



HOUSE OF REPRESENTATIVES

H. No. 4183

BY REPRESENTATIVES GULLAS AND ANGARA, PER COMMITTEE REPORT
NO. 631

AN ACT ESTABLISHING A STATE COLLEGE IN THE CITY OF
TALISAY, PROVINCE OF CEBU TO BE KNOWN AS THE
TALISAY CITY STATE COLLEGE AND APPROPRIATING
FUNDS THEREFOR

*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 state
2 college in the City of Talisay, Province of Cebu to be known as the Talisay
3 City State College, hereinafter referred to as the College.

4 SEC. 2. *General Mandate.* – The College shall primarily provide
5 advanced education, higher technological, professional instruction and training
6 in science, education, agriculture, fishery and industrial fields and other
7 relevant areas of study. It shall also undertake research and extension services
8 and programs in food production, nutrition, health and sports development,
9 and provide progressive leadership in its areas of specialization.

10 SEC. 3. *Academic Freedom and Institutional Autonomy.* – The
11 College shall enjoy academic freedom and institutional autonomy, pursuant to

1 paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
2 the Philippines.

3 SEC. 4. *Curricular Offerings.* – The College shall offer undergraduate
4 and graduate studies in the fields of science, education, agriculture, fishery and
5 industrial fields and other degrees/courses within its areas of specialization and
6 according to its capabilities, as the Board of Trustees may deem necessary to
7 carry out its objectives in order to meet the needs of the Province of Cebu and
8 Region VII.

9 The College may operate a reasonably-sized laboratory school, if it has
10 an Institute of Education.

11 SEC. 5. *Administration.* – The College shall have the general powers
12 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
13 known as “The Corporation Code of the Philippines”. The administration of
14 the College and the exercise of its corporate powers shall be vested exclusively
15 in the Board of Trustees and the President of the College.

16 SEC. 6. *The Governing Board.* – The governing board of the College
17 shall be the Board of Trustees, hereinafter referred to as the Board, which shall
18 be composed of the following:

19 (a) The Chairperson of the Commission on Higher Education (CHED),
20 Chairperson;

21 (b) The President of the College, Vice Chairperson;

22 (c) The Chairperson of the Committee on Education, Arts and Culture
23 of the Senate, member;

24 (d) The Chairperson of the Committee on Higher and Technical
25 Education of the House of Representatives, member;

26 (e) The Regional Director of the National Economic and Development
27 Authority (NEDA), member;

1 (f) The Regional Director of the Department of Agriculture (DA);
2 member;

3 (g) The President of the faculty association of the College, member;

4 (h) The President of the student council of the College, member;

5 (i) The President of the alumni association of the College, member;
6 and

7 (j) Two (2) prominent citizens from the private sector who have
8 distinguished themselves in their profession or fields of specialization,
9 members.

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

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

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

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

25 (a) To promulgate and implement policies in accordance with the
26 declared State policies on education and other pertinent provisions of the
27 Philippine Constitution on education, agriculture, science and technology, as

1 well as the policies, standards and thrusts of the CHED under Republic Act
2 No. 7722, otherwise known as the "Higher Education Act of 1994";

3 (b) To promulgate rules and regulations not contrary to law as may be
4 necessary to carry out the purposes and functions of the College;

5 (c). To receive and appropriate all sums as may be provided for the
6 support of the College in the manner it may determine in its discretion, in order
7 to carry out the purposes and functions of the College;

8 (d) To import economic, technical and cultural books and/or
9 publications;

10 (e) To receive in trust legacies, gifts and donations of real properties of
11 all kinds and to administer and dispose of the same when necessary for the
12 benefit of the College, and subject to the limitations, directions and
13 instructions of the donor, if any;

14 (f) To fix the tuition fees and other necessary school charges such as,
15 but not limited to, matriculation fees, graduation fees and laboratory fees, as
16 the Board may deem proper to impose, after due consultations with the
17 involved sectors.

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

23 Any provision of existing laws, rules and regulations to the contrary
24 notwithstanding, any income generated by the College from tuition fees and
25 other charges, as well as from the operation of auxiliary services and land
26 grants, shall be retained by the College and may be disbursed by the Board for
27 instruction, research, extension or other programs/projects of the College:

1 *Provided*, That all fiduciary fees shall be disbursed for the specific purposes
2 for which these are collected.

3 If, for reason beyond its control, the College shall not be able to pursue
4 any project for which funds have been appropriated and allocated under its
5 approved program of expenditures, the Board may authorize the use of said
6 funds for any reasonable purpose which, in its discretion, may be necessary
7 and urgent for the attainment of the objectives and goals of the College;

8 (g) To adopt and implement a socialized scheme of tuition and other
9 school fees for greater access to poor but deserving students;

10 (h) To authorize the construction or repair of its buildings, machinery,
11 equipment and other facilities, and the purchase and acquisition of real and
12 personal properties, including necessary supplies, materials and equipment;

13 (i) To appoint, upon recommendation of the President of the College,
14 Vice Presidents, deans, directors, heads of departments, faculty members and
15 other officials and employees of the College;

16 (j) To fix and adjust salaries of faculty members and administrative
17 officials and employees, subject to the provisions of the Revised
18 Compensation and Position Classification System and other pertinent budget
19 and compensation laws governing hours of service, and such other duties and
20 conditions as it may deem proper; to grant them, at its discretion, leaves of
21 absence under such regulations as it may promulgate, any provision of existing
22 laws to the contrary notwithstanding; and to remove them for cause in
23 accordance with the requirements of due process of law;

24 (k) To approve the curricula, instructional programs and rules of
25 discipline drawn by the Administrative and Academic Councils as herein
26 provided;

27 (l) To set policies on admission and graduation of students;

1 (m) To award honorary degrees upon persons in recognition of their
2 outstanding contribution in the fields of agriculture, public service, arts,
3 science and technology, education or in any field of specialization within the
4 academic competence of the College; and to authorize the awarding of
5 certificates of completion of nondegree and nontraditional courses;

6 (n) To establish and absorb nonchartered tertiary institutions within the
7 Province of Cebu as branches and extension centers in coordination with the
8 CHED, and in consultation with the Department of Budget and Management
9 (DBM), and to offer therein programs or courses to promote and carry out
10 equal and greater access to educational opportunities as mandated by the
11 Constitution;

12 (o) To establish research and extension centers of the College where
13 such will promote the development of the latter;

14 (p) To establish professorial chairs in the College and to provide
15 fellowships for qualified faculty members and scholarships to deserving
16 students;

17 (q) To delegate any of its powers and duties provided for hereinabove
18 to the President or Officer-in-Charge and/or other officials of the College as it
19 may deem appropriate, so as to expedite the administration of the affairs of the
20 College;

21 (r) To authorize an external management audit of the College, to be
22 financed by the CHED, subject to the rules and regulations of the Commission
23 on Audit (COA); and to institute reforms, including academic and structural
24 changes, on the basis of the audit results and recommendations;

25 (s) To collaborate with other governing boards of state universities and
26 colleges within the Province of Cebu or Region VII, under the supervision of
27 the CHED and in consultation with the DBM, and work towards the

1 restructuring of the College to become more efficient, relevant, productive and
2 competitive;

3 (t) To enter into joint ventures with business and industry for the
4 profitable development and management of the economic assets of the
5 College, the proceeds from which shall be used for the development and
6 strengthening of the same;

7 (u) To develop consortia and other forms of linkages with local
8 government units (LGUs), institutions and agencies, both public and private,
9 local and foreign, in furtherance of the purposes and objectives of the College;

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

14 (w) To set up the adoption of modern and innovative modes of
15 transmitting knowledge such as the use of information technology, the dual
16 learning system, open learning or distance education and community
17 laboratory for the promotion of greater access to higher education and graduate
18 studies, as the case may be;

19 (x) To establish policy guidelines and procedures for participative
20 decision-making and transparency within the College;

21 (y) To privatize, where most advantageous to the College, the
22 management of nonacademic services such as health, food, building, grounds
23 or property maintenance and such other similar activities; and

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

1 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene
2 once every three (3) months. Whenever necessary, the Chairperson of the
3 Board may call, upon three (3) days' prior written notice, a maximum of two
4 (2) special meetings within the same period.

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

9 In the absence of the Chairperson of the CHED, a Commissioner of the
10 CHED, duly designated by him/her, shall represent him/her in the meeting with
11 all the rights and responsibilities of a regular member: *Provided, however,*
12 That during this meeting, the President of the College as Vice Chairperson
13 shall be the Presiding Officer: *Provided, further,* That this *proviso*
14 notwithstanding, the Chairperson of the CHED is hereby authorized to
15 designate a CHED Commissioner as the regular Chair of the Board, in which
16 case said CHED Commissioner shall act as the Presiding Officer.

17 In case the Chairpersons of the Congressional Committees on Education
18 shall not be able to attend the Board meeting, they may duly designate their
19 respective representatives to attend the said meeting, who shall have the same
20 rights and responsibilities as a regular member of the Board.

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

26 SEC. 9. *The College President.* – The College shall be headed by a
27 President, who shall render full-time service. He/She shall be appointed by the
28 Board, subject to the guidelines, qualifications and/or standards set by the

1 Board, upon recommendation of a duly constituted search committee. He/She
2 shall have a term of four (4) years and shall be eligible for reappointment for
3 another term.

4 Pending the appointment of the first President of the College, the
5 Chairperson of the CHED shall appoint an Officer-in-Charge of the College.

6 Within six (6) months before the expiration of the term of office of the
7 incumbent President of the College, the Board shall constitute the Search
8 Committee for the Presidency (SCP).

9 In case of vacancy in the Office of the President by reason of death,
10 *compulsory retirement, resignation, removal for cause or incapacity of the*
11 *President to perform the functions of his/her office, the Board shall designate*
12 *an Officer-in-Charge of the College within six (6) months from the date of*
13 *vacancy, pending the appointment of a new President.*

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

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

20 The salary of the President of the College shall be in accordance with
21 the Revised Compensation and Position Classification System and shall be
22 comparable to that being received by the Presidents of similar educational
23 institutions.

24 The President of the College shall be assisted by a Vice President for
25 Academic Affairs, who shall be appointed by the Board upon the
26 recommendation of the President.

27 SEC. 10. *The Administrative Council.* — There shall be an
28 Administrative Council consisting of the President of the College as

1 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
2 as members, whose duty is to review and recommend to the Board the policies
3 governing the administration, management and development planning of the
4 College.

5 SEC. 11. *The Academic Council.* – There shall be an Academic
6 Council to be composed of the President of the College, who shall act as
7 Chairperson, and all the academic staff with the rank of at least an assistant
8 professor, as members.

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

17 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
18 secretary, who shall serve as such for both the Board and the College and shall
19 keep all records and proceedings of the Board. He/She shall serve upon each
20 member of the Board the appropriate notice of the Board meetings.

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

23 SEC. 14. *The Faculty.* – No political beliefs, gender preference,
24 cultural or community affiliation or ethnic origin, and religious opinion or
25 affiliation shall be a matter of inquiry in the appointment of faculty members
26 of the College: *Provided,* That said appointment shall be subject to the
27 guidelines, qualifications and/or standards set by the Board: *Provided, further,*

1 That no member of the faculty shall teach for or against any particular church
2 or religious sect.

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

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

8 SEC. 16. *Authority to Loan or Transfer Apparatus/Equipment/
9 Supplies and Detail of Personnel.* – The heads of the bureaus and offices of
10 the national government are hereby authorized to loan or transfer, upon the
11 request of the President of the College, such apparatus, equipment or supplies
12 as may be needed by the College, and to detail employees for duty therein
13 when, in the judgment of the head of the bureau or office, such apparatus,
14 equipment, supplies or services of such employees can be spared without
15 serious detriment to public service.

16 The employees so detailed shall perform such duties as required of them
17 by the President of the College, and the time so employed shall be counted as
18 part of their regular services.

19 SEC. 17. *Campus Site/Assets.* – The College shall have an area of not
20 less than five (5) hectares, at least three (3) hectares of which are contiguous to
21 the main campus, for its exclusive use as campus site for its academic and
22 instructional programs, research and development activities and experimental
23 and laboratory facilities.

24 The Board shall forthwith recommend a suitable site within the City of
25 Talisay for this purpose. The parcel of land to be occupied by the Talisay
26 City State College is hereby declared to be property of the College,
27 and shall be titled under that name: *Provided*, That should the College cease

1 to exist or be abolished, or should said parcel of land aforementioned be no
2 longer needed by the College, the same shall revert to the LGU concerned.

3 SEC. 18. *Tax Exemption on Importation and Donations.* – The
4 importation of economic, technical and cultural books and/or publications,
5 which are for economic, technical, vocational, scientific, philosophical,
6 historical or cultural purposes made by the Talisay City State College upon
7 certification by the CHED, shall be exempt from customs duties in accordance
8 with the provisions of the Tariff and Customs Code of the Philippines, as
9 amended.

10 All donations in any form to the Talisay City State College shall be
11 exempt from the donor's tax and the same shall be considered as allowable
12 deduction from the gross income in the computation of the income tax of the
13 donor, in accordance with the provisions of the National Internal Revenue
14 Code of 1997, as amended.

15 SEC. 19. *Appropriations.* – The amount necessary to carry out the
16 provisions of this Act shall be included in the annual General Appropriations
17 Act of the year following its enactment into law and thereafter.

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

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

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

26 (c) Set up its organizational, administrative as well as academic
27 structure, including the appointment of the key officials of the College.

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

6 SEC. 22. *Suppletory Application.* – The provisions of Republic Act
7 No. 8292, otherwise known as the “Higher Education Modernization Act of
8 1997”, shall be an integral part of this Act and shall serve as part of the
9 Governing Charter of the College.

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

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

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

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

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

Approved,