

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session

OFFICE OF THE SECRETARY

'04 JUN 30 P7:48

SENATE
S. No. 587

RECEIVED BY: Alto

INTRODUCED BY HON. MANUEL B. VILLAR, JR.


EXPLANATORY NOTE

This bill seeks to convert the Ozamiz City School of Arts and Trades in the City of Ozamiz, Province of Misamis Occidental, into a polytechnic state college to be known as the Ozamiz City Polytechnic State College.

The paramount objective of this legislative measure is to provide educational preparation for occupation between the skilled trades and professions. It is also intended to help the poor but deserving students to pursue higher technical and vocational courses.

In the light of the current restructuring of the economy towards market orientation, there is an urgent need to develop a high quality work force that is flexible: one that can readily adopt to changing opportunities and emerging technologies. The development of a high quality Filipino workforce requires complementary education and training strategies and this can be best achieved by converting the existing school of arts and trades into a state polytechnic college. This will also help accommodate the growing number of enrollees each year. Certainly, the Ozamiz City Polytechnic State College will serve as a catalyst in improving the quality of life of the people due to an affordable higher education and the upgrading of academic technology of the students with the end in view of improving the economic standard of the people.

The enactment of this bill into law is consistent with the Constitutional mandate to establish, maintain and support a complete and adequate system of education relevant to the needs of the people and society and suitable to the changing times.


MANUEL B. VILLAR, JR.
Senator

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AN ACT
CONVERTING THE OZAMIZ CITY SCHOOL OF ARTS AND TRADES IN OZAMIZ
CITY, PROVINCE OF MISAMIS OCCIDENTAL INTO A POLYTECHNIC
STATE COLLEGE TO BE KNOWN AS THE OZAMIZ CITY
POLYTECHNIC STATE COLLEGE AND
APPROPRIATING FUNDS THEREOF

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

SECTION 1. *Conversion* - The Ozamiz City School of Arts and Trades in Ozamiz City, Province of Misamis Occidental, is hereby converted into a Polytechnic state college to be known as the Ozamiz City Polytechnic State College.

SECTION 2. *Purposes and Objectives* - The Ozamiz City of Polytechnic State College, hereinafter referred to as the College, shall primarily provide post high school, two and three year technical courses and other short-term vocational and technical instruction and training in industrial fields, with emphasis on the development of occupational and technical skills. In addition, upon qualification, the College may offer four-year degree programs in the technical education and ladderized technical courses leading to teacher education and training.

The College shall also offer such other college courses in the fields of engineering, arts and sciences as the College may deem necessary, subject to such approval as may be required by the applicable laws, rules, and regulations.

SECTION 3. *Supervision* - The supervision of the College shall be transferred from the Department of Education (DepEd) to the Commission on Higher Education (CHED), with the existing high school to serve as laboratory high school for the teacher education and training program.

SECTION 4. *Governing Body; Composition* - The governing body of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- a. Chairman of the Commission on Higher Education (CHED), Chairman;
- b. President of the State University, Vice-Chairman;
- c. Chairman: of the Committee on Education, Culture and Arts of the Senate, Member;
- d. Chairman of the Committee on Education., Culture and Sports of the House of Representatives, Member;
- e. Regional Director of the National Economic Development Authority, Member;
- f. President of the Faculty Associations of the State College, Member;

g. President of the Student Councils of the students representative elected by the student council of the State College, Member;

h. President of the Alumni Association of the State College, Member;

i. The two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the institution concerned shall be chosen from among a list of at least five (5) persons qualified in the Province of Misamis Occidental, as recommended by the search committee constituted by the school president in consultation with the Chairman of CHED based on the normal standards and qualifications for the position, Members.

SECTION 5. *Term of Office* - The Chairman of the Commission on Higher Education, the president of the College, the Education Committees Chairman of the Senate and the House of Representatives, and the Regional director of the National Economic and Development Authority (NEDA) shall have an ex-officio term of office.

The presidents of the faculty and alumni associations and the student regent shall sit in the Board until the expiration of their term of office in such capacities.

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

For the purpose of provision of this section, the association of the faculty, alumni and the student councils in each branch of the College shall organize themselves to form their respective federations, which in turn shall elect their federation officials.

In case of vacancy in the office of the president, the officer in charge of the College designated by the Board shall serve for the unexpired term only.

SECTION 6. *Promulgation and Implementation of Policies* - The Board shall promulgate and implement policies in accordance with declared policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts and culture and sports as well as the policies, standards and thrusts of the CHED under R.A. 7722.

SECTION 7. *The Board of Trustees* - The College shall have the general powers of a corporation set forth in the corporation law. The administration of the State College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the College in so far as authorized by the Board.

SECTION 8. *Powers and Duties* - The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws.

a. To enact rules and regulations not contrary to law 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, to carry out the purposes and functions of the College;

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

Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;

d. To fix tuition fees and other necessary tuition fees 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 consultations 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 interest that shall accrue therefrom shall form part of the same fund 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 fees 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/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 funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of the 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.

e. To authorize the construction or repair of its buildings, equipment, and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the College through the Board shall be exempt from all taxes and duties;

f. To appoint upon the recommendation of the president of the College, vice-presidents, deans, directors, heads of departments, faculty members and other officials and employees;

g. To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised Compensation and Classification System and other pertinent budget and compensation laws governing the hours of service, and such other duties and conditions as it may deem proper, to grant them, as it discretion, leaves of absence under existing law to the contrary notwithstanding and to remove them for cause in accordance with the requirements of due process of law;

h. To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils herein provided;

i. To set policies on admission and graduation of students;

j. To award honorary degrees upon persons in recognition of outstanding contributions 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 to authorize the awarding of certificates for completion of non-degree and non-traditional courses;

k. To absorb non-chartered tertiary institutions within the Province of Misamis Occidental in coordination with the CI-IED and in consultation with the Department of Budget and Management (DBM), and to offer therein needed programs or courses to promote and carry out equal access to educational opportunities mandated by the Constitution;

l. To establish research and extension centers where such will promote the development of the College;

m. To establish chairs in the College and to provide fellowship for qualified faculty members and scholarships to deserving students;

n. To delegate any of its powers and duties provided for herein above to the president and/or officials of the College as it may deem appropriate so as to expedite the administration of the affairs of the College;

o. To authorize an external management audit of the institution, to be financed by the CHED and to institute reforms, including academic and structural changes, on the basis of audit results and recommendations;

p. To collaborate with other governing boards of the state colleges and universities within the province or region, under the supervision of the Commission on Higher Education and in consultation with the department of Budget and Management, the restructuring of the College to become more efficient, relevant, productive and competitive;

q. To enter into joint ventures with business and industry for profitable development and management of the economic assets of the University, the proceeds from which to be used for the development and strengthening of the College;

r. To 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. To develop academic arrangements for institution capability building with appropriate institutions and agencies, public and private, local and foreign, in furtherance of the purposes and objectives of the College;

t. To set the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;

u. To establish policy guidelines and procedures for participative decision-making and transparency within the College;

v. To privatize, where most advantageous to the institution, management and non-academic services such as health, food, building or grounds or property maintenance and such other similar activities; and

w. To extend the term of the President of the College beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee.

SECTION 9. *Meetings; Quorum* - The Board of Trustees shall regularly convene at least one every quarter. The Chairman of the Board of Trustees may call a special meeting whenever necessary. Provided, That, members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings; Provided That, the Chairman of the CHED, who is the Chairman of the Board or the president of the College is among those present in the meeting.

In the absence of the Chairman of the CHED, a Commissioner of the CHED, duly designated by him, shall represent him in the meeting. Provided, however, That during these meetings, the President of the College as vice-chairman shall be the presiding officer. Provided, further, That this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CI-TED Commissioner shall act as the presiding officer.

The members of the Board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meeting or in connection with their official business authorized by resolution of the Board.

SECTION 10. *The Administration* - The administration of the College shall be vested in the President of the College who shall render full service. He shall be appointed by the Board of Trustees, upon the recommendation of a duly constituted search committee. He shall a term of four (4) years and shall be eligible for reappointment for another term. Provided, however, That this provision notwithstanding, in order to effect a smooth transition to a University, CHED shall to appoint an Officer-in-Charge, pending the appointment of the first president of the University.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successor shall hold office for the unexpired term.

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

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 that being received by the Presidents of similar educational institutions of like enrollment and standing.

SECTION 11. *Administrative Council* - There shall be an administrative council consisting of the president of the College as Chairman, the vice-president(s), deans, directors and other officials of equal rank whose duty is to implement the policies governing the administration, management and development of the College, as approved by the Board.

SECTION 12. *Academic Council* - There shall be an academic council with the president of the College, as chairman, and all the members of the instructional staff with the rank of not lower than assistant professor, as members.

The academic council shall have the power to prescribe curricular offerings subject to the approval of the Board. It shall fix the requirements for the admission to the College, as well as for graduation and conferring of degrees, subject to the review and/or approval by the Board through the president of the College. It shall also have disciplinary powers over the students through the president within the limits prescribed by the rules of discipline, as approved by the Board.

SECTION 13. *Secretary of the College* - There shall be Secretary of the College who shall be appointed by the Board upon the recommendation of the president of the College. He shall also be the Secretary of the Board and shall keep such records of the College as may be determined by the Board.

SECTION 14. *The Treasurer of the Philippines* - The Treasurer of the Philippines shall be the ex-officio treasurer of the College.

SECTION 15. *Admission* - No student shall be denied admission to the State College, by a reason of sex, nationality, religion, or political affiliation.

SECTION 16. *Academic Freedom* - Pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, the College shall enjoy academic freedom.

SECTION 17. *Appointment of Officer-in-Charge* - The appointment of the Officer in Charge of the College pending the appointment of the President by the Board upon its composition shall be made by the CHED.

SECTION 18. *Filing of Report* - On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the Board shall file with the office of the President of the Philippines, through the chairperson of CHED and to both Houses of Congress a detailed report on the progress, conditions and the needs of the University.

SECTION 19. *Transfer of Assets Liabilities, Personnel, Records* - All assets, fixed and movable, personnel and records of the Ozamiz City School of Arts and Trades, are hereby transferred to the College. Provided, That, the positions, rights and security of tenure of personnel therein employed under the existing laws prior to absorption by the College are not impaired. Provided, further, That the incumbents of the positions shall remain in the same status until otherwise provided for the Board.

All parcels of land belonging to the government occupied by the Ozamis City School of Arts and Trades, are hereby declared the Property of the College and shall be titled under that name. Provided, furthermore, That should the College failed to exist or be abolished or such parcels of land aforementioned be no longer needed by the College, the same shall revert to the local government units concerned.

SECTION 20. *Commission on Audit* - All accounts and expenses of the College shall be audited by the Commission on Audit or its duly authorized representative.

SECTION 21. *Authority to Loan or Transfer Equipment* - The heads of the bureaus and offices of the National Government are hereby authorized to loan or transfer, upon 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 wherein the judgment of the bureau or office, such apparatus, equipment or supplies of such employees can be spared without the serious detriment to the public service. 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 service.

SECTION 22. *Funding* - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Ozamiz City School of Arts and Trades. Thereafter, such amount as may be necessary for the continued operation and maintenance of the College shall be included in the Annual General Appropriations Act.

SECTION 23. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 24. *Separability Clause* - If, for any reason any part of provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 25. *Effectivity* - This Act shall take effect upon approval.

Approved,