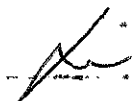


10 FEB -2 P 1:25

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 829

Submitted Jointly by the Committees on Education, Arts and Culture and on Finance on FEB 02 2010.

Re: House Bill No. 4361

Recommending its approval with amendments.

Sponsors: Senators Mar Roxas and Edgardo J. Angara

Mr. President:

The Committees on Education, Arts and Culture and on Finance to which was referred House Bill No. 4361, introduced by Representatives Villafuerte, Maza, Ilagan, et al., entitled:

"AN ACT
SEPARATING THE CAMARINES SUR POLYTECHNIC COLLEGE-NAGA CITY CAMPUS (FORMERLY BICOL COLLEGE OF ARTS AND TRADES) IN THE CITY OF NAGA, PROVINCE OF CAMARINES SUR FROM THE CAMARINES SUR POLYTECHNIC COLLEGE IN NABUA, CAMARINES SUR, CONVERTING IT INTO A STATE COLLEGE TO BE KNOWN AS THE BICOL STATE COLLEGE OF APPLIED SCIENCES AND TECHNOLOGY AND APPROPRIATING FUNDS THEREFOR"

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

1. On Page 2, Line 11, after the phrase, "needs of the Province of Camarines Sur and the Bicol Region." Add the statement: "PROVIDED, That no degree program shall be offered without the approval of the Commission on Higher Education before the same shall be approved by its Board."
5. On Page 10, Delete Lines 8-9, and replace with: "The President of the College shall be assisted by the Vice-President/s, who shall be appointed by the Board upon recommendation of the President."

6. On Page 13, Line 11, insert a new section:
 "SECTION 21. *CHED Monitoring and Evaluation.* – The Commission on Higher Education shall conduct regular monitoring and evaluation to determine continuing compliance with the requirements on college status. In the event that the Commission finds that the College does not *maintain compliance* thereof, it shall submit the appropriate recommendation for the revocation of the College status to the Senate Committee on Education, Arts, and Culture, and the House Committee on Higher and Technical Education."
7. Renumber the subsequent sections accordingly.

Respectfully submitted:



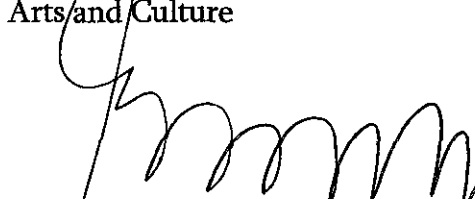
EDGARDO J. ANGARA

Chairperson
 Committee on Finance
Member, Committee on Education, Arts and Culture

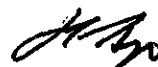


MAR ROXAS

Chairperson
 Committee on Education, Arts and Culture
Member, Committee on Finance



GREGORIO B. HONASAN II
Vice Chair, Committee on Finance



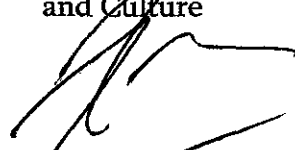
JOKER P. ARROYO
Vice Chair, Committee on Finance



MIRIAM DEFENSOR SANTIAGO
Vice Chair, Committee on Finance

LOREN B. LEGARDA
Vice Chair, Committee on Finance
Member, Committee on Education, Arts and Culture

BENIGNO S. AQUINO III
Vice Chair, Committee on Finance
Member, Committee on Education, Arts and Culture



RICHARD J. GORDON
Vice Chair, Committee on Finance
Member, Committee on Education, Arts and Culture;

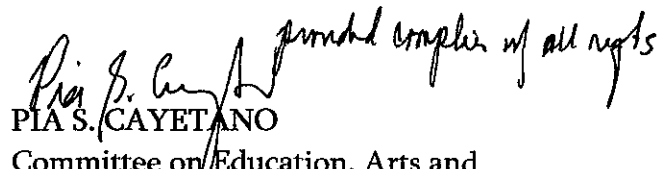
Members

FRANCIS G. ESCUDERO
Committee on Education, Arts and
Culture



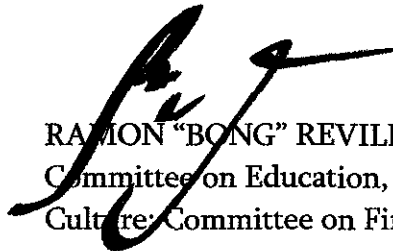
RODOLFO G. BLAZON
Committee on Education, Arts and
Culture; Committee on Finance

PANFILO M. LACSON
Committee on Finance



PIA S. CAYETANO
Committee on Education, Arts and
Culture; Committee on Finance

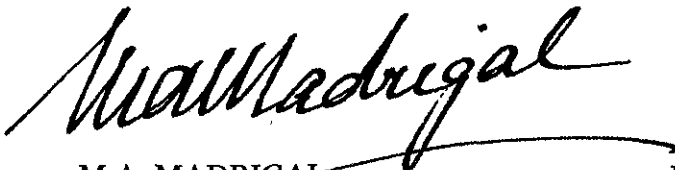
MANUEL M. LAPID
Committee on Education, Arts and
Culture; Committee on Finance



RAMON "BONG" REVILLA JR.
Committee on Education, Arts and
Culture; Committee on Finance

MANNY VILLAR
Committee on Education, Arts and
Culture; Committee on Finance

ALAN PETER S. CAYETANO
Committee on Education, Arts and
Culture; Committee on Finance



M.A. MADRIGAL
Committee on Education, Arts and
Culture; Committee on Finance

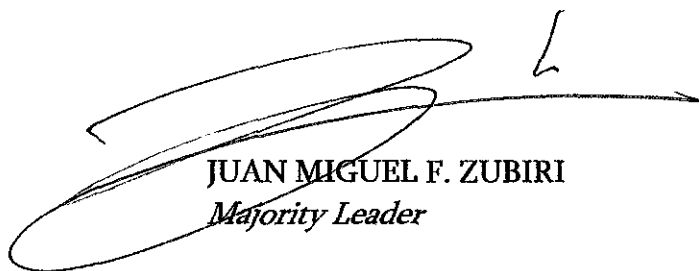
FRANCIS N. PANGILINAN
Committee on Education, Arts and
Culture; Committee on Finance

ANTONIO F. TRILLANES IV
Committee on Finance

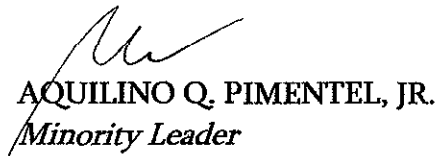
Ex-Officio Members



JINGSOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
President
Senate of the Philippines



HOUSE OF REPRESENTATIVES

H. No. 4361

BY REPRESENTATIVES VILLAFUERTE, MAZA, ILAGAN, HONTIVEROS-
BARAQUEL, FERNANDEZ, GARAY, ROMARATE, ECLEO, OCAMPO AND
GO, PER COMMITTEE REPORT NO. 709

AN ACT SEPARATING THE CAMARINES SUR POLYTECHNIC
COLLEGE-NAGA CITY CAMPUS (FORMERLY BICOL COLLEGE
OF ARTS AND TRADES) IN THE CITY OF NAGA, PROVINCE OF
CAMARINES SUR FROM THE CAMARINES SUR POLYTECHNIC
COLLEGE IN NABUA, CAMARINES SUR, CONVERTING IT
INTO A STATE COLLEGE TO BE KNOWN AS THE BICOL
STATE COLLEGE OF APPLIED SCIENCES AND TECHNOLOGY
AND APPROPRIATING FUNDS THEREFOR

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

- 1 SECTION 1. *Separation/Conversion.* – The Camarines Sur Polytechnic
- 2 College-Naga City Campus (formerly Bicol College of Arts and Trades
- 3 {BCAT}) in the City of Naga, Province of Camarines Sur is hereby separated
- 4 from the Camarines Sur Polytechnic College in Nabua, Camarines Sur, and
- 5 converted into a state college to be known as the Bicol State College of
- 6 Applied Sciences and Technology (BISCAST), hereinafter referred to as the
- 7 College.

1 SEC. 2. *General Mandate.* – The College shall primarily provide
2 advanced education, higher technological, professional and vocational
3 instruction and training in the sciences, arts, education, entrepreneurship,
4 engineering and related courses. It shall also undertake research and extension
5 services, and provide progressive leadership in its areas of specialization.

6 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate
7 and graduate studies in the fields of industrial technology, arts and sciences,
8 architecture, nontraditional courses and other degree/courses within its areas of
9 specialization and according to its capabilities as the Board of Trustees may
10 deem necessary to carry out its objectives, particularly to meet the needs of the
11 Province of Camarines Sur and the Bicol Region.

12 The existing high school shall be transferred to the jurisdiction and
13 supervision of the Department of Education (DepEd); *Provided,* That the high
14 school shall be allowed to remain and operate within the campus of the College
15 until the existing students shall have completed their high school education;
16 *Provided, further,* That the College may operate a reasonably-sized laboratory
17 school, if it has a College of Education: *Provided, furthermore,* That the
18 existing graduate school shall become an integral part of the College of
19 Education.

20 SEC. 4. *Administration.* – The College shall have the general powers of
21 a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
22 known as the “Corporation Code of the Philippines”. The administration of the
23 College and the exercise of its corporate powers shall be vested exclusively in
24 the Board of Trustees and the President of the College.

25 SEC. 5. *The Governing Board.* – The governing board of the College
26 shall be the Board of Trustees, hereinafter referred to as the Board, which shall
27 be composed of the following:

- 1 (a) The Chairperson of the Commission on Higher Education (CHED),
2 Chairperson;
- 3 (b) The President of the College, Vice Chairperson;
- 4 (c) The Chairperson of the Committee on Education, Arts and Culture
5 of the Senate, member;
- 6 (d) The Chairperson of the Committee on Higher and Technical
7 Education of the House of Representatives, member;
- 8 (e) The Regional Director of the National Economic and Development
9 Authority (NEDA), member;
- 10 (f) The Regional Director of the Department of Science and
11 Technology (DOST), member;
- 12 (g) The President of the faculty association of the College, member;
- 13 (h) The President of the student council of the College, member;
- 14 (i) The President of the alumni association of the College, member;
- 15 and
- 16 (j) Two (2) prominent citizens from the private sector who have
17 distinguished themselves in their profession or fields of specialization of the
18 College, members.

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

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

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

3 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
4 shall promulgate and implement policies in accordance with the declared State
5 policies on education and other pertinent provisions of the Philippine
6 Constitution on education, agriculture, science and technology, as well as the
7 policies, standards and thrusts of the CHED under Republic Act No. 7722,
8 otherwise known as the “Higher Education Act of 1994”.

9 SEC. 7. *Powers and Duties of the Board of Trustees.* – The Board
10 shall have the following specific powers and duties, in addition to its general
11 powers of administration and the exercise of all the powers granted to the
12 board of directors of a corporation under existing laws:

13 (a) To promulgate rules and regulations as may be necessary to carry
14 out the purposes and functions of the College;

15 (b) To receive and appropriate all sums as may be provided, for the
16 support of the College in the manner it may determine in its discretion, to carry
17 out the purposes and functions of the College;

18 (c) To import duty-free economic, technical and cultural books and/or
19 publications, upon certification by the CHED that such imported books and/or
20 publications are for economic, technical, vocational, scientific, philosophical,
21 historical or cultural purposes, in accordance with the provisions of the Tariff
22 and Customs Code of the Philippines, as amended;

23 (d) To receive in trust legacies, gifts and donations of real and personal
24 properties of all kinds and to administer and dispose of the same when
25 necessary for the benefit of the College and, subject to the limitations,
26 directions and instructions of the donor, if any.

27 Such donations shall be exempt from the donor's tax and the same shall
28 be considered as allowable deductions from the gross income in the

1 computation of the income tax of the donor, in accordance with the provisions
2 of the National Internal Revenue Code (NIRC) of 1997, as amended: *Provided,*
3 That such donations shall not be disposed of, transferred or sold;

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

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

13 Any provision of existing laws, rules and regulations to the contrary
14 notwithstanding, any income generated by the College from tuition fees and
15 other charges, as well as from the operation of auxiliary services and land
16 grants, shall be retained by the College and may be disbursed by the Board for
17 instruction, research, extension or other programs/projects of the College:
18 *Provided,* That all fiduciary fees shall be disbursed for the specific purposes
19 for which these are collected.

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

25 (f) To adopt and implement a socialized scheme of tuition and school
26 fees for greater access to poor but deserving students;

1 (g) To authorize the construction or repair of its buildings, machinery,
2 equipment and other facilities, and the purchase and acquisition of real
3 property, including necessary supplies, materials and equipment;

4 (h) To appoint, upon recommendation of the President of the College,
5 Vice Presidents, deans, directors, heads of campuses, faculty members and
6 other officials and employees of the College;

7 (i) To fix and adjust salaries of faculty members and administrative
8 officials and employees, subject to the provisions of the Revised Compensation
9 and Position Classification System and other pertinent budget and
10 compensation laws governing hours of service, and such other duties and
11 conditions as it may deem proper; to grant them, at its discretion, leaves of
12 absence under such regulations as it may promulgate, any provision of existing
13 law to the contrary notwithstanding; and to remove them for cause in
14 accordance with the requirements of due process of law;

15 (j) To approve the curricula, instructional programs and rules of
16 discipline drawn by the Administrative and Academic Councils herein
17 provided;

18 (k) To set policies on admission and graduation of students;

19 (l) To award honorary degrees upon persons in recognition of their
20 outstanding contribution in the fields of education, public service, arts, science
21 and technology, agriculture or in any field of specialization within the
22 academic competence of the College; and to authorize the awarding of
23 certificates of completion of nondegree and nontraditional courses;

24 (m) To establish and absorb nonchartered tertiary institutions within
25 the Province of Camarines Sur as branches and centers in coordination with the
26 CHED, and in consultation with the Department of Budget and Management
27 (DBM), and to offer therein programs or courses, to promote and carry out
28 equal access to educational opportunities mandated by the Constitution;

1 (n) To establish research and extension centers of the College where
2 such will promote the development of the latter;

3 (o) To establish professional chairs in the College and to provide
4 fellowships for qualified faculty members and scholarships to deserving
5 students;

6 (p) To delegate any of its powers and duties provided hereinabove to
7 the President and/or other officials of the College as it may deem appropriate,
8 so as to expedite the administration of the affairs of the College;

9 (q) To authorize an external management audit of the College, to be
10 financed by the CHED, subject to the rules and regulations of the Commission
11 on Audit (COA); and to institute reforms, including academic and structural
12 changes, on the basis of the audit results and recommendations;

13 (r) To collaborate with other governing boards of the state colleges and
14 universities within the Province of Camarines Sur or the Bicol Region, under
15 the supervision of the CHED and in consultation with the DBM, and work
16 towards the restructuring of the College to become more efficient, relevant,
17 productive and competitive;

18 (s) To enter into joint ventures with business and industry for the
19 profitable development and management of the economic assets of the College,
20 the proceeds from which shall be used for the development and strengthening
21 of the College;

22 (t) To develop consortia and other economic forms of linkages with
23 local government units, institutions and agencies, both public and private, local
24 and foreign, in the furtherance of the purposes and objectives of the College;

25 (u) To develop academic arrangements for institutional capability
26 building with appropriate institutions and agencies, public and private, local
27 and foreign, and to appoint experts/specialists as consultants, part-time or
28 visiting or exchange professors, scholars or researchers, as the case may be;

1 (v) To set up the adoption of modern and innovative modes of
2 transmitting knowledge such as the use of information technology, the dual
3 learning system, open or distance education and community laboratory for the
4 promotion of greater access to education;

5 (w) To establish policy guidelines and procedures for participative
6 decision-making and transparency within the College;

7 (x) To privatize, where most advantageous to the College, management
8 of nonacademic services such as health, food, building or grounds or property
9 maintenance and such other similar activities; and

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

15 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
16 least once every quarter. However, the Chairperson of the Board may, upon
17 three (3) days' prior written notice, call a maximum of two (2) special
18 meetings whenever necessary.

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

23 *In the absence of the Chairperson of the CHED, a Commissioner of the*
24 *CHED, duly designated by him/her, shall represent him/her in the meeting with*
25 *all the rights and responsibilities of a regular member: Provided, however,*
26 *That during this meeting, the President of the College as Vice Chairperson*
27 *shall be the Presiding Officer: Provided, further, That this proviso*
28 *notwithstanding, the Chairperson of the CHED is hereby authorized to*

1 designate a CHED Commissioner as the regular Chair of the Board, in which
2 case said CHED Commissioner shall act as the Presiding Officer.

3 In the absence of the Chairpersons of the Congressional Committees on
4 Education, they may designate their respective representatives who shall attend
5 the said meetings with all the rights and responsibilities of a *regular member*.

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

11 *SEC. 9. The College President.* – The College shall be headed by a
12 President who shall render full-time service. He/she shall be appointed by the
13 Board, upon recommendation of a duly constituted search committee. He/she
14 shall have a term of four (4) years and shall be eligible for reappointment for
15 another term.

16 Within six (6) months before the expiration of the term of the incumbent
17 *President of the College*, the Board shall constitute the Search Committee for
18 the Presidency (SCP).

19 In case of vacancy in the Office of the President by reason of death,
20 compulsory retirement, resignation, removal for cause or incapacity of the
21 President to perform the functions of his/her office, the Board shall have the
22 authority to designate an Officer-in-Charge of the College, pending the
23 appointment of a new President.

24 In case of vacancy in the Office of the President as mentioned in the
25 immediately preceding paragraph, his/her successor or the Officer-in-Charge
26 shall serve only the unexpired portion of the term.

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

4 The salary of the President of the College shall be in accordance with
5 the Revised Compensation and Position Classification System and shall be
6 comparable to that being received by the Presidents of similar educational
7 institutions.

8 The President shall be assisted by a Vice President for Academic Affairs
9 who shall be appointed by the Board upon recommendation of the President.

10 SEC. 10. *The Administrative Council.* - There shall be an
11 Administrative Council consisting of the President of the College as
12 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
13 as members, whose duty is to review and recommend to the Board the policies
14 governing the administration, management and development planning of the
15 College.

16 SEC. 11. *The Academic Council.* - There shall be an Academic Council
17 to be composed of the President of the College, who shall act as Chairperson,
18 and all academic staff with the rank of at least an assistant professor, as
19 members.

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

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

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

7 SEC. 14. *The Faculty.* – No political beliefs, gender preference,
8 cultural or community affiliation or ethnic origin, and religious opinion or
9 affiliation shall be a matter of inquiry in the appointment of faculty members of
10 the College: *Provided, however,* That said appointment shall be subject to the
11 guidelines, qualifications and/or standards set by the Board: *Provided, further,*
12 That no member of the faculty shall teach for or against any particular church
13 or religious sect.

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

17 No student shall be denied admission to the College by reason of sex,
18 religion, cultural or community affiliation or ethnic origin.

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

23 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
24 *and Detail of Personnel.* – The heads of the bureaus and offices of the national
25 government are hereby authorized to loan or transfer, upon the request of the
26 President of the College, such apparatus, equipment or supplies as may be
27 needed by the College, and to detail employees for duty therein when, in the
28 judgment of the head of bureau or office, such apparatus, equipment, supplies

1 or services of such employees can be spared without serious detriment to the
2 public service. The employees so detailed shall perform such duties as
3 required of them by the President of the College, and the time so employed
4 shall be counted as part of their regular services.

5 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
6 personal, personnel and records of the Camarines Sur Polytechnic College-
7 Naga City Campus (formerly BCAT), as well as liabilities or obligations, are
8 hereby transferred to the College. The positions, rights and security of tenure
9 of faculty members and personnel therein employed under existing laws prior
10 to the conversion into a College shall be respected.

11 Specific parcels of land belonging to the Provincial Government of
12 Camarines Sur and occupied by the Camarines Sur Polytechnic College-Naga
13 City Campus (formerly BCAT) are hereby declared to be property of the
14 College, and shall be titled under that name: *Provided, further,* That should the
15 College cease to exist or be abolished, or should such parcels of land
16 aforementioned be no longer needed by the College, the same shall revert to
17 the Provincial Government of Camarines Sur.

18 SEC. 19. *Appropriations.* – The amount necessary to carry out the
19 provisions of this Act shall be charged against the current year's appropriations
20 of the Camarines Sur Polytechnic College-Naga City Campus (formerly
21 BCAT), except the sums needed to continue the operations of the existing high
22 school. Thereafter, such sums as may be necessary for the continued operation
23 and maintenance of the Bicol State College of Applied Sciences and
24 Technology (BISCAST) shall be included in the annual General
25 Appropriations Act.

1 SEC. 20. *Development Plan, Management Audit, Organizational/*
2 *Administrative/Academic Structure.* – Within the period of one hundred twenty
3 (120) days after the approval of this Act, the College shall accomplish the
4 following:

5 (a) Submit a five (5)-year development plan, including its
6 corresponding program budget to the CHED, for corresponding
7 recommendation to the DBM;

8 (b) Undergo a management audit in cooperation with the CHED; and

9 (c) Accordingly set up its organizational, administrative as well as
10 academic structure, including the appointment of the College key officials.

11 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of the
12 second (2nd) month after the opening of the regular classes each year, the
13 Board shall file with the Office of the President of the Philippines, through the
14 Chairperson of the CHED, and with both Houses of Congress a detailed report
15 on the progress, conditions and needs of the College.

16 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
17 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
18 shall be an integral part of this Act and shall serve as part of the governing
19 charter of the College.

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

24 SEC. 24. *Implementing Rules and Regulations.* – The Board, in
25 consultation with the CHED, shall formulate the guidelines to fully implement
26 the provisions of this Act.

1 SEC. 25. *Separability Clause.* – If, for any reason, any part or provision
2 of this Act is declared invalid or unconstitutional, the remaining parts or
3 provisions not affected thereby shall remain in full force and effect.

4 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
5 orders, rules and regulations contrary to or inconsistent with the provisions of
6 this Act are hereby repealed or modified accordingly.

7 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
8 its publication in two (2) newspapers of general circulation.

Approved,

O