

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1160



Introduced by REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

EXPLANATORY NOTE

Bukidnon is a large land-locked province in Northern Mindanao. The existing institutions of higher learning in Bukidnon, notably Bukidnon State College and the Central Mindanao University, are located in Malaybalay and Musuan, respectively. These areas are far from the municipalities northern Bukidnon. Thus students from the northern part of the province (i.e. Municipalities of Manolo Fortich, Libona, Talakag, Baungon, and Sumilao) have to travel to Malaybalay or Musuan, or in Cagayan de Oro in Misamis Oriental, just to receive a college education. Such a situation entails added costs for completing an education.

Establishing a college in northern Bukidnon, specifically in the areas largest and most populous municipality of Manolo Fortich, will serve to effectively address the need for higher professional and technical learning in that part of Mindanao. This becomes urgent in light of the increasing demands for human capital development in a region with rich potential for economic growth, commerce, and agro-industrial development.

The proposed measure adopts House Bill No. 4930, a substitution of House Bill No. 990 filed by former Rep. JR Nereus Acosta, Ph.D. (First District, Bukidnon) during the 13th Congress. In that Congress, this House has already passed the measure in Third and Final Reading, and has been submitted to the Senate for its consideration.

With the imperative to continuously develop Mindanao's human capital, and since the measure has already been passed by this House, the swift and urgent approval of this measure is earnestly requested.


MARIA LOURDES ACOSTA-ALBA
First District, Bukidnon

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AN ACT
ESTABLISHING A STATE COLLEGE IN THE MUNICIPALITY OF MANOLO
FORTICH, PROVINCE OF BUKIDNON TO BE KNOWN AS THE NORTHERN
BUKIDNON STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Establishment. – There is hereby established a state college in the Municipality of Manolo Fortich, Province of Bukidnon to be known as the Northern Bukidnon State College, hereinafter referred to as College.

SECTION 2. General Mandate. – The College shall primarily provide higher professional and technical instructions and training in science and technology and other related fields. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

Further, it shall provide research and development assistance and support to local government units in the Province of Bukidnon to facilitate their economic growth and development.

SECTION 3. Curricular Offerings. – The College shall offer undergraduate, graduate, and short-term technical courses within its areas of specialization, and according to its capabilities as the Board of Regents may deem necessary to carry out its objectives, particularly to meet the needs of the Province of Bukidnon and Region X.

The College may adopt public elementary and secondary schools in the Province of Bukidnon to serve as pilot centers for innovative teaching and learning strategies and approaches, if it has a College of Education.

SECTION 4. Administration. – The College shall possess and exercise the general corporate powers set forth in Batas Pambansa Blg. 68, as amended, otherwise known as “The Corporation Code of the Philippines.” The administration of the College, and the exercise of

its corporate powers shall be vested exclusively in the Board of Regents and the President of the College.

SECTION 5. The Board of Regents. – The Board of Regents, hereinafter referred to as the Board, shall be the highest governing and policy-making body of the College. The Board shall be composed of the following:

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

The Board shall appoint two (2) prominent citizens from among a list of at least five (5) qualified persons in the Province of Bukidnon, as recommended by the search committee constituted by the President of the College, in consultation with the Board, based on the normal standards and qualifications for the position.

The term of office of the president of the faculty association, the president of the student council, and the president of the alumni association shall be coterminous with their respective terms of office, as set forth in their respective constitutions and bylaws.

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

SECTION 6. Promulgation and Implementation of Policies. – The Board shall promulgate and implement policies in accordance to the declared state policies on education, and other pertinent provisions of the Constitution on education, agriculture, and science and technology, as well as the policies, standards, and thrusts on higher education as provided for in Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994.”

SECTION 7. Powers and Duties of the Board of Regents. - In addition to the general powers granted to it in Batas Pambansa Blg. 68, as amended, otherwise known as "The Corporation Code of the Philippines", the Board shall exercise the following specific powers and duties:

- (a) To promulgate rules and regulations as may be necessary to carry out the purposes and functions of the College;
- (b) To receive and appropriate all sums as may be provided for the support of the College in the manner it may determine in its discretion, in order to carry out the purposes and functions of the College;
- (c) To import duty-free economic, technical, and cultural books and/or publications, upon certification by CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical, or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, as amended;
- (d) To receive in trust 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, if any, to the donor's limitations, directions, and instructions.

Such donations shall be exempt from donor's tax, and the same shall be considered as allowable deductions from the gross income in the computation of the donor's income tax, in accordance with the relevant provisions of the National Internal Revenue Code, as amended: *Provided*, That such donations shall not be disposed of, transferred, or sold;

- (e) To fix tuition and other necessary school charges, such as, but not limited to, matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the involved sectors.

Such fees and charges, including government subsidies and other income generated by the College, shall constitute special trust funds, and shall be deposited in any authorized government depository bank, and all interests shall accrue therefrom and shall form part of the same funds for the use of the College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the College from tuition and other charges, as well from the operation of auxiliary services and land grants, shall be retained by the College, and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they 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 College's objectives and goals;

- (f) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (g) 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;
- (h) To appoint, upon recommendation of the President of the College, vice presidents, deans, directors, heads of campuses, faculty members, and other officials and employees of the College;
- (i) To 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; to grant them, at 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 relevant civil service rules, and the requirements of due process of law;
- (j) To approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and Academic Councils herein provided;
- (k) To set policies on admission and graduation of students;
- (l) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture, or in any field of specialization within the academic competence of the College; and to authorize the awarding of certificates of completion of non-degree and non-traditional courses;
- (m) To establish and absorb non-chartered tertiary institutions within the Province of Bukidnon as constituent units, branches, and centers in coordination with CHED, in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal access to educational opportunities as mandated by the Constitution;

- (n) To establish research and extension centers of the College where such will promote the development of the latter;
- (o) To establish chairs in the College, and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (p) To delegate any of its powers and duties provided for hereinabove to the President of the College, and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;
- (q) To authorize an external management audit of the College, to be financed by CHED, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (r) To collaborate with other governing boards of state universities and colleges within the Province of Bukidnon or within Region X, under the supervision of CHED, and in consultation with the DBM, and work towards the restructuring of the College to become more efficient, relevant, productive, and competitive;
- (s) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the College, the proceeds from which shall be used for the development and strengthening of the College;
- (t) To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purpose and objectives of the College;
- (u) To develop academic arrangements for institutional capacity building with appropriate institutions and agencies, both public and private. Local and foreign, and to appoint experts/specialists as consultants, either part time, visiting, or exchange professors, scholars, or researchers, as the case may be;
- (v) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning or distance education, and community laboratory for the promotion of greater access to education and graduate studies, as the case may be;
- (w) To establish policy guidelines and procedures for participate decision-making and transparency within the College;
- (x) To privatize, where most advantageous to the College, management of non-academic services such as health, food, building/grounds/property maintenance, and such other similar activities; and

- (y) To extend the term of the President of the College beyond the age of retirement, but not beyond the age of seventy (70), whose performance has been unanimously rated by the Board as outstanding based on the guidelines, qualifications and/or standards set by it, after unanimous recommendation by the search committee.

SECTION 8. Meeting of the Board. – The Board shall regularly convene at least once every quarter. The Chairperson of the Board, however, may call a maximum of two (2) special meetings whenever necessary, upon three (3) days' prior written notice.

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

In the absence of the CHED Chairperson, a CHED commissioner, duly designated by him or her in writing, shall represent him or her in the meeting with all the rights and responsibilities of a regular member: *Provided, however*, That during this meeting, the President of the College, as Vice Chairperson of the Board, shall be the presiding officer: *Provided, further*, That this proviso notwithstanding, the CHED Chairperson may be authorized to designate a CHED commissioner as the permanent and regular Chairperson of the Board, in which case the designated CHED commissioner shall act as the presiding officer.

In case the Board members from either the Senate or the House of Representatives cannot attend the meeting, they may designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as a regular member of the Board.

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

SECTION 9. The College President. – The College shall be headed by a President,, who shall render full time service. He or she shall be appointed by the Board, subject to the guidelines, qualifications, and/or standards set by it, upon recommendation of a duly constituted search committee. He or she shall have a fixed term of four (4) years, unless earlier vacated by reason of death, compulsory retirement, resignation, removal for cause, or incapacity. He or she shall be eligible for reappointment.

The Board shall select and appoint the President of the College within one hundred and twenty (120) days after the approval of this Act. Pending the appointment of the first president of the College, the CHED Chairperson shall appoint an officer-in-charge of the College.

Within six (6) months before the expiration of the term of the current President of the College, the Board shall constitute a search committee for the presidency.

In case of vacancy in the office of the President of the College for reasons mentioned in the preceding paragraph, the Board shall designate an officer-in-charge of the College within six (6) months from the date of the vacancy, pending the appointment of a new president: *Provided*, That the officer-in-charge or the successor shall serve the unexpired term only.

The powers and duties of the President of the College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar colleges, and those delegated by the Board.

The salary of the President of the College shall be in accordance with the Revised Compensation and Position Classification System, and shall be comparable to the salary received by the presidents of similar educational institutions.

The President of the College may be assisted by a vice president for academic affairs who shall be appointed by the Board upon the recommendation of the President of the College.

SECTION 10. The Administrative Council. – There shall be an Administrative Council consisting of the President of the College as chairperson, vice presidents, deans, directors, and other College 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.

SECTION 11. The Academic Council. – There shall be an Academic Council with the President of the College as chairperson, and all members of the academic staff with the rank of not lower than assistant professor as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the College, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as their graduation and conferment of degrees, subject to review and/or approval of the Board through the President of the College. It shall have the disciplinary power over students of the College, and shall formulate academic policies, and rules and regulations on discipline, subject to the approval of the Board.

SECTION 12. The Secretary of the College. – The Board shall appoint a Secretary, who shall serve as such for both the Board and the College, and shall keep all records and proceedings of the Board. He or she shall serve upon each member of the Board the appropriate notice of the Board's meetings.

SECTION 13. The Treasurer of the College. – The National Treasurer of the Philippines, or his or her designated representative, shall serve as *ex officio* treasurer of the College.

SECTION 14. 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, however,* That said appointment shall be subject to guidelines, qualifications and/or standards set by the Board: *Provided, further,* That no member of the faculty shall teach for or against any particular church or religious sect.

SECTION 15. Scholarship Program and Admission. – The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who shall qualify for admission to the College.

No student shall be denied admission to the College by reason of sex, gender preference, political belief, economic standing, religion, cultural or community affiliation, or ethnic origin.

SECTION 16. Academic Freedom and Institutional Autonomy. – The College shall enjoy academic freedom and institutional autonomy. Pursuant to Paragraph 2, Section 5, Article XIV of the Constitution.

SECTION 17. 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 President of the College, such apparatus, equipment, or supplies as may be needed by the College, and to detail employees for duty therein when in the judgment of the head of bureau or office, such apparatus, equipment, supplies, or services of such employees can be spared without serious detriment to the public service. The employees so detailed shall perform such duties as required of them by the President of the College, and the time so employed shall be counted as part of their regular services.

SECTION 18. Campus Site and Assets. – The College shall have an area of not less than five (5) hectares, of which at least three (3) hectares are contiguous to the main campus, for its exclusive use as campus site for its academic and instructional programs, research and development activities, and experimental and laboratory facilities.

The Board shall forthwith recommend a suitable site within the Municipality of Manolo, Fortich for this purpose. The Office of the President of the Philippines, through CHED, shall effect the immediate acquisition of the said area for use as campus site.

This parcel of land to be occupied by the College is hereby declared to be property of the College, and shall be titled under its name: *Provided,* That should the College cease to

exist or be abolished, or should said parcel of land aforementioned be no longer needed by the College, the same shall revert to the local government unit concerned.

SECTION 19. Appropriations. – The amount necessary for the initial implementation of this Act shall be included in the General Appropriations Act. Thereafter, such sums as may be necessary for the continued operation and maintenance of the College shall likewise be included in the annual General Appropriations Act.

SECTION 20. Development Plan. Management Audit, Organizational/Administrative/Academic Structure. – Within the period of one hundred and 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 CHED for corresponding recommendation to DBM;
- (b) Undergo a management audit in cooperation with CHED; and
- (c) Accordingly set up its organizational, administrative, as well as academic structure, including the appointment of key officials of the College.

SECTION 21. Filing of Report. - The Board shall file with the Office of the President of the Philippines, through the CHED Chairperson, and with both Houses of Congress, a detailed report on the progress, conditions, and needs of the College not later than the fifteenth (15th) day of the second month after the opening of regular classes each school year.

SECTION 22. Supplementary Application. – The relevant provisions of Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall be an integral part of this Act, and shall serve as part of the governing charter of the College in a supplementary manner.

SECTION 23. Parity Clause. - All other powers, functions and privileges, responsibilities, and limitations to state universities and colleges and/or their officials under existing laws, shall be deemed granted to or imposed upon the College and/or its officials whenever appropriate.

SECTION 24. Implementing Rules and Regulations. - CHED shall be empowered to formulate the rules, regulations, and guidelines to fully implement the provisions of this Act.

SECTION 25. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder

of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SECTION 26. Repealing Clause. – All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 27. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in either the Official Gazette, or in two (2) newspapers of general circulation.

Approved,