


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SENATE
SB No. 2939

RECEIVED BY: 

Introduced by: Senator Panfilo M. Lacson

EXPLANATORY NOTE

In our country, tertiary education is often regarded by many as a privilege and no longer as a right. The high cost of education usually serves as a deterrent to the hopes and dreams of our countrymen, especially for those living outside of the National Capital Region. But this should not be the case. It is the responsibility of the State to provide affordable and quality education to its citizens. This will not only give them the opportunity to improve their lives but will also enable them to contribute productively to our society.

This bill seeks the establishment of the Compostela Valley State College by integrating therein the Bukidnon State University external studies centers in the five municipalities of the first district of Compostela Valley Province. With a state subsidized college, the cost of obtaining a degree will no longer prove to be so burdensome to aspiring students and their parents. With a seat of learning practically “within the neighborhood,” so to speak, it is expected that the yearning for knowledge among the populace and its positive consequences, will be given a great boost. The State, in turn, would be fulfilling its constitutional mandate of promoting the right of the citizens to accessible, quality and affordable education.


Hence, the immediate and favorable passage of this bill is earnestly requested.


PANFILO M. LACSON
Senator

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SENATE

SB No. 2939

RECEIVED BY: 

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AN ACT

ESTABLISHING A STATE COLLEGE IN THE MUNICIPALITY OF COMPOSTELA, COMPOSTELA VALLEY PROVINCE TO BE KNOWN AS THE COMPOSTELA VALLEY STATE COLLEGE INTEGRATING THEREWITH AS REGULAR BRANCHES THE BUKIDNON STATE UNIVERSITY EXTERNAL STUDIES CENTERS IN THE MUNICIPALITIES OF MONKAYO, MARAGUSAN, MONTEVISTA AND NEW BATAAN, ALL MUNICIPALITIES LOCATED IN COMPOSTELA VALLEY PROVINCE, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Establishment/Integration.—There is hereby established a State College in the Municipality of Compostela, Compostela Valley Province, to be known as the Compostela Valley State College, hereinafter referred to as the College, and integrating therewith as regular branches the Bukidnon State University (BSU) External Studies Centers in the Municipalities of Monkayo, Maragusan, Montevista and New Bataan, all municipalities in Compostela Valley Province. The main campus shall be located in the Municipality of Compostela.

SEC. 2. General Mandate.—The College shall primarily provide higher professional and technical instructions and training in agriculture, science and technology 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 College shall offer undergraduate, graduate and short-term technical courses within its areas of specialization and according to its capabilities as the Board of Trustees may deem necessary to carry out its objectives, particularly to meet the needs of the Province of Compostela Valley and Region XI.

SEC. 4. Administration.—The College shall have the general powers of a corporation as set forth in Batas Pambansa No. 68, as amended, otherwise known as “The Corporation Code of the Philippines.” The administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the College.

SEC. 5. The Governing Board.—The governing board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- a) The Chairperson of the Commission on Higher Education as Chairperson;
- b) The President of the College as Vice-Chairperson;
- c) The Chairperson of the Committee on Education, Arts and Culture of the Senate, as Member;
- d) The Chairperson of the Committee on Higher Education, House of Representatives, as Member;

- e) The Regional Director of the National Economic and Development Authority, as Member;
- f) Regional Director of the Department of Science and Technology, as Member;
- g) The President of the faculty association of the college, as Member;
- h) The President of the student council of the college, as Member;
- i) The president of the alumni association of the college, as Member; and
- j) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the College, as Members.

In addition, the Board may appoint as members, the following when deemed necessary:

- a) President of the alumni association of the College;
- b) President of the employees association of the College; and
- c) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization of the College chosen from among those qualified in Compostela Valley Province.

The Board shall appoint the two prominent citizens from among a list of at least five qualified persons in the province of Compostela Valley, as recommended by the search committee constituted by the College president, in consultation with the chairperson of the CHED and the other members of the Board, based on the normal standards and qualifications for the position.

The term of office of the president of the faculty association, the president of the student council and the president of the alumni association shall be coterminous with their respective terms of office, as set forth in their respective constitution and by laws.

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

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, otherwise known as the "Higher Education Act of 1994."

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

- a. To promulgate laws 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, in its discretion, determine to carry out the purposes and functions of the College;
- 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 or 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 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 donations shall not be disposed of, transferred or sold;

- 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 incomes generated by the College, constitute special trust funds and shall be deposited in any authorized government depository bank. Any and all interests that accrue therefrom shall form part of the same funds for the use of the College. Any provision of existing laws to the contrary notwithstanding, incomes 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 these are collected. If for any reason, the College shall not be able to pursue any project which funds have been appropriated for reasons beyond control and allocated under its program of expenditures, the board may authorize the use of said funds for any reasonable purpose which in its direction may be necessary and urgent for the attainment of the objectives and goals of the College;
- 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, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment.
- h. To confirm appointments of vice-presidents, deans, directors, heads of department, faculty members and other officials and employees of the College made by the President of the College;
- 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 as modified by Joint Resolution No. 4 dated June 17, 2009 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, 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, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- k. To set policies on admission and graduation of students;
- l. To confer degrees upon successful candidates for graduation, to award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science, technology, agriculture or in any field of specialization and to authorize the award of certificates for completion of non-degrees and non-traditional courses;
- m. To establish branches in other municipalities in the province if and when it becomes essential or necessary where there is no existing school offering

similar programs or courses to promote and carry out equal access to education opportunities as mandated by the Constitution;

- n. To establish research and extension centers of the College where such will promote the development of the latter;
- o. To establish Chairs in the College and provide fellowship for qualified faculty members and scholarships to deserving students.
- p. To delegate any of its power and duties for hereinabove to the president and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;
- q. To authorize an external management audit of the College subject to the rules and regulations of the Commission on Audit, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendation;
- r. To collaborate with other governing boards of the state colleges and universities within Region XI, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the College 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 College, the proceeds from which shall be used for the development and strengthening of the College;
- t. To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in the furtherance of the purpose and objectives of the College;
- u. To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part time or visiting or exchange professors, scholars and 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 or distance education and community laboratory for the promotion of greater access to education and graduate studies, as the case may be;
- w. To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- x. To privatize, where most advantageous to the College, the 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 College beyond the age of retirement, but not beyond the age of seventy (70), whose performance has been unanimously rated by the governing board as outstanding based on the guidelines, qualifications and/or standards set by the Board, after unanimous recommendation for the search committee.

SEC. 8. Meetings of the Board.—The Board shall regularly convene at least once every quarter. However, the chairperson of the Board, may, upon three day's written notice, call a maximum of two special meetings whenever necessary.

A quorum of the Board shall consist of a majority of all members holding office at the time of the meeting: Provided, That the chairperson of the Board or the president of the College is among those present in the meeting.

In the absence of the Chairperson of the CHED, a commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting with all the rights and responsibilities of a regular member: Provided, however, That during this meeting, the president of the College as vice-chairperson shall be the presiding officer: Provided, further, That this proviso notwithstanding, the chairperson of the CHED is hereby authorized to designate a CHED commissioner as the regular chair of the Board, in which case said CHED commissioner shall act as the presiding officer.

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

The members of the Board shall not receive salary but shall be entitled to reimbursement for actual and necessary expenses incurred in attendance in meeting of the Board or in other official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 9. The College President.--The College shall be headed by a President who shall render full time service. He/She shall be appointed by the Board, subject to the guidelines, qualifications and/or standards set by the Board, upon recommendation of a duly constituted search committee. He/She shall have a term of four years and shall be eligible for reappointment for another term.

Pending the appointment of the first president of the College, the Chairperson of the CHED shall appoint an officer-in-charge of the College. Provided, That the Officer-in-Charge (OIC) of the College shall be entitled to additional compensation for services rendered at the College, subject to budgeting, accounting or auditing rules and regulations of the COA.

Within six months before the expiration of the term of office of the president of the College, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy of 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/her office, the Board shall have the authority to designate an officer-in-charge of the College within six months from the date of vacancy pending the appointment of a successor. The Board designated officer-in-charge College president shall hold office for the unexpired term only.

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

The salary of the President of the College shall be in accordance with the Revised Compensation and Position Classification System as modified by Joint Resolution No. 4 dated June 4, 2009, and shall be comparable to that being received by the presidents of similar educational institutions.

The President shall be assisted by a vice president for academic affairs who shall be appointed by the Board upon the recommendation of the President.

SEC. 10. Heads of College Branches. --Directors shall head the College branches and they shall render full-time service. They shall be appointed by the Board upon recommendation of the Search Committee and the College President, subject to the guidelines, qualifications and/or standards set by the Board: Provided, That the incumbent heads of the External Studies Centers shall serve as Directors of their respective branches.

SEC 11. The Administrative Council.--There shall be an Administrative Council consisting of the President of the College, as chairperson, and the vice president, deans, directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board the policies governing the administration, management and development planning of the College.

SEC. 12. The Academic Council. There shall be an Academic Council with the President of the College as chairperson and all 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 admission of students as well as for graduation and conferring of degrees subject to review and/or approval by the Board through the President of the College. It shall also have disciplinary power over the students of the College within the limits prescribed by the rules and regulations of discipline as approved by the Board.

SEC. 13. The Secretary of the College.--There shall be a Secretary of the College who shall be appointed by the Board to serve both the Board and the College and shall keep all records and proceedings of the Board. He/She shall serve upon each member of the Board the appropriate notice of the Board's meetings.

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

SEC. 15. The Faculty.--No political beliefs, gender preference, cultural or community affiliation or ethnic origin, religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: Provided, however, That said appointment shall be subject to the guidelines, qualifications and/or standards set by the Board: Provided, further, That no member of the faculty shall teach for or against any particular church or religious sect.

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

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

SEC. 17. Academic Freedom and Institutional Autonomy.--The College 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. 18. Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.--The heads of 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, when, in the judgment of the head of the 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 College, and the time so employed shall be counted as part of their regular service.

SEC. 19. Campus Site/Assets.— The parcel of land in the municipality of Compostela, Compostela Valley Province where the College will be established is hereby declared to be property of the College and shall be titled under that name: Provided, That should the College cease to exist or be abolished or should said parcel of land aforementioned be no longer needed by the College, the same shall revert back to the local government unit concerned.

All assets, fixed and movable, personnel and records of the BSU External Studies Centers in monkayo, Maragusan, Montevista and New Bataan, as well as liabilities or obligations, are hereby transferred to the College: 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 College shall be respected.

SEC. 20.—Tax Exemption on Importation and Donations.—The importation of economic, technical and cultural books and/or publication, which are for economic, technical vocational, scientific, philosophical, historical or cultural purposes made by the College upon certification by the CHED shall be exempt from customs duties in accordance with the provisions of the Tariff and Customs Code of the Philippines.

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

SEC. 21. Appropriations.—The amount of One Hundred Million Pesos (P100,000,000.00) shall be included in the General Appropriations Act for the initial implementation of this Act. Thereafter, such sums as may be necessary for the continued operation and maintenance of the College shall likewise 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 College shall accomplish the following:

- a) Submit a five-year development plan, including its corresponding program budget to the CHED for corresponding recommendation to the DBM;
- b) Undergo a management audit in cooperation with the CHED; and
- c) Accordingly, set up its organizational, administrative as well as academic structure, including the appointment of College key officials.

SEC. 23. Filing of Report.—On or before the fifteenth (15th) day of the second month after the opening of regular classes each year, the Board shall file with the Office of the President of the Philippines through the Secretary of Education and to both Houses of Congress, a detailed report on the progress, conditions and needs of the College.

SEC. 24. Suppletory Application.—The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997," shall be an integral part of this Act and shall serve as part of the governing charter of the College.

SEC. 25. Parity Clause.—All other powers, functions and privileges, responsibilities and limitations to state colleges and/or their officials under existing laws shall be deemed granted to or imposed upon the College and/or its officials whenever appropriate.

SEC. 26. Implementing Rules and Regulations.—The CHED shall be empowered to formulate the rules, regulations and guidelines to fully implement the provisions of this Act.

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

SEC. 28. Repealing Clause.--All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 29. Effectivity.--This Act shall take effect fifteen (15) days after its publication in two newspapers of general circulation.

Approved,