

(AS AMENDED BY THE SENATE)

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}

HOUSE OF REPRESENTATIVES

H. No. 6202

BY REPRESENTATIVES HERNANDEZ, HOFER, ESPINA, LOBREGAT, YU, YAP (V.), TAN (A.), BRAVO (A.), MARQUEZ, ALMARIO, GASATAYA, CASTRO (F.L.), ELAGO, TINIO, ARCILLAS, GARCIA (J.E.), CAMPOS, LIMKAICHONG, PANOTES, ESCUDERO, CORTES, GONZALES (A.D.), ARENAS, CRISOLOGO, SAMBAR, TEJADA, NOGRALES (K.A.) AND CUA, PER COMMITTEE REPORT NO. 358

AN ACT ESTABLISHING THE SOUTH COTABATO STATE COLLEGE IN THE MUNICIPALITY OF SURALLAH, PROVINCE OF SOUTH COTABATO, INTEGRATING THEREWITH THE SURALLAH NATIONAL AGRICULTURAL SCHOOL LOCATED IN THE MUNICIPALITY OF SURALLAH, 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 Municipality of Surallah, Province of South Cotabato, to be
3 known as the South Cotabato State College, hereinafter referred to as the
4 College, and integrating therewith the Surallah National Agricultural School

1 (SUNAS) located in the Municipality of Surallah, Province of South Cotabato.
2 Its main campus shall be located in the Municipality of Surallah.

3 SEC. 2. *General Mandate.* – The College shall primarily provide both
4 advance instruction and research in agriculture and allied technological
5 sciences including education, arts and related sciences. It shall also undertake
6 extension and development programs, and provide the necessary instructional
7 and research leadership in agricultural, environmental and technological
8 development in Region XII or the region called SOCCSKSARGEN.

9 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate
10 and graduate courses in the fields of agriculture, environmental management,
11 engineering, education, arts and sciences, and other degree courses within its
12 areas of specialization and according to its capabilities, as the Board of
13 Trustees may deem necessary to carry out its objectives and in order to meet
14 the needs of the Province of South Cotabato and the Region of
15 SOCCSKSARGEN.

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

20 SEC. 4. *Administration.* – The College shall have the general powers of
21 a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
22 known as “The Corporation Code of the Philippines”. The administration of
23 the College and the exercise of its corporate powers shall be vested exclusively
24 in the Board of Trustees and the President of the College.

25 SEC. 5. *The Governing Board.* – The governing board of the College
26 shall be the Board of Trustees, hereinafter referred to as the Board, which shall
27 be composed of the following:

28 (a) the Chairperson of the Commission on Higher Education (CHED),
29 Chairperson;

- 1 (b) the President of the College, Vice Chairperson;
- 2 (c) the Chairperson of the Committee on Education, Arts and Culture
3 of the Senate, member;
- 4 (d) the Chairperson of the Committee on Higher and Technical
5 Education of the House of Representatives, member;
- 6 (e) the Regional Director of the National Economic and Development
7 Authority (NEDA), member;
- 8 (f) the Regional Director of the Department of Agriculture (DA),
9 member;
- 10 (g) the Regional Director of the TESDA, member;
- 11 (h) the President of the federation of faculty associations of the
12 College, member;
- 13 (i) the President of the federation of student councils of the College,
14 member;
- 15 (j) the President of the federation of alumni associations of the
16 College, member; and
- 17 (k) two (2) prominent citizens from the private sector who have
18 distinguished themselves in their profession or fields of specialization of the
19 College, members.

20 The Board shall appoint the two (2) prominent citizens from among a
21 list of at least five (5) qualified persons in the Province of South Cotabato, as
22 recommended by the search committee to be constituted by the College
23 President, in consultation with the Chairperson of the CHED and other
24 members of the Board, based on the normal standards and qualifications for
25 the position.

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

28 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
29 shall promulgate and implement policies in accordance with the declared State

1 policies on education and other pertinent provisions of the Constitution on
2 education, agriculture, science and technology, as well as the policies,
3 standards and thrusts of the CHED under Republic Act No. 7722, otherwise
4 known as the "Higher Education Act of 1994".

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

9 (a) to promulgate rules and regulations as may be necessary to carry
10 out the purposes and functions of the College;

11 (b) to receive and appropriate all sums as may be provided for the
12 support of the College in the manner it may determine, in its discretion, in
13 order to carry out the purposes and functions of the College;

14 (c) to import economic, technical and cultural books and publications;

15 (d) to receive in trust legacies, gifts and donations of real and personal
16 properties of all kinds and to administer and dispose of the same when
17 necessary for the benefit of the College, and subject to the limitations,
18 directions and instructions of the donor, if any;

19 (e) to fix the tuition fees and other necessary school charges such as
20 matriculation fees, graduation fees, and laboratory fees, as the Board may
21 deem proper to impose, after due consultations with the involved sectors. Such
22 fees and charges, including government subsidies and other income generated
23 by the College, shall constitute special trust funds and shall be deposited in
24 any authorized government depository bank, and all interests that shall accrue
25 therefrom shall form part of the same funds for the use of the College. Any
26 provision of existing laws, rules and regulations to the contrary
27 notwithstanding, any income generated by the College from tuition fees and
28 other charges, as well as from the operation of auxiliary services and land
29 grants, shall be retained by the College, and may be disbursed by the Board for

1 instruction, research, extension or other programs/projects of the College:
2 *Provided*, That all fiduciary fees shall be disbursed for the specific purposes
3 for which these are collected: *Provided, however*, That if, for reasons beyond
4 its control, the College shall not be able to pursue any project for which the
5 funds have been appropriated and allocated under its approved program of
6 expenditures, the Board may authorize the use of said funds for any reasonable
7 purpose which, in its discretion, may be necessary and urgent for the
8 attainment of the objectives and goals of the College;

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

11 (g) to authorize the construction or repair of its buildings, machinery,
12 equipment and other facilities, and the purchase and acquisition of real
13 property, including necessary supplies, materials and equipment;

14 (h) to appoint, upon recommendation of the President of the College,
15 the vice presidents, deans, directors, heads of campuses, faculty members, and
16 other officials and employees of the College;

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

25 (j) to approve the curricula, instructional programs and rules of
26 discipline drawn by the Administrative and Academic Councils herein
27 provided;

28 (k) to set the policies on admission and graduation of students;

1 (l) to award honorary degrees upon persons in recognition of their
2 outstanding contribution in the fields of education, public service, arts, science
3 and technology, agriculture 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 (m) to establish and absorb non-chartered tertiary institutions within
7 the Province of South Cotabato as branches and centers, in coordination with
8 the CHED, and in consultation with the Department of Budget and
9 Management (DBM), and to offer therein programs or courses to promote and
10 carry out equal access to educational opportunities, as mandated by the
11 Constitution;

12 (n) to establish research and extension centers to promote the
13 development of the College;

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

17 (p) to delegate any of its powers and duties provided hereinabove to
18 the President or other officials of the College, as it may deem appropriate, so
19 as to expedite the administration of the affairs of the College;

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

24 (r) to collaborate with other governing boards of other state colleges
25 and universities within the Province of South Cotabato or Region XII, under
26 the supervision of the CHED and in consultation with the DBM, and work
27 towards the restructuring of the College to become more efficient, relevant,
28 productive and competitive;

1 (s) to enter into joint ventures with business and industry for the
2 profitable development and management of the economic assets of the
3 College, the proceeds from which shall be used for the development and
4 strengthening of the College;

5 (t) to develop consortia and other economic forms of linkages with
6 local government units (LGUs), institutions and agencies, both public and
7 private, local and foreign, in the furtherance of the purposes and objectives of
8 the College;

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

14 (v) to set up the adoption of modern and innovative modes of
15 transmitting knowledge such as the use of information technology, the dual
16 training system, open distance learning, and community laboratory for the
17 promotion of greater access to education;

18 (w) to establish policy guidelines and procedures for participative
19 decision-making and transparency within the College;

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

24 (y) to extend the term of the President of the College beyond the age of
25 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 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 at
2 least once every quarter. However, the Chairperson of the Board may, upon
3 three (3) days' prior written notice, call a maximum of two (2) special
4 meetings whenever necessary.

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

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

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

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

28 SEC. 9. *The College President.* – The College shall be headed by a
29 President, who shall render full-time service. The President shall be appointed

1 by the Board, subject to the guidelines, qualifications and standards set by the
2 Board, upon recommendation of a duly constituted search committee.

3 The President shall serve for a term of four (4) years and shall be
4 eligible for reappointment for another term: *Provided*, That in order to effect a
5 smooth transition to a state college, the incumbent Vocational School
6 Administrator of the Surallah National Agricultural School[, if qualified,]
7 shall [*ipso facto* become the first President of the College] ACT AS THE
8 OFFICER-IN-CHARGE PENDING THE APPOINTMENT OF THE
9 FIRST PRESIDENT OF THE STATE COLLEGE, WITHIN SIX (6)
10 MONTHS FROM THE DATE OF APPROVAL OF THIS ACT, THE
11 BOARD SHALL CONSTITUTE THE SEARCH COMMITTEE FOR
12 THE PRESIDENCY.

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

16 In case of vacancy in the Office of the President by reason of death,
17 compulsory retirement, resignation, removal for cause or incapacity of the
18 President to perform the functions of the office, the Board shall have the
19 authority to designate an Officer-in-Charge (OIC) of the College pending the
20 appointment of a new President.

21 In case of vacancy in the Office of the President as mentioned in the
22 immediately preceding paragraph, the successor or the OIC shall serve only
23 for the unexpired portion of the term.

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

1 The salary of the President of the College shall be in accordance with
2 the Revised Compensation and Position Classification System as modified by
3 Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and
4 compensation laws, and shall be comparable to that being received by the
5 Presidents of similar educational institutions.

6 The President of the College shall be assisted by a Vice President for
7 Academic Affairs and a Vice President for Administration, who shall be
8 appointed by the Board upon recommendation of the President.

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

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

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

27 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
28 Secretary, who shall serve as such for both the Board and the College, and
29 who shall keep all records and proceedings of the Board in addition to other

1 duties and responsibilities. The Secretary shall serve upon each member of the
2 Board the appropriate notice of the Board meetings.

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

5 SEC. 14. *The Faculty.* – No political belief, gender preference, cultural
6 or community affiliation or ethnic origin, and religious opinion or affiliation
7 shall be a matter of inquiry in the appointment of faculty members of the
8 College: *Provided, however,* That said appointment shall be subject to the
9 guidelines, qualifications and standards set by the Board: *Provided, further,*
10 That no member of the faculty shall teach for or against any particular church
11 or religious sect.

12 SEC. 15. *Scholarship Program/Admission.* – The College shall provide
13 a scholarship program and other affirmative action programs to assist poor but
14 deserving students who qualify for admission to the College. No student shall
15 be denied admission to the College by reason of sex, religion, cultural or
16 community affiliation or ethnic origin.

17 SEC. 16. *Academic Freedom and Institutional Autonomy.* – The
18 College shall enjoy academic freedom and institutional autonomy, pursuant to
19 paragraph 2, Section 5 of Article XIV of the Constitution.

20 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
21 *and Detail of Personnel.* – The heads of the bureaus and offices of the
22 national government are hereby authorized to loan or transfer, upon
23 the request of the President of the College, such apparatus, equipment
24 or supplies as may be needed by the College, and to detail employees
25 for duty therein when, in the judgment of the head of bureau or office,
26 such apparatus, equipment, supplies or services of such employees can be
27 spared without serious detriment to the public service. The employees so
28 detailed shall perform such duties as required of them by the President of the

1 College, and the time so employed shall be counted as part of their
2 regular service.

3 SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and
4 personal, personnel and records of the SUNAS, as well as liabilities or
5 obligations, are hereby transferred to the College: *Provided,* That the
6 positions, rights and security of tenure of faculty members and personnel
7 therein employed under existing laws prior to the integration of the SUNAS
8 into the College shall be respected: *Provided, further,* That the incumbents of
9 the plantilla positions of the SUNAS shall remain in the same status until
10 otherwise provided for by the Board.

11 All parcels of land belonging to the government occupied by the
12 SUNAS are hereby declared to be property of the College and shall be titled
13 under that name: *Provided,* That should the College cease to exist or be
14 abolished, or should such parcels of land aforementioned be no longer needed
15 by the College, the same shall revert to the national government or to the
16 concerned LGU.

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

23 All grants, bequests, endowments, donations and contributions made to
24 the College to be used actually, directly and exclusively by the College shall
25 be exempt from donor’s tax and the same shall be allowed as allowable
26 deductions from the gross income of the donor for purposes of computing the
27 taxable income of the donor in accordance with the provisions of the National
28 Internal Revenue Code of 1997, as amended.

1 SEC. 20. *Appropriations.* – The amount necessary to carry out
2 the provisions of this Act shall be included in the annual General
3 Appropriations Act.

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

8 (a) submit a five (5)-year development plan, including its
9 corresponding program budget to the CHED, for corresponding
10 recommendation to the DBM;

11 (b) undergo a management audit in cooperation with the CHED; and

12 (c) accordingly set up its organizational, administrative, as well
13 as academic structure, including the appointment of the College
14 key officials.

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

20 SEC. 23. *Suppletory Application.* – The provisions of Republic Act
21 No. 8292, otherwise known as the “Higher Education Modernization Act of
22 1997”, shall be an integral part of this Act and shall serve as part of the
23 Governing Charter of the College.

24 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,
25 responsibilities and limitations to state colleges and their officials under
26 existing laws shall be deemed granted to or imposed upon the College and
27 officials, whenever appropriate.

1 SEC. 25. *Compliance With CHED Requirements.* – [The provisions of
2 this Act notwithstanding, the establishment of the institution into a state
3 college shall become effective only upon the determination and declaration by
4 the CHED, based on the recommendation of a panel of experts it shall
5 constitute for the purpose, that the institution has complied with the
6 requirements for a college status based on CHED Memorandum Order No. 46,
7 Series of 2012 (Policy-Standard to Enhance Quality Assurance (QA) in
8 Philippine Higher Education Through an Outcomes-Based and
9 Typology-Based QA): *Provided*, That the panel may issue such a
10 recommendation when the institution has substantially complied with the
11 requirements for the grant of status as a state college.

12 The following operational requirements for a state college, as
13 established by the CHED, shall be complied with:

14 (a) full-time permanent faculty members who have the relevant
15 degrees as required by the CHED and experience in the subject areas they
16 handle;

17 (b) degree programs characterized by a core curriculum that
18 holistically develops thinking, problem solving, decision-making,
19 communication, technical, and social skills in line with the mission of the
20 College;

21 (c) learning resources and support structures that are appropriate for
22 developing knowledge and skills in the specific natural science, social science,
23 humanities, and professional disciplines offered by the College, including
24 laboratories, books and journals, etc.;

25 (d) links with the community that would ensure the development of
26 relevant academic and extension programs as well as the application of their
27 learning outcomes; and]

1 [(e) outreach programs involving students in social-development
2 oriented experiences that allow them to contextualize their knowledge within
3 actual social and human experiences.

4 The institution shall retain its status prior to the effectivity of this Act,
5 unless in the meantime it is able to comply with the requirements provided
6 herein, within a period not later than January 01, 2021.]

7 THE COLLEGE SHALL SUBMIT TO CHED'S REGULAR
8 MONITORING OF ITS STATUS OF COMPLIANCE WITH THE
9 MINIMUM REQUIREMENTS FOR ACADEMIC PROGRAM
10 OFFERINGS BASED ON RELEVANT CHED POLICIES,
11 STANDARDS, AND GUIDELINES (PSGS) AS WELL AS ITS
12 COMPLIANCE WITH THE HORIZONTAL TYPOLOGY
13 REQUIREMENTS BASED ON CHED MEMORANDUM ORDER
14 NO. 46, SERIES OF 2012.

15 AFTER FIVE (5) YEARS OF OPERATION, IT SHALL BE
16 EVALUATED BY CHED TO DETERMINE ITS COMPLIANCE
17 WITH THE REQUIREMENTS FOR A COLLEGE CLASSIFICATION
18 ACCORDING TO THE HORIZONTAL TYPOLOGY OF HIGHER
19 EDUCATION INSTITUTIONS (HEIs).

20 MOREOVER, THE COLLEGE SHALL UNDERGO THE
21 INSTITUTIONAL SUSTAINABILITY ASSESSMENT (ISA)
22 PROCESS TO ENSURE THAT AN INTERNAL QUALITY
23 ASSURANCE (IQA) SYSTEM HAS BEEN ESTABLISHED
24 LEADING TO SUSTAINABLE OFFERING OF QUALITY
25 PROGRAMS AND SERVICES.

1 THE INSTITUTION SHALL RETAIN ITS STATUS PRIOR
2 TO THE EFFECTIVITY OF THIS ACT UNTIL IT IS ABLE TO
3 COMPLY WITH THE REQUIREMENTS PROVIDED HEREIN.

4 SEC. 26. *Implementing Rules and Regulations.* – The Board, in
5 consultation with the CHED, shall formulate the guidelines to fully implement
6 the provisions of this Act within sixty (60) days from its effectivity.

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

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

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

Approved,

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