

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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SENATE

SENATE BILL NO. 3238

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Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This bill seeks to convert the Consolacion Public College in the Municipality of Consolacion Province of Cebu, into a Polytechnic College to ensure its fiscal autonomy, enhance its academic standards and provide accessible and affordable but quality education to poor but deserving students.

Pursuing college degree is almost impossible for many poverty-stricken residents of Consolacion given the high cost of transportation, personal sustenance and other necessary expenses that go with the equally high cost of education especially in private universities and colleges in Cebu City or Mandaue City. This also holds true for neighboring communities where incidence of poverty is also high.

In an effort to address this problem, the local government of the Municipality of Consolacion established the Consolacion Public College with the objective of providing accessible and affordable tertiary, vocational and technical education to the youth of the municipality. It was also hoped that the establishment of the College will stimulate the economic activity in the area and provide residents with the opportunity to acquire skills and education necessary for them to obtain decent and stable jobs for the improvement of their economic and social standing and for their total development as individuals as well.

It is the State's mandate to establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of society. With the conversion of the Consolacion Public College into a Polytechnic College, the author seeks to secure adequate support and appropriate funds from the rational budget to ensure that the institution as the necessary facility, personnel and instructional materials which are at par with other tertiary learning institutions.

Hence, the early approval of this bill is earnestly sought.

Francis G. Escudero

FRANCIS G. ESCUDERO

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Office of the Secretary
Senate
Manila

SENATE

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SENATE BILL NO. 3238

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AN ACT
CONVERTING THE CONSOLACION PUBLIC COLLEGE IN THE MUNICIPALITY
OF CONSOLACION, PROVINCE OF CEBU INTO A POLYTECHNIC COLLEGE TO
BE KNOWN AS THE CONSOLACION POLYTECHNIC COLLEGE AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* - The Consolacion Public College in the Municipality of Cordova, Province of Cebu, is hereby converted into a state college to be known as the Consolacion Polytechnic College, hereinafter referred to as the College.

SECTION 2. *General Mandate.* -The College shall primarily provide quality but affordable advanced instruction and professional training in engineering, industrial technologies, technological and vocational instructions, business, arts and sciences and other relevant fields of study. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization.

SECTION 3. *Curricular Offerings.* - The College shall offer undergraduate and graduate studies in the fields of engineering, industrial technologies, technological and vocational instructions, business, arts and sciences and other degrees/courses within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives, in order to meet the needs of the Province of Cebu and Region VII.

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

SECTION 4. *Administration.* - The College shall have the general powers of a corporation set forth in Batas Pambansa Blg. 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.

SECTION 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, Chairperson;
- (b) The President of the College, Vice Chairperson;
- (c) The Chairperson of the Committee on Education, Arts and Culture of the Senate, member;

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

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

5 (f) The Regional Director of the Department of Science and Technology
6 (DOST), member;

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

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

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

10 (j) Two (2) prominent citizens from the private sector who have
11 distinguished themselves in their profession or fields of specialization of the College,
12 members.

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

19
20 The term of office of the President of the faculty association, the president of the
21 student council, and the president of the alumni association shall be co-terminus with
22 their terms of office, as set forth in their respective constitution and bylaws.

23
24 The two (2) prominent citizens shall serve for a term of two (2) years from the
25 date of appointment.

26
27 *SECTION 6. Promulgation and Implementation of Policies.* - The Board shall
28 promulgate and implement policies in accordance with the declared state policies on
29 education and other pertinent provisions of the Philippine Constitution on education,
30 agriculture, science and technology, as well as the policies, standards and thrusts of the
31 CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of
32 1994."

33
34 *SECTION 7. Powers and Duties of the Board of Trustees.* - The Board shall have the
35 following specific powers and duties, in addition to its general powers of
36 administration and the exercise of all the powers granted to the board of directors of a
37 corporation under existing laws:

38
39 (a) To promulgate rules and regulations not contrary to law as may be necessary
40 to carry out the purposes and functions of the College;

41
42 (b) To receive and appropriate all sums as may be provided, for the support of
43 the College in the manner it may determine, in its discretion, in order to carry out the
44 purposes and functions of the College;

45
46 (c) To import duty-free economic, technical and cultural books and/or
47 publications, upon certification by the CHED that such books and/or publications are
48 for economic, technical, vocational, scientific, philosophical, historical or cultural
49 purposes, in accordance with the provisions of the Tariff and Customs Code of the
50 Philippines, as amended;

1 (d) To receive in trust, legacies, gifts and donations of real properties of all kinds
2 and to administer and dispose of the same when necessary for the benefit of the
3 College, and subject to the limitations, directions and instructions of the donor, if any.
4

5 Such donations shall be exempt from the donor's tax and the same shall be
6 considered as allowable deductions from the gross income in the computation of the
7 income tax of the donor, in accordance with the provisions of the National Internal
8 Revenue Code (NIRC) of 1997, as amended: *Provided*, That such donations shall not be
9 disposed of, transferred or sold;
10

11 (e) To fix reasonable tuition fees and other necessary school charges, such as but
12 not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may
13 deem proper to impose, after due consultations with the involved sectors;
14

15 Such fees and charges, including government subsidies and other income
16 generated by the College, shall constitute special trust funds and shall be deposited in
17 any authorized government depository bank, and all interest that shall accrue
18 therefrom shall from part of the same funds for the use of the College.
19

20 Any provisions of existing laws, rules and regulations to the contrary
21 notwithstanding, any income generated by the College from tuition fees and other
22 charges, as well as from the operation of auxiliary services and land grants shall be
23 retained by the College, and may be disbursed by the Board for instruction, research,
24 extension, or other programs/projects of the College: *Provided*, That all fiduciary fees
25 shall be disbursed for the specific purpose for which these are collected.
26

27 If, for any reason beyond its control, the College shall not be able to pursue any
28 project for which funds have been appropriated and allocated under its approved
29 program of expenditures, the Board may authorize the use of said funds for any
30 reasonable purpose which, in its discretion, may be necessary and urgent for the
31 attainment of the objectives and goals of the College;
32

33 (f) To adopt and implement a socialized scheme of tuition and other school fees
34 for greater access to poor but deserving students;
35

36 (g) To authorize the construction or repair of its buildings, machinery, equipment
37 and other facilities and the purchase and acquisition of real and personal properties,
38 including necessary supplies and materials and equipment;
39

40 (h) To appoint, upon recommendation of the President of the College, vice
41 presidents, deans, directors, heads of departments, faculty members and other officials
42 and employees of the College;
43

44 (i) To fix and adjust salaries of faculty members and administrative officials and
45 employees subject to the provisions of the Revised Compensation and Position
46 Classification System and other pertinent budget and compensation laws governing
47 hours of service and such other duties and conditions as it may deem proper, to grant
48 them, at its discretion, leaves of absence under such regulations as it may promulgate,
49 any provision of existing laws to the contrary notwithstanding; and to remove them for
50 cause in accordance with the requirements of due process of law;
51

52 (j) To approve the curricula, instructional programs and rules of discipline drawn
53 by the Administrative and Academic Councils as herein provided;

1
2 (k) To set policies on admission and graduation of students;
3

4 (l) To award honorary degrees upon persons in recognition of their outstanding
5 contribution in the fields of engineering, agriculture, public service, arts, science and
6 technology, education or in any field of specialization within the academic competence
7 of the College; and to authorize the awarding of certificates of completion of non-degree
8 and non-traditional courses;
9

10 (m) To establish and absorb non-chartered tertiary institutions within the
11 Province of Cebu as branches and extension centers in coordination with the CHED and
12 in consultation with the Department of Budget and Management (DBM), and to offer
13 therein programs or courses to promote and carry out equal and greater access to
14 educational opportunities as mandated by the Constitution;
15

16 (n) To establish research and extension centers of the College where such will
17 promote the development of the latter;
18

19 (o) To establish professorial chairs in the College and to provide fellowships for
20 qualified faculty members and scholarships to deserving students;
21

22 (p) To delegate any of its powers and duties provided for hereinabove to the
23 President or Officer-in-Charge and/or other officials of the College as it may deem
24 appropriate, so as to expedite the administration of the College;
25

26 (q) To authorize an external management audit of the College, to be financed by
27 the CHED, subject to the rules and regulations of the Commission on Audit (COA); and
28 to institute reforms, including academic and structural changes on the basis of audit
29 results and recommendations;
30

31 (r) To collaborate with other governing boards of state universities and colleges
32 within the Province of Cebu or Region VII, under the supervision of the CHED and in
33 consultation with the DBM, and work towards the restructuring of the College to
34 become more efficient, relevant, productive and competitive;
35

36 (s) To develop consortia and other forms of linkages with local government units
37 (LGUs), institutions and agencies, both public and private, local and foreign, in
38 furtherance of the purposes and objectives of the College;
39

40 (t) To develop academic arrangements for institutional capability building with
41 appropriate institutions and agencies, public and private, local and foreign, and to
42 appoint experts/specialists as consultants, part-time or visiting or exchange professors,
43 scholars or researchers, as the case may be;
44

45 (u) To set up the adoption of modern and innovative modes of transmitting
46 knowledge such as the use of information technology, the dual learning system, open
47 learning or distance education and community laboratory for the promotion of greater
48 access to higher education and graduate studies, as the case may be;
49

50 (v) To establish policy guidelines and procedures for participative decision-
51 making and transparency within the College;
52

1 (w) To privatize, where most advantageous to the College, the management of
2 non-academic services such as health, food, building, grounds or property maintenance
3 and such other similar activities; and
4

5 (x) To extend the term of the President of the College beyond the age of
6 retirement, but not beyond the age of seventy (70), whose performance has been
7 unanimously rated by the Board as outstanding based on the guidelines, qualifications
8 and/or standards set by the Board, after unanimous recommendation by the search
9 committee.
10

11 SECTION 8. *Meetings of the Board.* – The Board shall regularly convene at least
12 once every quarter. However, the Chairperson of the Board may, upon three (3) days'
13 prior written notice, call a maximum of two (2) special meetings whenever necessary.
14

15 A quorum of the Board shall consist of majority of all its members holding office
16 at the time of the meeting: *Provided*, however, That the Chairperson of the CHED or the
17 president of the College is among those present in the meeting.
18

19 In the absence of the Chairperson of the CHED, a Commissioner of the CHED,
20 duly designated by him/her, shall represent him/her in the meeting with all the rights
21 and responsibilities of a regular member: *Provided*, however, That during this meeting,
22 the President of the College as Vice Chairperson shall be the Presiding Officer: *Provided*,
23 further, That this proviso notwithstanding, the Chairperson of the CHED is hereby
24 authorized to designate a CHED Commissioner as the regular Chair of the Board, in
25 which case said CHED Commissioner shall act as Presiding Officer.
26

27 In case the Chairpersons of the Congressional Committees on Education shall not
28 be able to attend the Board meeting, they may duly designate their respective
29 representatives to attend said meeting, who shall have the same rights and
30 responsibilities as a regular member of the Board.
31

32 The members of the Board shall not receive any salary but shall be entitled to
33 reimbursements for actual and necessary expenses incurred, either in their attendance
34 to meetings of the Board or in connection with other official business authorized by
35 resolution of the Board, subject to existing laws and regulations;
36

37 SECTION 9. *The College President.* – The College shall be headed by a President,
38 who shall render full-time service. He/She shall be appointed by the Board, subject to
39 the guidelines, qualifications and/or standards set by the Board, upon recommendation
40 of a duly constituted search committee. He/She shall have a term of four (4) years and
41 shall be eligible for reappointment for another term: *Provided*, That in order to effect a
42 smooth transition to a Polytechnic College, the incumbent head of the Cordova Public
43 College, if qualified, shall act as the Officer-in-Charge, pending the appointment of the
44 first President of the College.
45

46 Within six (6) months before the expiration of the term of office of the incumbent
47 President of the College, the Board shall constitute the Search Committee for the
48 Presidency (SCP).
49

50 In case of vacancy in the Office of the President by reason of death, compulsory
51 retirement, resignation, removal for cause or incapacity of the President to perform the
52 functions of his/her office, the Board shall designate an Officer-in-Charge of the College

1 within six (6) months from date of vacancy, pending the appointment of a new
2 President.

3
4 In case of vacancy in the Office of the President as mentioned in the immediately
5 preceding paragraph, his/her successor or the Officer-in-Charge shall serve only the
6 unexpired portion of the term.

7
8 The powers and duties of the President of the College, in addition to those
9 specifically provided in this Act, shall be those usually pertaining to the office of the
10 President of similar colleges, and those delegated by the Board.

11
12 The salary of the President of the College shall be in accordance with the Revised
13 Compensation and Position Classification System and shall be comparable to that being
14 received by the Presidents of similar educational institutions.

15
16 The President of the College shall be assisted by a Vice President for Academic
17 Affairs, who shall be appointed by the Board upon recommendation of the president.

18
19 SECTION 10. *The Administrative Council.* - There shall be an Administrative
20 Council consisting of the President of the College as Chairperson, Vice Presidents,
21 deans, directors and other officials of equal rank as members, whose duty is to review
22 and recommend to the Board policies governing the administration, management and
23 development planning of the College.

24
25 SECTION 11. *The Academic Council.* - There shall be an Academic Council to be
26 composed of the President of the College, who shall act as Chairperson, and all the
27 academic staff with the rank of at least assistant professor, as members.

28
29 The Academic Council shall have the power to review and recommend the
30 curricular offerings and rules of discipline of the College, subject to the approval of the
31 Board. It shall fix the requirements for the admission of students, as well as for their
32 graduation and conferment of degrees, subject to review and/or approval by the Board
33 through the President of the College. It shall have the disciplinary power over students
34 of the College and shall formulate academic policies and rules and regulations on
35 discipline, subject to the approval of the Board.

36
37 SECTION 12. *The Secretary of the College.* - The Board shall appoint a secretary,
38 who shall serve as such for both the Board and the College and shall keep all the
39 records and proceedings of the Board. He/She shall serve upon each member of the
40 Board the appropriate notice of the Board meetings.

41
42 SECTION 13. *The Treasurer of the College.* - The Treasurer of the Philippines shall
43 be the ex officio treasurer of the College.

44
45 SECTION 14. *The Faculty.* - No political beliefs, gender preference, cultural or
46 community affiliation or ethnic origin, and religious opinion or affiliation shall be a
47 matter of inquiry in the appointment of faculty members of the College: *Provided,* That
48 said appointment shall be subject to the guidelines, qualifications and/or standards set
49 by the Board: *Provided,* further, That no member of the faculty shall teach for or against
50 any particular church or religious sect.

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

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

8 SECTION 16. *Academic Freedom and Institutional Autonomy.* – The College shall
9 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5
10 of Article XIV of the Constitution of the Republic of the Philippines.
11

12 SECTION 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail*
13 *of Personnel.* – The heads of bureaus and offices of the national government are hereby
14 authorized to loan or transfer, upon the request of the President of the College, such
15 apparatus, equipment or supplies as may be needed by the College, and to detail
16 employees for duty therein when, in the judgment of the head of bureau or office, such
17 apparatus, equipment, supplies or services of such employees can be spared without
18 serious detriment to public service.
19

20 The employees so detailed shall perform such duties as required of them by the
21 President of the College, and the time so employed shall be counted as part of their
22 regular services.
23

24 SECTION 18. *Assets, Liabilities and Personnel.* – All assets, real and personal,
25 personnel and records of the Cordova Public College, as well as liabilities or obligations,
26 are hereby transferred to the College. The positions, rights and security of tenure of
27 faculty members and personnel therein employed under existing laws prior to the
28 conversion into a State College shall be respected.
29

30 All parcels of land belonging to the government and occupied by the Cordova
31 Public College are hereby declared to be property of the Cordova State College of
32 Science and Technology, and shall be titled under that name: *Provided,* That should the
33 College cease to exist or be abolished or should such parcels of land aforementioned be
34 no longer needed by the College, the same shall revert to the Municipality of Cordova,
35 or the Province of Cebu or the Republic of the Philippines, as the case may be.
36

37 SECTION 19. *Appropriations.* – The amount necessary to initially implement the
38 provisions of this Act shall be charged against the current year's funding provided by
39 the local government unit (LGU) concerned. The concerned LGU shall continue to
40 provide assistance to the Cordova Public College until such time that the full funding
41 requirement of the Cordova Polytechnic College of Science and Technology is included
42 in the annual General Appropriations Act.
43

44 SECTION 20. *Development Plan, Management Audit,*
45 *Organizational/Administrative/Academic Structure.* – Within the period of one hundred
46 twenty (120) days after the approval of this Act, the College shall accomplish the
47 following:
48

49 (a) Submit a five (5)-year development plan, including its corresponding
50 program budget to the CHED, for corresponding recommendation to the DBM;
51

52 (b) Undergo a management audit in cooperation with the CHED; and
53

1 (c) Accordingly set up its organizational, administrative as well as academic
2 structure, including the appointment of the key officials of the College.

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

9
10 SECTION 22. *Supplementary Application.* – The provisions of Republic Act No. 8292,
11 otherwise known as the “Higher Education Modernization Act of 1997”, shall be an
12 integral part of this Act and shall serve as part of the Governing Charter of the College.

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

18
19 SECTION 24. *Implementing Rules and Regulations.* – The Board, in consultation
20 with the CHED, shall formulate the guidelines to fully implement the provisions of this
21 Act.

22
23 SECTION 25. *Separability Clause.* – If, for any reason, any part or provision of this
24 Act is declared invalid and unconstitutional, the remaining parts or provisions not
25 affected thereby shall remain in full force and effect.

26
27 SECTION 26. *Repealing Clause.* – All laws, presidential decrees, executive orders,
28 rules and regulations contrary to or inconsistent with the provisions of this Act are
29 hereby repealed or modified accordingly.

30
31 SECTION 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its
32 publication in two (2) newspapers of general circulation.

33
34 *Approved,*