

SENATE
Senate Bill No. 2045



*18 OCT -2 P4:37

Introduced by **SENATOR JUAN MIGUEL F. ZUBIRI**

REC. 

AN ACT
CONVERTING THE NORTHERN BUKIDNON COMMUNITY COLLEGE IN THE
MUNICIPALITY OF MANOLO FORTICH, PROVINCE OF BUKIDNON, INTO A
STATE COLLEGE TO BE KNOWN AS THE NORTHERN BUKIDNON STATE
COLLEGE, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Northern Bukidnon Community College (NBCC), formerly known as the Manolo Fortich Community College, is a local college situated in the municipality of Manolo Fortich, province of Bukidnon. It currently offers three (3) programs, namely: Bachelor of Elementary Education, Bachelor of Science in Commerce, and Bachelor of Secondary Education. Converting NBCC into a state college means that it will have to operate at least eight (8) different degree programs with at least six (6) undergraduate courses. Said undergraduate courses must include a four-year course in liberal arts, a four-year course in science and mathematics, and a four-year course in the social sciences; a minimum of three (3) other professional courses that will lead to government licensures; and at least two (2) graduate-level courses that will lead to doctoral degrees.

At present, there are only two (2) state universities and colleges (SUCs) in the province of Bukidnon, the Bukidnon State University and Central Mindanao University. The nearest SUC is found in the City of Malaybalay, which is a good one and a half hours away from the municipality of Manolo Fortich.

In 2015, the province of Bukidnon was ranked number six in the top twenty poorest provinces in the Philippines. This bill seeks to provide the tertiary students of Bukidnon with a wider selection of courses to choose from with the end in view of giving them better employment opportunities in the future.

To complement this administration's initiative geared towards providing free, accessible and quality education for all, the passage of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI

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Office of the Secretary

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AN ACT
CONVERTING THE NORTHERN BUKIDNON COMMUNITY COLLEGE IN
THE MUNICIPALITY OF MANOLO FORTICH, PROVINCE OF BUKIDNON,
INTO A STATE COLLEGE TO BE KNOWN AS THE NORTHERN BUKIDNON
STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

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

- 1 **SECTION 1. Conversion.** - The Northern Bukidnon Community College
- 2 in the Municipality of Manolo Fortich, Province of Bukidnon, is hereby converted
- 3 into a state college to be known as the Northern Bukidnon State College,
- 4 hereinafter referred to as the College. Its main campus shall be in Manolo
- 5 Fortich.
- 6
- 7 **SEC. 2. General Mandate.** - The College shall primarily provide
- 8 advanced studies and research, higher professional and technical instructions
- 9 and training in science and technology and other related fields. It shall also
- 10 undertake research and extension services, and provide progressive leadership in
- 11 its areas of specialization in the Province of Bukidnon and in Region X.
- 12
- 13 **SEC. 3. Curricular Offerings.** - The College shall offer undergraduate,
- 14 graduate and short-term technical courses within its areas of specialization, and
- 15 according to its capabilities as the Board of Trustees may deem necessary to
- 16 carry out its objectives, particularly to meet the needs of the Province of
- 17 Bukidnon and Region X.
- 18

1 The College may adopt public elementary and secondary schools in the
2 Province of Bukidnon to serve as pilot centers for innovative teaching and
3 learning strategies and approaches, if it has a College of Education.

4
5 **SEC. 4. Administration.** - The College shall have the general powers of
6 a corporation set forth in the corporation law. The administration of the College
7 and the exercise of its corporate powers shall be vested exclusively in the Board
8 of Trustees, and in the President of the College, insofar as authorized by the
9 Board.

10
11 **SEC. 5. The Governing Board.** - The governing body of the College
12 shall be the Board of Trustees, hereinafter referred to as the Board, which shall
13 be composed of the following:

- 14
15 a. The Chairperson of the Commission on Higher
16 Education (CHED) as Chairperson;
17 b. The President of the College as Vice-Chairperson;
18 c. The Chairperson of the Committee of Education, Arts
19 and Culture of the Senate as member;
20 d. The Chairperson of the Committee of Education, Arts
21 and Culture of the House of Representatives as member;
22 e. The Regional Director of the National Development
23 Authority (NEDA), Region X as member;
24 f. The Regional Director of Department of Science and
25 Technology (DOST) as member;
26 g. The Regional Director of Department of Agriculture
27 (DA) as member;
28 h. The President of the faculty association of the College
29 as member;
30 i. The President of the student council of the College as
31 member;
32 j. The President of the alumni association of the College
33 as member; and
34 k. Two (2) prominent citizens who have distinguished
35 themselves in their profession or fields of specialization of
36 the College as members.

1
2 The two (2) prominent citizens shall be chosen from among the list of at
3 least five (5) qualified persons in the Province of Bukidnon, as recommended by
4 the search committee constituted by the College President in consultation with
5 the Chairperson of CHED and the other members of the Board, based on the
6 normal standards and qualifications for the position.

7
8 The term of office of the President of the faculty association, the President
9 of the student council and the President of the alumni association shall be
10 coterminous with their respective terms of office as set forth in their respective
11 constitution and by-laws.

12
13 The two (2) prominent citizens shall serve a term of two (2) years from
14 the date of appointment.

15
16 **SEC. 6. *Promulgation and Implementation of Policies.*** - The Board
17 shall promulgate and implement policies in accordance with the declared state
18 policies on education and other pertinent provisions of the Philippine Constitution
19 on education, agriculture, and science and technology, as well as the policies,
20 standards and thrusts of CHED under Republic Act No. 7722, otherwise known as
21 the "Higher Education Act of 1994."

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

27
28 a. To promulgate rules and regulations not contrary to laws
29 as may be necessary to carry out the purpose and functions of
30 the College;

31
32 b. To receive and appropriate all sums as may be provided,
33 for the support of the College in the manner it may determine in
34 its discretion to carry out the purpose and functions of the
35 College;

1 c. To import duty-free economic, technical and cultural books
2 and/or publications upon verifications by CHED that such
3 imported books and/or publications are for economic, technical,
4 vocational, scientific, philosophical, historical or cultural purposes
5 in accordance with the provisions of the Tariff and Customs
6 Code, as amended;

7
8 d. To receive, in trust, all kinds of legacies, gifts and
9 donations of real and personal properties and to administer and
10 dispose the same when necessary for the benefit of the College
11 and subject to the limitations, directions and instructions of the
12 donor, if any;

13
14 Such donations shall be exempt from the donor's tax and the
15 same shall be considered as allowable deductions from the gross
16 income in the computation of the income tax of the donor, in
17 accordance with the provisions of the National Internal Revenue
18 Code (NIRC), as amended: *Provided*, That such donation shall
19 not be disposed of, transferred or sold; and

20
21 e. To fix the tuition fees and other necessary school charges
22 such as matriculation fees, graduation fees and laboratory fees,
23 as the Board may deem proper to impose, after due consultation
24 with the involved sectors. Such fees and charges, including
25 government subsidies and other income generated by the
26 College, shall constitute the special trust funds and shall be
27 deposited in any authorized government depository bank, and all
28 interests that shall accrue therefrom shall form part of the same
29 funds for the use of the College. Any provision of existing laws,
30 rules and regulation to the contrary notwithstanding, any income
31 generated by the College from tuition fees and other charges as
32 well as from the operation of auxiliary services and land grants,
33 shall be retained by the College, and may be disbursed by the
34 Board for instruction, research, extension or other
35 programs/projects of the College; *Provided*, That all fiduciary
36 fees shall be disbursed for the specific purposes which they were

1 collected: *Provided, however,* That if, for reasons beyond its
2 control, the College shall not be able to pursue any project for
3 which the funds have been appropriated and allocated under its
4 approved program of expenditures, the Board may authorize the
5 use of the said funds for any reasonable purpose which, in its
6 discretion, may be necessary and urgent for the attainment of
7 the objectives and goals of the College;

8
9 f. To adopt and implement a socialized scheme of tuition
10 and school fees for greater access to education of poor but
11 deserving students in accordance with the provisions of Republic
12 Act No. 10931, otherwise known as the "Universal Access to
13 Quality Tertiary Education Act";

14
15 g. To authorize the construction or repair of its buildings,
16 machinery, equipment and other facilities, and the purchase and
17 acquisition of real and personal properties including the
18 necessary supplies, materials and equipment;

19
20 h. To appoint, upon the recommendation of the President of
21 the College, the vice presidents, deans, directors and heads of
22 departments, faculty members, and other officials and
23 employees of the College;

24
25 i. To fix and adjust the salaries of faculty members and
26 administrative officials and employees, subject to the provisions
27 of the Revised Compensation and Position Classification System
28 and other pertinent budget and compensation laws governing
29 hours of service and such other duties and conditions as it may
30 deem proper; to grant them, at its discretion, leaves of absence
31 under such regulations as it may promulgate, any provision of
32 existing law to the contrary notwithstanding; and to remove
33 them for cause in accordance with the requirements of due
34 process of law;

j. To approve the curricula, instructional programs, and rules of discipline drawn by the administrative and academic councils herein provided;

k. To set the policies on admission and graduation of students;

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

m. To establish and absorb non-chartered tertiary institutions within the Province of Bukidnon as branches and centers, in coordination with CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal access to educational 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 professorial chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;

p. To delegate any of its powers and duties provided herein to the President 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, to be financed by CHED, subject to the rules and regulations of the Commission of Audit (COA); and to institute

1 reforms, including academic and structural changes on the basis
2 of the audit results and recommendations;

3
4 r. To collaborate with other governing boards of other state
5 universities and colleges (SUCs) within the Province of Bukidnon
6 and Region X, under the supervision of CHED and in consultation
7 with the DBM, and work for the restructuring of the College to
8 become more efficient, relevant, productive and competitive;

9
10 s. To enter into joint ventures with business and industry for
11 profitable development and management of the economic assets
12 of the College, the proceeds of which shall be used for the
13 development and strengthening of the College;

14
15 t. To develop consortia and other linkages with local
16 government units (LGUs), institutions and agencies both public
17 and private, local and foreign, in the furtherance of the purpose
18 and objectives of the College;

19
20 u. To develop academic arrangements for institutional
21 capability building with appropriate institutions and agencies,
22 public or private, local or foreign, and to appoint
23 experts/specialists as consultants, part-time or visiting or
24 exchange professors, scholars or researchers, as the case may
25 be;

26
27 v. To set up the adoption of modern and innovative modes
28 of transmitting knowledge such as the use of information
29 technology, the dual training system, open distance learning,
30 and community laboratory, for the promotion of greater access
31 to education;

32
33 w. To establish policy guidelines and procedures to promote
34 participative decision-making and transparency within the
35 College;

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

5
6 y. To extend the term of the president of the College beyond
7 the age of retirement, whose performance has been unanimously
8 rated by the governing board as outstanding, after unanimous
9 recommendation by the search committee, but not beyond the
10 age of seventy (70).

11
12 **SEC. 8. Meetings of the Board.** - The Board shall convene regularly at
13 least once every quarter. However, the Chairperson of the Board may, upon
14 three (3) days prior written notice, call a special meeting whenever necessary.

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

20
21 In the absence of the Chairperson of CHED, a Commissioner of CHED,
22 duly designated by the CHED chairperson as representative in the meeting, shall
23 have all the rights and responsibilities of a regular member: *Provided, however,*
24 That during this meeting, the President of the College, as Vice-Chairperson, shall
25 be the presiding officer: *Provided, further,* That this proviso notwithstanding, the
26 Chairperson of CHED is hereby authorized to designate a CHED Commissioner as
27 the regular Chairperson of the Board, in which case said CHED Commissioner
28 shall act as the Presiding Officer.

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

34
35 The members of the Board shall not receive any salary but shall be
36 entitled to reimbursements for actual and necessary expenses incurred, either in

1 their attendance to meetings of the Board or in connection with other official
2 business authorized by resolution of the Board, subject to existing laws and
3 regulations.

4

5 **SEC. 9. The College President.** - The College shall be headed by a
6 President who shall render full-time service. The President shall be appointed by
7 the Board, subject to the guidelines, qualifications and/or standards set by the
8 Board, upon recommendation of a duly constituted search committee.

9

10 The College President shall have a term of four (4) years and shall be
11 eligible for reappointment to another term: *Provided*, That this proviso
12 notwithstanding, and in order to effect a smooth transition to a state college, the
13 incumbent administrator of the Northern Bukidnon Community College, if
14 qualified, shall serve as the first president of the College. The remaining term of
15 the incumbent administrator of the Community College shall be considered as
16 the first term as College President.

17

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

21

22 In case of vacancy in the office of the President by reason of death,
23 compulsory retirement, resignation, removal for cause or incapacity of the
24 President to perform the functions of the office, the Board shall have the
25 authority to designate an Officer-in-Charge (OIC) of the College pending the
26 appointment of a new President. Within six (6) months from the date of vacancy,
27 the Board shall constitute a Search Committee for the Presidency.

28

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

32

33 The salary of the President of the College shall be in accordance with the
34 Revised Compensation and Position Classification System and shall be
35 comparable to that being by the presidents of similar educational institutions.

36

1 The President of the College shall be assisted by a Vice-President for
2 Academic Affairs and a Vice-President for Administration, who shall be appointed
3 by the Board upon the recommendation of the President.

4

5 **SEC. 10. *Administrative Council.*** - There shall be an Administrative
6 Council consisting of the President of the College, as Chairperson, and the vice-
7 presidents, deans, directors, and other officials of equal rank as members, whose
8 duty is to implement the policies governing the administration, management and
9 development of the College, as approved by the Board.

10

11 **SEC. 11. *Academic Council.*** - There shall be an Academic Council
12 composed of the President of the College, who shall act as Chairperson, and all
13 members of the academic staff with the rank of not lower than assistant
14 professor, as members.

15

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

24

25 **SEC. 12. *The Secretary of the College.*** - The Board shall appoint a
26 Secretary, who shall serve as such for both the Board and College, and who shall
27 keep all records and proceedings of the Board in addition to other duties and
28 responsibilities. The Secretary shall serve upon each member of the Board the
29 appropriate notice of Board meetings.

30

31 **SEC. 13. *The Treasurer of the College.*** - The Treasurer of the
32 Philippines shall be the *ex officio* treasurer of the College.

33

34 **SEC. 14. *Faculty.*** - No political belief, gender preference, cultural or
35 community affiliation or ethnic origin, and religious opinion or affiliation shall be
36 the matter of inquiry in the appointment of faculty members of the College:

1 *Provided, however,* That said appointment shall be subject to the qualifications
2 and standards set by the Board: *Provided, further,* That no member of the
3 faculty shall teach for or against any particular church or religious sect.
4

5 **SEC. 15. *Scholarships Program/Admission.*** - The College shall
6 provide a scholarship program and other affirmative action programs to assist
7 poor but deserving students who qualify for admission to the College.
8

9 No student shall be denied admission to the College by reason of sex,
10 nationality, religion, cultural or community affiliation or ethnic origin.
11

12 **SEC. 16. *Academic Freedom and Institutional Autonomy.*** - The
13 College shall enjoy academic freedom and institutional autonomy pursuant to
14 paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the
15 Philippines.
16

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

23 **SEC. 18. *Authority to Lend or Transfer***
24 ***Apparatus/Equipment/Supplies and Detail of Personnel.*** - The heads of
25 the bureaus and offices of the national government are hereby authorized to
26 lend, transfer, upon the request of the President of the College, such apparatus,
27 equipment or supplies as may be needed by the College, and to detail employees
28 for duty therein when, in the judgment of the head of bureau or office, such
29 apparatus, equipment, supplies or services of such employees can be spared
30 without serious detriment to the public service. The employees so detailed shall
31 perform such duties as required of them by the President of the College, and the
32 time so employed shall be counted as part of their regular services.
33
34

35 **SEC. 19. *Assets, Liabilities and Personnel.*** - All assets, real and
36 personal, personnel and records of the Northern Bukidnon Community College in

1 the Municipality of Manolo Fortich, Province of Bukidnon, as well as its liabilities
2 or obligations, are hereby transferred to the College: *Provided*, That the
3 positions, rights and security of tenure of the academic staff and personnel
4 therein employed under the existing laws prior to the conversion of the Northern
5 Bukidnon Community College into the College shall be respected: *Provided*,
6 *finally*, That the College shall also include an upgrade or increase in its human
7 resource component.

8
9 All parcels of land belonging to the government occupied by the Northern
10 Bukidnon Community College are hereby declared the property of the College
11 and shall be titled under that name: *Provided*, That should the College cease to
12 exist, or be abolished, or such aforementioned parcels of land be no longer
13 needed by the College, the title to said parcels of land shall be transferred to the
14 LGU of Manolo Fortich, Province of Bukidnon.

15
16 **SEC. 20. Development Plan, Management Audit, Organizational/
17 Administrative/Academic Structure.** - Within the period of one hundred
18 twenty (120) days after the approval of this Act, the College shall accomplish the
19 following:

- 20
21 a. Submit a five-year development plan, including its corresponding
22 program budget to CHED, for corresponding recommendation to the DBM;
23 b. Undergo a management audit in cooperation with CHED;
24 c. Accordingly set up its organizational, administrative as well as
25 academic structure, including the appointment of the College key officials; and
26 d. Set in motion the establishment of at least four (4) separate degree-
27 granting units, one of which is in the arts and sciences, and another unit for non-
28 degree technical-vocational education and training.

29
30 **SEC. 21. Compliance With CHED Requirements.** – The provisions of
31 this Act notwithstanding, the establishment or conversion of the institution into a
32 state college shall become effective only upon the determination and declaration
33 by the CHED, based on the recommendation of a panel of experts, that the
34 institution has complied with the requirements for a college status. The CHED,
35 through its regional office, shall regularly provide technical assistance to the
36 institution and monitor compliance with the requirements of the Commission.

1 The CHED shall designate a panel of experts who shall prepare a
2 recommendation to the Chairperson of the CHED, on whether the institution has
3 substantially complied with the requirements for the grant of college status.

4 The following are the operational requirements for a college:

5 (a) Level III accreditation or equivalent under CHED policies for at least
6 four (4) of its undergraduate programs, one (1) in liberal arts and one (1) in the
7 sciences, and two (2) of its graduate programs;

8 (b) Ratio of qualified full-time faculty with requisite degrees to number of
9 students;

10 (c) Adequate library and laboratories;

11 (d) Research and development output of practical and commercial
12 application to the community;

13 (e) Relevant linkages and outreach programs that are of service to the
14 community; and

15 (f) Relevant academic policies, systems and processes.

16
17 The institution shall retain its status prior to the effectivity of this Act, unless in
18 the meantime it is able to comply with the requirements provided herein, within
19 a period to be determined by CHED.

20
21 **SEC. 22. *Supplementary Application.*** - The provisions of Republic Act
22 No. 8292, otherwise known as the "Higher Education Modernization Act of 1997,"
23 shall be an integral part of this Act and shall serve as the governing charter of
24 the College.

25
26 **SEC. 23. *Parity Clause.*** - All other powers, functions and privileges,
27 responsibilities and limitations to state colleges and their officials under existing
28 laws shall be deemed granted to or imposed upon the College and its officials
29 whenever appropriate.

30
31 **SEC. 24. *Appropriations.*** - The amount necessary to carry out the
32 provisions of this Act shall be charged against the current year's appropriations
33 for the Northern Bukidnon Community College. Thereafter, such sums as may be
34 necessary for the operation and maintenance of the College shall be included in
35 the annual General Appropriations Act.

1 **SEC. 25. *Implementing Rules and Regulations.*** - Within sixty (60)
2 days upon the effectivity of this Act, the Board, in consultation with CHED, shall
3 formulate the guidelines to fully implement the provisions of this Act.

4
5 **SEC. 26. *Separability Clause.*** - If, for any reason, any part or provision
6 of this Act is declared invalid or unconstitutional, the remaining parts or
7 provisions not affected shall remain in full force and effect.

8
9 **SEC. 27. *Repealing Clause.*** - RA No. 4941 and all laws, presidential
10 decrees, executive orders, rules and regulations contrary to or inconsistent with
11 the provisions of this Act are hereby repealed or modified accordingly.

12
13 **SEC. 28. *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,