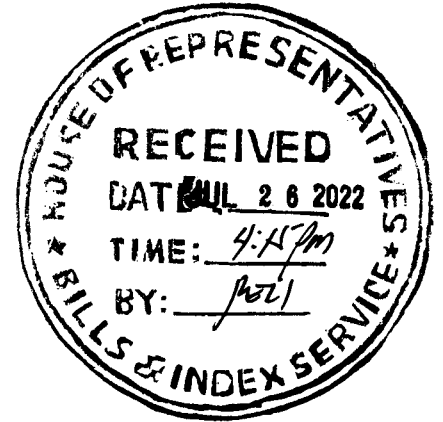




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 2369



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 state college to be known as Mindanao Indigenous Peoples State College (IPSC).

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 into a state college.

Its location in South Central Mindanao has made it a melting pot of students of various tribes: Ilocano, Tagalog, Bicolano, Cebuano, Ilonggo, Waray, Maguindanaon, Maranao, Iranon, Tausug and many more, especially the ethnic tribes of Obo Manobo, Tiruray, Tagabawa, etc. It has become a cosmopolitan of cultures accepted and respected by all.

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.

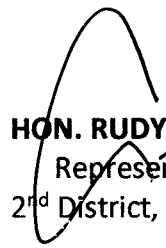
10931 or the “*Universal Access to Quality Tertiary Education Act of 2017*,” benefitting students from the Province of Cotabato, adjacent towns and provinces.

With the proposed conversion of MIST into to a state college, it will have automatic appropriation from the national budget for free tuition fee and other school fees, and priority in public grants or financial aid and faculty development program. These will redound to the benefit of the students, faculty and community

The funding from the national government will improve the institution’s facilities and services that would allow more underprivileged or poor students within and outside of the South Central Mindanao to avail of the free tertiary education. The Indigenous Peoples State College will have the opportunities for linkages with other public and private stakeholders and institutions towards enhanced professional development and growth. Moreover, this conversion will also provide its faculty and staff an improved access to professional training to meet the demands of the fast changing educational landscape and develop the core values of producing morally responsible, innovative, gender and culture-sensitive, transformative and globally competitive individuals.

The development and industrialization of the South Central Mindanao may also be attained by capacitating its citizens with the knowledge acquired through college education. By converting the MIST into a state college, the students and citizens of South Central Mindanao and other provinces are more assured of a high quality and sustainable education, and brighter future.

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



HON. RUDY S. CAOAGDAN
Representative
2nd District, North Cotabato



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HOUSE BILL NO. 2369

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 STATE COLLEGE TO BE KNOWN AS THE
MINDANAO INDIGENOUS PEOPLES STATE 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 state college to be known as the Mindanao Indigenous Peoples State College, hereinafter referred to as the College.

SEC. 2. **General Mandate.** – The College shall primarily provide higher professional training in, and offer programs in the fields of education, agriculture, engineering and computing, information technology, business, health and sciences, criminal justice and other related fields of study as well as vocational technical programs.

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

SEC. 3. **Curricular Offerings.** – The College shall offer undergraduate and graduate programs in the fields of education, agriculture, engineering and computing, information technology, business, health and sciences, criminal justice and other related fields of study within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives, and in order to meet the needs of the Indigenous Peoples State College.

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

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

- a) Chairperson of the Commission on Higher Education (CHED), as chairperson;
- b) President of the College, as vice chairperson;
- c) Chairperson of the Committee on Education, Arts and Culture of the Senate;
- d) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
- e) Regional director of the National Economic and Development Authority;
- f) Regional director of the Department of Science and Technology;
- g) Regional director of the Technical Education and Skills Development Authority (TESDA);
- h) President of the faculty association of the College;
- i) President of the student council of the College;
- j) President of the alumni association of the College; and
- k) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization.

The Board shall appoint the prominent citizens from a list of five (5) qualified persons in South Central Mindanao, as recommended by the search committee constituted by the Board. The standards and qualifications of the prominent citizens are based on the standards and qualifications set by the Board.

The president of the faculty association, student council and alumni association of the College shall serve in the Board for the duration of their term of office, as set forth in their respective constitution and by-laws.

The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment and maybe served for a maximum of 2 terms or 4 years.

SEC. 6. **Promulgation and Implementation of Policies.** – The Board shall promulgate and implement policies in accordance with the provisions of the

Constitution on education, agriculture, science and technology, and other declared policies of the State on education, including policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the “*Higher Education Act of 1994*.”

SEC. 7. Powers and Duties. – In addition to its general powers of administration and the exercise of all powers granted to the Board of Trustees under existing laws, the Board shall exercise the following powers and duties:

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

b) Receive and appropriate all sums in accordance to government accounting rules and regulations, as may be provided for the support of the College in the manner it may determine, to carry out the purposes and functions of the College;

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

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

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

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

f) Establish applied research and extension programs that support the goals and objectives of the college and in support of national development;

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

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

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

j) Fix the tuition and other necessary fees and charges, including matriculation fees, graduation fees and laboratory fees as the Board may deem proper to impose 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 deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same fund 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 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 and projects of the College: *Provided, finally*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

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

k) 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, otherwise known as the “*Universal Access to Quality Tertiary Education Act*”;

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

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

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

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

p) Import duty-free economic, technical and cultural books or publications,

machineries and equipment, upon certification by the CHED that such imported books or publications, machineries and equipment are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;

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

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

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

t) Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, or in any field of specialization within the academic competence of the College and authorize the awarding of certificates of completion of non-degree and non-traditional courses;

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

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

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

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

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

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

SEC. 9. *College President.* – The College is headed by a president who shall render full-time service. The president is appointed by the Board, subject to the

guidelines, qualifications and standards set by the Board, upon the recommendation of a duly constituted search committee. The president shall serve for a term of four (4) years and shall be eligible for reappointment for another term. In order to effect a smooth transition to a state college, the current head of the Makilala Institute of Science and Technology shall be the officer-in-charge until such time the president is appointed.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC.17. Development Plan, Management Audit, and Organizational Structure. – Within 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 the program budget to CHED and TESDA, for corresponding recommendation to the DBM;
- b) Undergo a management audit in cooperation with CHED and TESDA;
- c) Accordingly set up its organizational, administrative and academic structure, including the appointment of key College officials; and
- d) Set in motion the establishment of higher and advanced programs on technological education.

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

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

SEC. 19. Authority to Loan or Transfer Apparatus, Equipment, Supplies and Detail of Personnel. – The heads of bureaus and offices of the national government are authorized to loan or transfer upon the request of the president of the College such apparatus, equipment or supplies as may be needed by the College, and to detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees may be spared without

serious detriment to public service. The employees 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.

SEC. 20. ***Tax Exemptions.*** – The College 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, bequest, 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 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.

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

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

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

(c) Adequate library and laboratories;

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

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

(f) Relevant academic policies, systems and processes.

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

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

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

SEC. 25. ***Appropriations.*** – The amount necessary for the initial implementation of this Act shall be charged against the current year’s appropriations of the Mindanao Indigenous Peoples State College. 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 (GAA).

SEC. 26. ***Capital Outlay.*** - The amount of 50 million a year shall be allocated every year for the next 5 years and will be incorporated in the GAA for the improvement of the existing facilities and acquisition of technical, instructional and laboratory equipment of the proposed Mindanao Indigenous Peoples State College.

SEC. 27. ***Implementing Rules and Regulations.*** – Within ninety (90) days from the approval of this Act, the Board shall, in consultation with the chairperson of CHED, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 28. ***Separability Clause.*** – If 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.

SEC. 29. ***Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are repealed, amended, or modified accordingly.

SEC. 30. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,