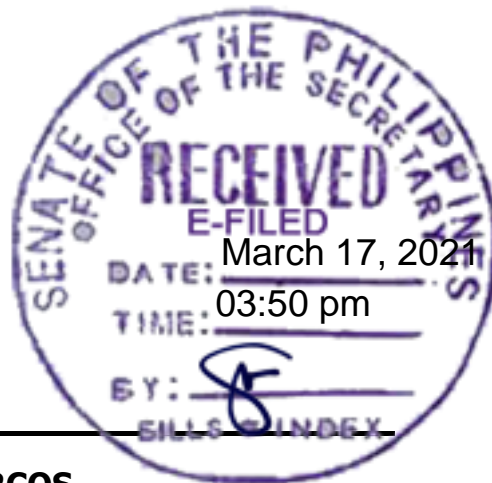


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 2109



Introduced by **SEN. IMEE R. MARCOS**

AN ACT ESTABLISHING A POLYTECHNIC STATE COLLEGE IN THE MUNICIPALITY OF CUYAPO, PROVINCE OF NUEVA ECIIJA, TO BE KNOWN AS THE CUYAPO POLYTECHNIC STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Section 1, Article XIV of the 1987 Philippine Constitution declares that: *"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."*

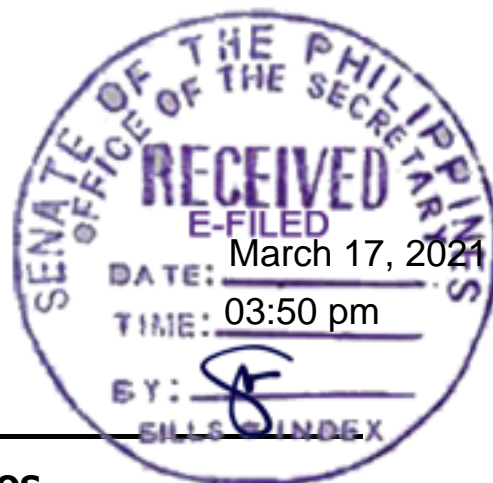
The Province of Nueva Ecija has two state universities, the Central Luzon State University (CLSU) in the Science City of Muñoz, and the Nueva Ecija University of Science and Technology in Cabanatuan City. However, both campuses are far from the Municipality of Cuyapo, which lies at the northernmost tip of the province, bordering Nueva Ecija and Pangasinan. The travel not only adds to their expenses but also takes a toll on their bodies, making it difficult for most prospective college students from the aforementioned municipality and its neighboring towns.

This bill therefore seeks for the establishment of a Polytechnic State College in the Municipality of Cuyapo, Province of Nueva Ecija to be known as the Cuyapo Polytechnic State College. This will also fulfill the State's promise to make education accessible to all. The establishment of a polytechnic state college will not only serve the Municipality of Cuyapo, but also its neighboring municipalities.

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

IMEE R. MARCOS

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

1 SECTION 1. *Establishment.* – There is hereby established a polytechnic state
2 college in the Municipality of Cuyapo, Province of Nueva Ecija, to be known as the
3 Cuyapo Polytechnic State College, hereinafter referred to as the College.

4 SEC. 2. *General Mandate.* – The College shall primarily provide advance
5 education, higher technological, professional instruction and training in the fields of
6 agriculture, arts and sciences, education, commerce, business administration,
7 engineering, social sciences, and short-term technical-vocational courses that will
8 support the development of the Province of Nueva Ecija and Region III.

9 SEC. 3. *Curricular Offerings.* – The College shall offer short-term technical-
10 vocational courses, undergraduate, and graduate courses within its competency and
11 areas of specialization in the fields of agriculture, arts and sciences, teacher education,
12 commerce, business administration, engineering, and social sciences and other degree
13 courses, as the Board of Trustees may deem necessary to carry out its objectives, and
14 those which respond to human resource development needs of the Province of Nueva
15 Ecija and Region III.

16 The existing and any other future technical-vocational courses or programs
17 under the supervision of the Technical Education and Skills Development Authority
18 (TESDA) shall remain and continue to be offered within the campus of the College.

19 The College may operate a reasonably-sized laboratory school if it has a College
20 of Education.

21 SEC. 4. *Administration.* – The College shall have the general powers of a
22 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as

1 "The Corporation Code of the Philippines". The exercise of its corporate powers shall
2 be vested exclusively in the Board of Trustees and the President of the College.

3 SEC. 5. *The Governing Board.* – The governing board of the College shall be the
4 Board of Trustees, hereinafter referred to as the Board, which shall be chaired and
5 co-chaired by the Chairperson of the Commission on Higher Education (CHED) and
6 the President of the College, respectively, with the following as members:

- 7 a) Chairperson of the Committee on Higher, Technical, Vocational Education
8 of the Senate; Chairperson of the Committee on Higher and Technical
9 Education of the House of Representatives;
- 10 b) Regional Director of the National Economic and Development Authority;
- 11 c) Regional Director of the Department of Agriculture;
- 12 d) Regional Director of the Department of Science and Technology;
- 13 e) Regional Director of the TESDA;
- 14 f) President of the federation of faculty associations of the College;
- 15 g) President of the federation of student councils of the College;
- 16 h) President of the federation of alumni associations of the College; and
- 17 i) Two (2) prominent citizens from the private sector who have distinguished
18 themselves in their professions or fields of specialization; and
- 19 j) The Board shall appoint the two (2) prominent citizens who shall be
20 selected from a list of at least five (5) qualified persons in the Province of
21 Nueva Ecija where the College is located, as recommended by the search
22 committee to be constituted by the College President, in consultation with
23 the CHED Chairperson and other members of the Board, based on the
24 standards and qualifications for the position set by the Board. They shall
25 serve for a term of two (2) years from the date of appointment.

26
27 The membership of the President of the federation of faculty associations,
28 the President of the federation of student councils, and the President of
29 the federation of alumni associations in the Governing Board shall be
30 coterminous with their terms of office as provided under their respective
31 constitution and bylaws.

32 SEC. 6. *Promulgation and Implementation of Policies.* – The Board shall
33 promulgate and implement policies in accordance with the declared State policies on
34 education, other pertinent provisions of the Constitution on education, agriculture,
35 science and technology, and the policies, standards and thrusts of the CHED under
36 Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994".

37 SEC. 7. *Powers and Duties of the Board of Trustees.* – In addition to its general
38 powers of administration and the powers granted to the board of directors of a
39 corporation under existing laws, the Board shall have the following specific powers
40 and duties:

- 1 a) Promulgate and implement policies in accordance with tire declared State
2 policies and the provisions of the Constitution on education, agriculture,
3 science and technology, as well as the policies, standards and thrusts of
4 the CHED under Republic Act No. 7722, otherwise known as the "Higher
5 Education Act of 1994";
- 6 b) Approve the curricula, instructional programs, and rules of discipline
7 drawn by the Administrative and Academic Councils herein provided;
- 8 c) Appoint, upon the recommendation of the President of the College, the
9 vice presidents, deans, directors, heads of the campuses, faculty
10 members, and other officials and employees of the College;
- 11 d) Fix and adjust the salaries of faculty members and administrative officials
12 and employees, subject to the provisions of the Revised Compensation
13 and Position Classification System and other pertinent budget and
14 compensation laws, including those governing the hours of service, and
15 such other duties and conditions as it may deem proper; grant them, at
16 its discretion, leaves of absence under such regulations as it may
17 promulgate, any provision of existing law to die contrary notwithstanding;
18 and remove them for cause in accordance with the requirements of due
19 process of law;
- 20 e) Fix the tuition fees and other necessary school charges, such as
21 matriculation fees, graduation fees, and laboratory' fees, as the Board
22 may deem proper to impose, after due consultation with the concerned
23 sectors. The fees and charges, including government subsidies and other
24 income generated by the College, shall constitute its special trust funds
25 and shall be deposited in any authorized government depository bank. All
26 interests that shall accrue therefrom shall form part of the same funds for
27 the use of the College.

28
29 Any provision of existing laws, rules or regulations to the contrary
30 notwithstanding, any income generated by the College from tuition fees
31 and other charges, as well as from the operation of auxiliary services
32 and land grants, shall be retained by the College and may be disbursed
33 by the Board for instruction, research, extension services or other
34 programs and projects of the College: Provided, That all fiduciary fees
35 shall be disbursed for the specific purposes for which these are collected:
36 Provided, however, That if, for reasons beyond its control, the College
37 shall not be able to pursue any project for which the funds have been
38 appropriated and allocated under its approved program of expenditures,
39 the Board may authorize the use of the funds for any reasonable purpose
40 which, in its discretion, may be necessary and urgent for the attainment
41 of the objectives and goals of the College;

- 1 f) Adopt and implement a socialized scheme of tuition and other school fees
2 for greater access of poor but deserving students in accordance with
3 Republic Act No. 10931 or the "Universal Access to Quality Tertiary
4 Education Act";
- 5 g) Establish professorial chairs in the College and provide fellowships for
6 qualified faculty members, and scholarships to deserving students;
- 7 h) Receive and appropriate all sums as may be provided for the support of
8 the College in the manner it may determine, in its discretion, in order to
9 carry out the purposes and functions of the College;
- 10 i) Set the policies on admission and graduation of students;
- 11 j) Award honorary degrees upon persons in recognition of their outstanding
12 contribution in the fields of education, public service, arts, science and
13 technology, agriculture or any area of specialization within the academic
14 competency of the College, and authorize the awarding of certificates of
15 completion of nondegree and nontraditional courses;
- 16 k) Establish research and extension centers to promote the development of
17 the College;
- 18 l) Develop academic arrangements for institutional capability building with
19 appropriate institutions and agencies, whether public, private, local or
20 foreign, and appoint experts/specialists as consultants, part-time or
21 visiting/exchange professors, scholars or researchers, as the case may be;
- 22 m) Adopt modern and innovative modes of transmitting knowledge for the
23 promotion of greater access to education such as the use of information
24 technology, dual training system, open distance learning, and community
25 laboratory;
- 26 n) Collaborate with the governing boards of other state universities and
27 colleges within the Province of Nueva Ecija and Region III, under the
28 supervision of the CHED and in consultation with the Department of
29 Budget and Management (DBM), in restructuring the College to make it
30 more efficient, relevant, productive and competitive;
- 31 o) Absorb non-chartered tertiary institutions within the Province of Nueva
32 Ecija and Region III, as branches and extension/external centers, in
33 coordination with the CHED and in consultation with the DBM, and offer
34 therein programs or courses to carry out the Constitutional mandate of
35 providing equal access to educational opportunities;
- 36 p) Authorize an external management audit of the College, to be financed
37 by the CHED, subject to the rules and regulations of the Commission on
38 Audit, and institute reforms, including academic and structural changes,
39 on the basis of the audit results and recommendations;
- 40 q) Develop consortia and other economic forms of linkages with local
41 government units (LGUs), as well as public, private, local and foreign

1 institutions and agencies, in the furtherance of the purposes and
2 objectives of the College;

- 3 r) Import economic, technical and cultural books and publications;
- 4 s) Enter into joint ventures with business and industry for the profitable
5 development and management of the economic assets of the College, the
6 proceeds from which shall be used for the development and strengthening
7 of the College;
- 8 t) Receive in trust, legacies, gifts and donations of real and personal
9 properties of all kinds and to administer and dispose of the same, when
10 necessary, for the benefit of the College, and subject to the limitations,
11 directions and instructions of the donor, if any;
- 12 u) Extend the term of the President of the College beyond die age of
13 retirement, but not beyond the age of seventy (70), based on the
14 guidelines, qualifications and standards set by the Board: Provided, That
15 the President's performance has been rated by the Board as outstanding
16 and a unanimous recommendation has been decided by the search
17 committee;
- 18 v) Delegate any of its powers and duties provided to the President and other
19 officials of the College, as it may deem appropriate, so as to expedite the
20 administration of the affairs of the College;
- 21 w) Establish policy guidelines and procedures for participative decision-
22 making and transparency within the College;
- 23 x) Where most advantageous to the College, privatize the management of
24 nonacademic services such as health, food, building or grounds or
25 property maintenance, and such other similar activities;
- 26 y) Authorize the construction or repair of its buildings, machinery, equipment
27 and other facilities, and the purchase and acquisition of real property,
28 including the necessary supplies, materials and equipment; and
- 29 z) Promulgate rules and regulations, as may be necessary, to carry out the
30 purposes and functions of the College.

31 **SEC. 8. *Meetings of the Board.*** – The Board shall regularly convene at least once
32 every three (3) months. The Chairperson of the Board may, however, call a special
33 meeting whenever necessary: *Provided*, That members are notified in writing at least
34 three (3) days' prior to the conduct of said meeting.

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

38 In case the CHED Chairperson cannot attend a meeting of the Board, a CHED
39 Commissioner duly designated by the CHED Chairperson as representative to the
40 meeting, shall have all the rights and responsibilities of a regular member: *Provided*,

1 That during the meeting, the President of the College, as Vice Chairperson, shall be
2 the presiding officer: Provided, further, That this provision, notwithstanding, the
3 Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as
4 the regular Chairperson of the Board, in which case, the said CHED Commissioner, as
5 tire regular Chairperson of the Board, shall act as the presiding officer.

6 In case the Chairpersons of the Senate Committee on Higher and Technical and
7 Vocational Education and the House Committee on Higher and Technical Education
8 shall not be able to attend the Board meeting, they may designate their respective
9 representatives to attend the meeting, who shall have the same rights and
10 responsibilities as regular members of the Board.

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

15 *SEC. 9. The College President.* – The College shall be headed by a President,
16 who shall render full-time service and shall be appointed by the Board, subject to the
17 guidelines, qualifications and standards set by the Board, upon the recommendation
18 of a duly constituted search committee. The President shall have a term of four (4)
19 years and shall be eligible for reappointment for another term. Within six (6) months
20 before the expiration of tire term of office of the incumbent President of the College,
21 the Board shall constitute the Search Committee for the Presidency.

22 The Board shall designate an Officer-in-Charge of the College in case of vacancy
23 in the Office of the President by reason of death, compulsory retirement, resignation,
24 removal for cause, or incapacity of the President to perform the functions of the office,
25 pending the appointment of a new President: Provided, That the Officer-in-Charge
26 shall serve only during the unexpired portion of the term.

27 The powers and duties of the President of the College, in addition to those
28 specifically provided in this Act, shall be those usually pertaining to the Office of the
29 President of similar Colleges and those delegated by the Board.

30 The salary of the President of the College shall be in accordance with Republic
31 Act No. 6758 or the "Compensation and Position Classification Act of 1989", as
32 modified by Joint Resolution No. 4 dated June 17, 2009, and by such other laws
33 amendatory thereto, which may hereinafter be enacted, and shall be comparable to
34 that being received by the presidents of similar educational institutions.

35 The President of the College shall be assisted by a Vice President for Academic
36 Affairs, a Vice President for Administration, and a Vice President for Research,
37 Extension and Training, who shall be appointed by the Board upon recommendation
38 of the President.

1 SEC. 10. *The Secretary of the College.* – The Board shall appoint a Secretary who
2 shall serve as such for both the Board and the College, and shall keep all records and
3 proceedings of the Board in addition to other duties and responsibilities. The Secretary
4 of the College shall serve upon each member of the Board the appropriate notice of
5 Board meetings.

6 SEC. 11. *The Treasurer of the College.* – The Treasurer of the Philippines shall
7 be the ex officio treasurer of the College.

8 SEC. 12. *The Administrative Council.* – There shall be an Administrative Council
9 consisting of the President of the College as Chairperson, and the vice presidents,
10 deans, directors and other officials of equal rank as members, whose duties shall be
11 to review and recommend to the Board the policies that shall govern the
12 administration, management, and development plan of the College.

13 SEC. 13. *The Academic Council.* – There shall be an Academic Council to be
14 composed of the President of the College, who shall act as Chairperson, and all the
15 academic staff with the rank of at least an assistant professor, as members.

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

23 SEC. 14. *The Faculty.* – No political belief, gender preference, cultural or
24 community affiliation or ethnic origin, nor religious opinion or affiliation shall be a
25 matter of inquiry in the appointment of faculty members of the College: Provided,
26 however, That said appointment shall be subject to the guidelines, qualifications and
27 standards set by the Board: Provided, further, that no member of the faculty shall
28 teach for or against any particular church or religious sect.

29 SEC. 15. *Academic Freedom and Institutional Autonomy.* – The College shall
30 enjoy academic freedom and institutional autonomy pursuant to Paragraph 2, Sec. 5
31 of Article XIV of the 1987 Constitution.

32 SEC. 16. *Admission/Scholarship Programs.* – No student shall be denied
33 admission to the College by reason of gender, religion, cultural or community affiliation
34 or ethnic origin. The College shall provide scholarship programs and other affirmative
35 action programs to assist poor but deserving students who qualify for admission to
36 the College.

37 SEC. 17. *Authority to Loan or Transfer Apparatus, Equipment, Supplies and Detail*
38 *of Personnel.* – The heads of the bureaus and offices of the national government are
39 hereby authorized to loan or transfer, upon the request of the President of the College,

1 such apparatus, equipment or supplies as may be needed by the College, and detail
2 employees for duty therein when, in the judgment of the head of bureau or office,
3 such apparatus, equipment, supplies or services of such employees can be spared
4 without serious detriment to public service.

5 The employees so detailed shall perform such duties as required of them by the
6 President of the College and the time thus served shall be counted as part of their
7 regular service.

8 SEC. 18. *Assets, Liabilities and Personnel.* – All parcels of land belonging to the
9 government occupied by the Cuyapo Polytechnic State College are hereby declared to
10 be property of the College, and shall be titled under that name: *Provided*, That should
11 the College cease to exist or be abolished or should such aforementioned parcels of
12 land be no longer needed by the College, the same shall revert to the national
13 government or to the concerned LGU.

14 SEC. 19. *Tax Exemption on Importation and Donations.* – The importation of
15 economic, technical and cultural books or publications, which are for economic,
16 technical, vocational, scientific, philosophical, historical or cultural purposes made by
17 the College upon certification by the CHED, shall be exempt from customs duties in
18 accordance with the provisions of Republic Act No. 10863, otherwise known as the
19 “Customs Modernization and Tariff Act (CMTA)”.

20 All grants, bequests, endowments, donations and contributions made to the
21 College, to be used actually, directly, and exclusively by it, shall be exempt from
22 donor’s tax and the same shall be considered as allowable deductions from the gross
23 income of the donor in accordance with the provisions of the National Internal
24 Revenue Code of 1997, as amended.

25 SEC. 20. *Compliance with CHED Requirements.* – The provisions of this Act
26 notwithstanding, the establishment of the institution into a state college shall become
27 effective only upon the determination and declaration by the CHED, based on the
28 recommendation of a panel of experts it shall constitute for the purpose, that the
29 institution has complied with the requirements for college status under CHED
30 Memorandum Order No. 46, series of 2012 (Policy-Standard to Enhance Quality
31 Assurance in Philippine Higher Education Through an Outcomes-Based and Typology-
32 Based Quality Assurance): *Provided*, That the panel may issue such recommendation
33 when the institution has substantially complied with the requirements for the grant of
34 status as a state college.

35 The following operational requirements for a state college, as established by the
36 CITED, shall be complied with. As such, the College shall:

- 37 a) Employ full-time permanent faculty members who possess relevant
38 degrees, as required by the CHED, and will experience in the subject areas
39 they handle; offer a comprehensive range of degree programs

1 characterized by a core curriculum that holistically develops thinking,
2 problem solving, decision-making, communication, technical, and social
3 skills in line with the mission of the College; possess learning resources
4 and support structures that are appropriate for developing knowledge and
5 skills in the specific natural science, social science, humanities, and
6 professional disciplines offered by the College, including laboratories,
7 books and journals, etc.;

8 b) Maintain linkages with the community that would ensure the development
9 of relevant academic and extension programs, as well as the application
10 of their learning outcomes; and

11 c) Conduct outreach programs involving students in social development-
12 oriented experiences that allow them to contextualize their knowledge
13 within actual social and human experiences.

14 The CHED, through its regional office, shall regularly provide technical assistance
15 to the institution and monitor its compliance with the requirements of the Commission.

16 The institution shall retain its status prior to the effectivity of this Act until it is
17 able to comply with the requirements provided herein.

18 SEC. 21. Development Plan, Management Audit, and Organizational/
19 Administrative/Academic Structure. – Within a period of one hundred twenty (120)
20 days after the approval of this Act, the College shall accomplish the following:

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

23 b) Set up its organizational, administrative, as well as academic structure,
24 including the appointment of key officials of the College;

25 c) Set in motion the establishment of at least four (4) separate degree-
26 granting units, one of which is in the arts and sciences, and another unit
27 for nondegree technical-vocational education and training; and

28 d) Undergo a management audit in coordination with the CHED.

29 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the second
30 month after the opening of the regular classes each year, the Board shall file with the
31 Office of the President of the Philippines, through the Chairperson of the CHED, and
32 with both Houses of Congress, a detailed report on the progress, condition, and needs
33 of the College.

34 SEC. 23. *Suppletory Application.* – The provisions of Republic Act No. 8292,
35 otherwise known as the “Higher Education Modernization Act of 1997”, shall form as
36 an integral part of this Act and shall serve as part of the governing charter of the
37 College.

1 SEC. 24. *Parity Clause.* – All other powers, functions, privileges, responsibilities,
2 and limitations under existing laws shall be deemed granted to or imposed upon the
3 College and officials, whenever appropriate.

4 SEC. 25. *Appropriations.* – The amount necessary to carry out the provisions of
5 this Act shall be included in the annual General Appropriations Act.

6 SEC. 26. *Implementing Rules and Regulations.* – Within sixty (60) days after the
7 effectivity of this Act, the Board shall, in consultation with the CHED, formulate the
8 guidelines to fully implement the provisions of this Act.

9 SEC. 27. *Separability Clause.* – If, for any reason, any part or provision of this
10 Act is declared invalid or unconstitutional, the remaining parts or provisions not
11 affected shall remain in full force and effect.

12 SEC. 28. *Repealing Clause.* – All laws, presidential decrees, executive orders,
13 and rules and regulations contrary to or inconsistent with the provisions of this Act are
14 repealed or modified accordingly.

15 SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its
16 publication in the Official Gazette or in a newspaper of general circulation.

Approved,