

SENATE
OFFICE OF THE SECRETARY

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

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RECEIVED BY: 

SENATE
Senate Bill No. **839**

Introduced by **SENATOR PANFILO M. LACSON**

EXPLANATORY NOTE

The Constitution provides that "the state shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development". (Article II Section 17, 1987 Constitution)

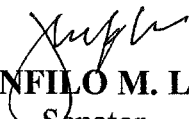
As such, this bill seeks to convert Sultan Kudarat Polytechnic State College into a university.

In the ten (10) years of its existence, SKPSC has operated various programs in six (6) campuses located in five (5) municipalities of the province. Its present population of 6,000 college students is a radical change from the original total of 4,000 secondary students enrolled in the five (5) previously DECS - supervised high schools in the municipalities of Tacurong, Isulan, Lutayan, Kalamansig, and Palimbang. Together with the ACCESS campus in Tacurong, these previous high schools have become SKPSC's campuses which make up the Institution's tertiary programs unique and particular to each setting: Arts and Sciences in Tacurong; Arts and Education in ACCESS and Palimbang; Engineering and Industrial Technology in Kalamansig. Moreover, its Institute for Graduate Studies based in ACCESS, where most of its 500 students study, also has extension classes in Maitum, Saranggani and in Sen. Ninoy Aquino, Sultan Kudarat.

SKPSC's conversion into a university is imperative in the light of many considerations. Its immediate vicinities are served by similar institutions: MSU in General Santos City, some 100 kilometers south of Tacurong; USM in Kabacan, Cotabato; NDU; a private institution in Cotabato City, 100 kilometers north of Tacurong; and CMU in Bukidnon, more than 100 kilometers southeast of Tacurong; all established to answer the particular needs of their individual sites. No such university answers the unique needs of Sultan Kudarat and its immediate vicinities, particularly along the areas of science and technology. SKPSC has campuses and tertiary programs in five (5) municipalities of the province, thereby making quality education truly accessible to the grassroots level. With Tacurong already a City. SKPSC's university hood ascertains a reliable and dynamic partner in endeavors of development. With a variety of researches and projects in its Research

Division, SKPSC scientific information already available for transfer and commercialization pursuant to community development. With various government and non-government agencies among SKPSC's linkages, it presently serves as a conduit for all forms of scientific knowledge locally and nationally, thereby enhancing its role as a catalyst of development.

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


PANFILO M. LACSON
Senator

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AN ACT
CONVERTING THE SULTAN KUDARAT POLYTECHNIC STATE COLLEGE IN THE CITY OF TACURONG, PROVINCE OF SULTAN KUDARAT, INTO A STATE UNIVERSITY, TO BE KNOWN AS CENTRAL COTABATO STATE UNIVERSITY, AND APPROPRIATING FUNDS THEREFORE.

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

Section I. *Conversion.* - The Sultan Kudarat Polytechnic State College in the City of Tacurong, Province of Sultan Kudarat is hereby converted into a State University, to be known as the Central Cotabato State University, hereinafter referred to as the University. The main campus of the University shall be the existing campus of the Sultan Kudarat Polytechnic State College in the City of Tacurong with extensions in the Municipalities of Isulan, Lutayan, Kalamansig, and Palimbang.

Sec. 2. *General Mandate.* - The University shall primarily provide advanced instruction and professional training in education, arts and sciences, engineering and other related fields. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

Sec 3. *Curricular Offerings.* - The University shall offer undergraduate courses in the fields of education, computer, engineering, nursing, arts and sciences, agriculture and other degree courses within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, in order to meet the needs of the Province of Sultan Kudarat, and the Region.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided:* That the high school shall be allowed to remain and operate within the campus of the University until the students shall have completed their high school education. *Provided, further,* that the University may operate a reasonably-sized laboratory school, if it has a college of education. Likewise, the existing Graduate School will become an integral part of the teacher education department.

Sec. 4. *Administration.* - The University shall have the general powers of a corporation set forth in the Corporation Law. The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University insofar as authorized by the Board.

Sec. 5. *The Governing Board.* - The Governing Board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The Chairman of the Commission on Higher Education (CHED), Chairman;
- (b) The President of the University, Vice Chairman;
- (c) The Chairman of the Committee on Education, Culture and Arts of the Senate, member;
- (d) The Chairman of the Committee on Higher and Technical Education of the House of Representatives, member;
- (e) The Regional Director of the National Economic and Development Authority (NEDA), member;
- (f) The Regional Director of the Department of Science and Technology (DOST), member;
- (g) The Regional Director of the Department of Agriculture, member;
- (h) The President of the federation of faculty associations of the University, member;
- (i) The President of the federation of student councils of the University, member;
- (j) The President of the federation of alumni associations of the University, member;
- (k) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the University, members.

The two prominent citizens shall be chosen from among a list of five (5) persons qualified in the Province of Sultan Kudarat, as recommended by the search committee constituted by the University President, in consultation with the Chairman of CHED, based on the normal standards and qualifications for the position.

The term of office of the President of the federation of faculty associations, the President of the federation of student councils, and the President of the federation of alumni associations shall be contemporaneous with their respective terms of office.

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

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

The President of the University, whose term may be terminated, according to this Act, shall be entitled to full retirement benefits under existing laws.

Sec. 6. Promulgation and Implementation of Policies - The Board shall promulgate and implement policies in accordance with the declared state policies on education and other pertinent provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722.

Sec. 7. Powers and Duties of the Board of Regents - 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 a 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 University;

(b) To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine in accordance with its discretion, in order to carry out the purposes and functions of the University;

(c) To import duty-free economic, technical and cultural books and/or publications, upon certification by the 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 University, and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC), as amended:

Provided, that such donation shall not be disposed, transferred or sold; and

(e) To fix the 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 University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue there from shall form part of the same funds for the use of the University. Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University,

and may be disbursed by the Governing Board for instruction, research, extension or other programs/projects of the University: Provided, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected. If, for reasons beyond its control, the University shall not be able to pursue any projects for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

(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 University, Vice Presidents, Deans, Directors, heads of campuses, faculty members, and other officials and employees of the University;

(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 to remove them for cause in accordance with 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 University; and to authorize the awarding of certificates of completion of non-degree and non-traditional courses;

(m) To establish and absorb tertiary institutions within the Province of Basilan as branches and centers in coordination with the Commission on Higher Education (CHED), and in consultation with the Department of Budget and Management (DHM), and to offer therein

programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;

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

(o) To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students

(p) To delegate any of its powers and duties provided for herein above to the President and/or other officials of the University as it may deem appropriate, so as to expedite the administration of the affairs of the University;

(q) To authorize an external management audit of the University, to be financed by the CHED, subject to COA rules and regulations; 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 the state colleges and universities within the Province of Basilan or the Region, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the University 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 University, the proceeds from which shall be used for the development and strengthening of the University;

(t) To develop consortia and other economic forms of linkages with local government units, institutions and agencies, public and private, local and foreign, in the furtherance of the purpose and objectives of the University;

(u) To develop academic arrangements for institution-capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, or 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, community laboratory, etc. for the promotion of greater access to education;

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

(x) To privatize where most advantageous to the University, management of non-academic services such as health, food, building or grounds or property maintenance and such other similar activities; and

(y) To extend the term of the President of the University beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated by the Governing Board as outstanding, after unanimous recommendation by the search committee.

Sec. 8. Meetings of the Board - The Board shall regularly convene at least once every quarter. However, the chairman of the Board may, upon three (3) days' prior written notice call a special meeting whenever necessary.

A quorum of the Board shall consist of majority of all its members holding office at the time of meeting: Provided, however, that the Chairman of the Board or the President of the University 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 with all the rights and responsibilities of a regular member: Provided, however, That in the said meeting, the President of the University as Vice-Chairman shall be the presiding officer.

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

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 resolution of the Board, subject to existing laws and regulations.

Sec. 9. The University President - The University shall be headed by the President~ who shall render full time service. The Board, upon recommendation of a duly constituted search committee, shall appoint him. He shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, That in order to effect a smooth transition to a state university, the President of the Sultan Kudarat Polytechnic State College, if qualified, shall be the first President of the University.

In case of vacancy in the office of the President by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the President to perform the functions of his office, the Board shall have the

authority to designate an officer-in-charge of the University pending the appointment of a new President.

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 University, in addition to those specifically provided in this Act shall be those usually pertaining to the office of the President of similar colleges/universities, and those delegated by the Board. The salary of the President of the University 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 standing.

Sec. 10. The Administrative Council - There shall be an Administrative Council consisting of the President of the University as Chairman, Vice Presidents, Deans, Directors and other officials of equal rank as members, whose duty is to implement the policies governing the administration, management and development of the University, as approved by the Board.

Sec. 11. The Academic Council - There shall be Academic Council with the President of the University as Chairman 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 determine, review and recommend the curricular offerings and rules of discipline of the University, subject for the appropriate action by the Board of Regents. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board of Regents through the President of the University. It shall have the disciplinary power over students of the University and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board of Regents.

Sec. 12. The Secretary of the University - The Board shall appoint a Secretary, who shall serve as such for both the Board and the University and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board the notices of meetings.

Sec. 13. The Treasurer of the University - The Treasurer of the Philippines shall be the ex officio treasurer of the University.

Sec. 14. The Faculty. - Members of the faculty of the University at the tertiary level shall be exempt from any civil service examination as a requisite for appointment, without prejudice to the right of the Board to impose other professional examination requirements intended to maintain high academic standards. No religious opinion or affiliation shall be a matter of inquiry in the

appointment of faculty members of the University: Provided, however, that no member of the faculty shall teach for or against any particular church or religious sect.

Sec. 15. Scholarship Program/Admission. - The University shall provide a scholarship program and other affirmative actions to assist poor but deserving students who qualify for admission to the University. No student shall be denied admission to the University by reason of sex, religion, cultural or community affiliation or ethnic origin.

Sec. 16. Academic Freedom and Institutional Autonomy. - The University shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

Sec. 17. 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 Chairman of the CHED, and with both Houses of Congress a detailed report on the progress, conditions and needs of the University.

Sec. 18. Authority to Loan or Transfer Apparatus/Equipment - 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 University, such apparatus, equipment or supplies as may be needed by the University, 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 University, and the time so employed shall be counted as part of their regular services.

Sec. 19. Policy on Affiliation/Integration - It shall be the continuing policy of the University to accept the affiliation and/or integration within its operation of any existing national school within the Province of Sultan Kudarat, whose programs can contribute largely and effectively to the attainment of its objectives, in coordination with the CHED and in consultation with the DBM: Provided, in this particular case, it is understood that all funds, properties and assets, as well as obligations of the integrated schools, shall be transferred to the University.

Sec. 20. Assets, Liabilities and Personnel - All assets, fixed and movable, personnel and records of the Sultan Kudarat Polytechnic State College, as well as liabilities or obligations, are hereby transferred to the University: Provided, however, That the positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a University are not impaired. All parcels of land belonging to the government occupied by the Sultan Kudarat Polytechnic State College are hereby declared to be property of the Central

Cotabato State University, and shall be titled under that name: Provided, furthermore, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the concerned local government unit (LGU).

Sec. 21. Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Sultan Kudarat Polytechnic State College, except the sums needed to continue the operations of the existing high school. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Central Cotabato State University shall be included in the: Annual General Appropriations Act.

Sec. 22. Development Plan, Management Audit, Organizational/Administrative/Academic Structure - Within the period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

- (a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to DBM;
- (b) Undergo a management audit in cooperation with CHED;
- (c) Accordingly set up its organizational administrative as well as academic structure, including the appointment of the University key officials; and
- (d) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another, at the graduate level.

Sec. 23. Incorporation of RA No. 8292 - The provisions of Republic Act No.8292, otherwise known as the "Higher Education Modernization Act of 1997", shall form part of this Act and together shall serve as the governing charter of the University.

Sec. 24. Imposition of Powers - All other powers, functions and privileges, responsibilities and limitations to State college/universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials whenever appropriate.

Sec. 25. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 26. Effectivity - This Act shall take effect upon its approval.

Approved,