to the State College President policies and procedures which pertain to the development, maintenance, and improvement of the State College program in academic matters;
- d.) Fix the requirement for admission to any college or unit or any academic program or course offering and for graduation and conferment of a degree, and the grant of honors subject to the minimum system-wide requirement;
- e.) Prescribe the academic programs including their institutions, revision, abolition, and merger, subject to the approval of the Board;
- f.) Recommend to the Board the graduation of students and the grant of honors;
- g.) Undertake a periodic review of academic courses, programs standards, thrust and policies;
- h.) Adopt the necessary measures to enable students to exercise their established religious beliefs consistent with the accepted norms and morals of society. Students shall be given options to fulfill their academic responsibilities, such

as but not limited to, make-up classes or examinations on missed school days or examinations which coincided with the exercise of their established religious beliefs;

i.) Adopt internal rule of procedures consistent with the provisions of this Act; and

j.) Perform other corollary functions consistent to the goals and objectives of the State College.

SEC. 16. *Research, Extension, and Enterprise Development (REED) State College Council.* – There shall be a REED State College Council which shall perform oversight functions and provide direction on REED matters in the College. The REED State College Council shall be headed by the Vice President for Research Extension and Development, with the Chairpersons of each academic department as members.

SEC. 17. *Faculty.* – No political beliefs, gender preference, physical disability, cultural or community affiliation or ethnic origin, and religious opinion of affiliation shall be a matter of inquiry in the appointment of the faculty members of the State College: Provided, That the appointment shall be subject to the guidelines, qualifications, and standards set by the Board consistent with existing policies and laws: Provided, further, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 18. *Anti-Discrimination in the Admission of Students.* – No student shall be denied admission to the State College by reason of age, gender, religion, political beliefs, cultural or community affiliation or ethnic origin.

SEC. 19. *Academic Freedom and Institutional Autonomy.* – The State College shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the 1987 Constitution.

SEC. 20. *Academic Council.* – All assets, real and personal, personnel and records of the State College, as well as liabilities or obligations, are hereby transferred to the State College. The positions, rights and security of tenure of the faculty members and personnel employed in the College under existing laws prior to this Act shall be respected.

All assets donated to the State College under its former juridical personality shall be deemed donated to and hence a property of the new State College as a duly constituted body or judicial entity.

SEC. 21. *Compliance with CHED Requirements.* The provisions of this Act notwithstanding, the establishment of the institution into a state college shall become effective only upon the 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 Standard to Enhance Quality Assurance in Philippine Higher Education Through an Outcomes-Based and Typology-Bases 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 a state college.

The following operational requirements for a state college, as established by the CHED, shall be complied with:

a.) Full- time permanent faculty members who have the relevant degrees as required by the CHED and experience in the subject areas they handle;

b.) Degree Programs characterized by a core curriculum that holistically develops thinking, problem solving, decision making, communication, technical, and social skills in line with the mission of the College;

c.) Learning resources and support structures that are appropriate for developing knowledge and skills in the specific natural science, social science, humanities, and professional disciplines offered by the College, including laboratories, books and journals, etc.;

d.) Links with the community that would ensure the development of relevant academic and extension programs as well as the application of their learning outcomes; and

e.) Outreach programs involving students in social-development oriented experiences that allow them to contextualize their knowledge within social and human experiences.

After five (5) years of operation, it shall be evaluated by the CHED to determine its compliance with the requirements for College classification according to the horizontal typology of higher education institutions. Moreover, the College shall undergo the institutional sustainability assessment (ISA) process to ensure that an internal Quality Assurance system has been established leading to sustainable offering of quality programs and services.

Additionally, the institution shall be in compliance with CHED CMO No. 14 series of 2019 to ensure the quality of the program offerings.

SEC. 22. *Income Generating Projects.* – To augment the budget allocation of government for higher education, the State College shall engage in Income Generating Projects (IGPs) to enhance limited resources and later be self-sufficient and autonomous pursuant to Republic Act 8292, also known as the Higher Education Modernization Act of 1997. The IGP management of the State College should look into the possibility of establishing functional linkages with other institutions for fund accessing, technology innovation, development, transfer and, more importantly, getting accreditation or seeking membership in different trade organizations or enterprise development councils at the local and even national levels.

SEC. 23. *Appropriations.* – The amount necessary to carry out the initial implementation of this Act shall be included in the annual General Appropriations Act following its approval.

SEC. 24. *Land Grants and Other Real Properties of the State College.* – The State shall provide support to the State College in the form of lump sum amount, through general appropriations and other financial benefits, and in kind, through land grants and donations and use of other real properties. To carry out the intent of these grants, income derived from the development of all land grants and real properties acquired by the State College shall be used to further the ends of the State College, as may be decided by the Board.

The Board shall plan, design, approve, or cause the implementation of financial mechanisms, such as joint ventures and long-term leases, to give the Regional College System the most advantageous position in generating revenues and other resources from the land grants and other real property entrusted by the Filipino people: Provided, That such long-term leases shall not conflict with the State College's academic mission, as well as, sustain and protect the environment: Provided, finally, That funds from the long-term leases shall not be meant to replace, in whole or in part, the annual appropriation provided by the national government to the State College.

SEC. 25. *Tax Exemptions.* – The 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 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)"

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.

SEC. 26. *Development Plan and Institutionalization.* – Within one hundred twenty (120) days after the approval of this Act, the Board of Regents shall accomplish the following:

- a.) Submit a medium-term development plan, including its corresponding recommendation to the Department of Budget and Management;
- b.) Accordingly set up its organizational, administrative, as well as, academic structure, including the appointment of the State College key officials; and
- c.) Determine the courses and programs to be offered in the State College.

SEC. 27. *Supplementary Application.* – The provisions of the Republic Act 8292, otherwise known as the "Higher Education Modernization Act of 1997," shall be an integral part of this Act and shall serve as part of the governing charter of the State College.

SEC. 28. *Parity Clause.* – All other powers, functions, and privileges, responsibilities, and limitations granted to, or imposed upon state College and their officials under existing laws shall be deemed granted to or imposed upon the State College and its officials whenever appropriate.

SEC. 29. *Implementing Rules and Regulations.* – Within a period of ninety (90) days from the effectivity of this Act, the Commission on Higher Education shall promulgate rules and regulation as may be necessary for the effective implementation of this Act.

SEC. 30. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 31. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,